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Background document on the criteria for periodic evaluation of global development partnerships from the perspective of the right to development: initial analyses of the United Nations Economic Commission for Africa (UNECA)/ Organization for Economic Co-operation and Development -Development Assistance Committee (OECD-DAC) Mutual Review of Development Effectiveness in the context of the New Partnership for Africa's Development (NEPAD), the African Peer Review Mechanism and the OECD Paris Declaration on Aid Effectiveness

Note by the Secretariat

Summary

This report contains the information concerning ECA/OECD-DAC Mutual Review of Development Effectiveness in the context of NEPAD, the African Peer Review Mechanism and the OECD Paris Declaration on Aid Effectiveness, with a view to assisting the high-level task force on the implementation of the right to development in its work on the criteria for periodic evaluation of global development partnerships from the perspective of the right to development.

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I. INTRODUCTION

A. Background and mandate

1. The high-level task force on the implementation of the right to development (hereinafter: the task force), established by the Commission on Human Rights in 2004, within the framework of the Open-Ended Working Group on the Right to Development (hereinafter: the Working Group), in order to assist it in fulfilling its mandate as reflected in paragraph 10 (a) of Commission resolution 1998/7, convened its second meeting in Geneva from 14 to 18 November 2005.
2. As requested by the Working Group and endorsed by the Commission on Human Rights in its resolution 2005/4, the mandate of the task force was to consider Millennium Development Goal 8, on global partnership for development, and to suggest criteria for its periodic evaluation with the aim of improving the effectiveness of global partnerships with regard to the realization of the right to development. Accordingly, the high-level task force proposed a number of such criteria to the Working Group in its report E/CN.4/2005/WG.18/TF/3.
3. Based on the recommendations of the high-level task force, the Working Group on the Right to Development adopted a set of criteria for periodic evaluation of global development partnerships from the perspective of the right to development, at its seventh session in January 2006 (E/CN.4/2006/26, para. 67). It also recommended that these criteria be applied, on a pilot-basis, to selected partnerships, with a view to operationalizing and progressively developing them, thus contributing to mainstreaming the right to developing in the policies and operational activities of relevant actors at the national, regional and international levels, including multilateral, financial, trade and development institutions (*ibid*, para. 77).
4. The Working Group further recommended that the mandate of the high-level task force on the implementation of the right to development, be extended for a period of one year, in order to implement the Working Group recommendations. The Human Rights Council, at its first session in June 2006, endorsed the Working Group's report, including all its conclusions and recommendations, in its resolution 2006/4.
5. In line with the emphasis on practical orientation as reflected in the Working Group outcomes over its past sessions, it is imperative that the implementation of the right to development be supported by an operational framework that is conceptually and methodologically rigorous. Equally importantly, building upon comparative experiences in the actual implementation of other partnership monitoring frameworks, to the extent of legitimate overlap with the right to development criteria, will help ensure that the application of the evaluation criteria do not inadvertently 'reinvent the wheel'. A comparative and contextualised approach will enable efforts to apply the criteria to build upon important lessons of experience worked out elsewhere, bringing the actual results of that experience to bear to the extent relevant to the right to development process along with strategic and methodological insights. It will also, by inference, help to reveal in a practical sense the distinctive attributes brought by the right to development, vital for the operationalisation and progressive refinement of the criteria.
6. Consequently, the first step in the process of applying the criteria by the Task Force has been to further develop the methodology of assessing global development partnerships (by means of

the aforesaid criteria), through lessons learned from the processes of: the ECA/OECD-DAC Mutual Review of Development Effectiveness in the context of NEPAD; the African Peer Review Mechanism (APRM); and the OECD Paris Declaration on Aid Effectiveness. These processes have been selected as they were considered by the task force at its second meeting, during which presentations were given and discussions were held on these three processes.

7. The ECA/OECD-DAC Mutual Review of Development Effectiveness in the context of NEPAD is a biennial consultation mechanism between Africa and OECD countries to assess and monitor progress in delivering on commitments and achieving goals. It was initiated by the NEPAD Heads of State and Government Implementation Committee (HSGIC) and developed by ECA and OECD jointly over the period 2002-2004. Mutual accountability and development performance are central themes of this initiative, covering a range of leading issues and related commitments undertaken by Africa and its OECD partners, along with relevant action agendas either underway or need to better address these issues and meet the commitments. Importantly, it does not seek to generate new commitments, but rather to track implementation of commitments already made.
8. Since the adoption of the Paris Declaration on Aid Effectiveness in March 2005, significant conceptual and methodological advances have been made to monitor international partnership commitments that converge – to a degree – with those identified by the Working Group. The Paris Declaration implementation process provides an important opportunity for integrating human rights and aid effectiveness principles and for ensuring that, when combined, these principles can enhance the objectives of the right to development. The relevance of the Paris Declaration can also be seen in the fact that the commitments and associated quantitative targets form part of the Mutual Review process, underscoring the particular relevance of aid policies and practices in the present context.
9. Finally, the APRM is considered, as there is widespread consensus that the APRM process is entirely driven and owned by Africans and thus authentically African. Similarly, principles found in human rights, including the right to development - accountability, non-discrimination, ownership - are clearly enshrined in the APRM rationale.
10. The objectives of the third meeting of the task force are two-fold: in accordance with the Working Group's recommendations: a) obtaining information on the compliance by the selected partnerships with the criteria, at the first instance (“operationalizing the criteria”); and b) reviewing the criteria’s adequacy to assess global partnerships from a right-to-development perspective, in the sense whether compliance of global partnerships with essential elements of the right to development can be sufficiently established (“progressively developing the criteria”), which would serve to further enhance their quality (E/CN.4/2006/26, paragraph 77).
11. In order to assist the task force in implementing its mandate, the present document contains information on these processes, including initial analysis of how these processes relate to the evaluation criteria as adopted by the Working Group.

B. Right to development criteria

12. The criteria adopted by the Working Group for assessing global partnership from the perspective of the right to development, which are to be applied for the periodic evaluation of global partnerships as identified in Goal 8 from the perspective of the right to development, are as follows:

(a) The extent to which a partnership contributes to creating an environment and supports a process in which all human rights are realized;

(b) The extent to which a partnership respects the right of each State to determine its own development policies, in accordance with its international obligations;

(c) The extent to which partnerships for development promote the incorporation by all parties concerned of all human rights, and particularly the right to development, into their national and international development strategies, and the extent to which partner countries receive support from international donors and other development actors for these efforts;

(d) The extent to which policies supported by a partnership ensure the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom, as required by article 2, paragraph 3, of the Declaration on the Right to Development;

(e) The extent to which a partnership values and promotes good governance, democracy and the rule of law at the national and international levels;

(f) The extent to which a partnership values and promotes gender equality and the rights of women;

(g) The extent to which a partnership reflects a rights-based approach to development, and promotes the principles of equality, non-discrimination, participation, transparency and accountability;

(h) The extent to which the priorities set by a partnership are sensitive to the concerns and needs of the most vulnerable and marginalized segments of the population, and include positive measures in their favour;

(i) The extent to which a partnership applies human rights impact assessments and provides, as needed, for social safety nets;

(j) The extent to which a partnership recognizes mutual and reciprocal responsibilities between the partners, based on an assessment of their respective capacities and limitations;

(k) The extent to which a partnership includes fair institutionalized mechanisms of mutual accountability and review;

(l) The extent to which a partnership ensures that adequate information is available to the general public for the purpose of public scrutiny of its working methods and outcomes;

(m) The extent to which a partnership provides for the meaningful participation of the concerned populations in processes of elaborating, implementing and evaluating related policies, programmes and projects;

(n) The extent to which, in applying the preceding criteria, statistical and empirically developed data are used, and, in particular, whether the data are disaggregated as appropriate, updated periodically, and presented impartially and in a timely fashion;

(o) The extent to which a partnership contributes to a development process that is sustainable and equitable, with a view to ensuring continually increasing opportunities for all.

13. The Working Group further stated that the preceding criteria are primarily to be applied by the parties to a partnership, and these criteria would have to be applied on a continuing basis in order

to achieve coherence and accountability. The Working Group further recognized that additional criteria could be developed for specific issues on which partnerships exist and operate.

II. ECA/OECD-DAC MUTUAL REVIEW OF DEVELOPMENT EFFECTIVENESS

A. Objectives and overview of the process¹

14. A number of mutual review mechanisms have seen the light since the Millennium Summit Declaration, of which a significant example is the ECA/OECD-DAC Mutual Review of Development Effectiveness in the context of NEPAD. This Mutual Review process was initiated by the NEPAD Heads of State and Government Implementation Committee (HSGIC) in 2003, giving concrete expression to the notion of mutual accountability among development partners for their respective commitments. It was further developed by the Economic Commission for Africa (ECA) and the Organization for Economic Cooperation and Development (OECD).
15. The biennial Mutual Review serves as a consultation mechanism between Africa and OECD countries to assess and monitor progress in delivering on commitments and achieving goals. This initiative forms part of the significant change that the relation between Africa and its development partners is undergoing, at the centre of which is the establishment of the African Union, the NEPAD initiative and the African Peer Review Mechanism. With these new developments, Africa is taking charge of defining, analyzing and meeting the major challenges facing the continent. The NEPAD agreement to launch the Mutual Review of Development Effectiveness and the endorsement of this process by the OECD were therefore important decisions, on both sides, to embed the new relationship in a concrete process of technical and political level interaction.
16. It was recognized that mutual accountability has a central role to play at a time when the international community is actively discussing the concept of a large step increase in aid to Africa. For such an increase to be feasible, both donor and African systems for managing aid must reach a new level of performance. Furthermore, the 'scaling-up' agenda demands high performance on policy coherence issues, both on the African and the development partner sides, with government-wide arrangements that work effectively to resolve inconsistent policies and generate synergies among policies.
17. The Mutual Review reports present a range of leading issues and related commitments undertaken by Africa and its OECD partners, along with relevant action agendas either underway or needed to better address these issues and meet the commitments. It is important to note that the process does not seek to generate new commitments, but rather to track implementation of commitment already made (allowing that new commitments may emerge from various fora in 2005 and beyond).
18. Reports are to be published biennially, for which the responsibility lies with the Executive Secretary of ECA and the Secretary-General of OECD. Preparations are underway for the publication of the second report, to be released in 2007.

19. The inaugural Mutual Review report was published in early summer 2005, focusing on “action frontiers” and on “2007 performance benchmarks” in seven major policy areas: Millennium Development Goals (MDGs) progress and prospects, African agricultural performance and trade, political and economic governance, capacity development, aid flows, aid quality, and policy coherence in African and OECD policies on MDGs. Agriculture has been chosen as a special focus area for the 2005 Mutual Review. The two key concepts of performance and accountability also resonate throughout the report. This report aimed to facilitate discussion and systematic tracking at both expert and political levels, providing a reference guide for tracking action agendas and expected progress within the two-year Mutual Review time-frame.
20. In preparation for the Mutual Review report of 2007, the Secretariats of NEPAD, ECA and OECD met jointly on 17 July 2006 to develop a roadmap for the process. The meeting agreed on the nature of the mutual review, as well as its comprehensiveness and multi-dimensional character. Thus, the mutual review is seen not only as a monitoring exercise but also as a process which promotes performance and accountability in both African and OECD efforts to achieve and support African goals and objectives. The meeting proposed that the 2007 performance review engage a wider spectrum of partners in order to ensure the broadest possible information base and to capture and channel the efforts and energies of the full range of African and international actors.
21. A subsequent meeting coordinated and chaired by the NEPAD Secretariat, held on 28-29 September 2006 at the NEPAD Secretariat in Midrand, South Africa, attracted a broad range of participants, to engage in a brainstorming session to arrive at a common understanding of the mutual review process, its content, objectives and modalities, taking into account the linkage with the African Partnership Forum process. Most of the invited continental and international institutions were represented (Economic Commission for Africa, OECD, NEPAD Secretariat, African Capacity Building Foundation, World Bank, APF Support Unit, IMF, GTZ, Ministries of Foreign Affairs of Russia, Norway, Germany and South Africa, ECOWAS, GTZ, African Monitor).
22. The meeting focused its debates on the understanding of the mutual review, its value-added, content, modalities and objectives. The wide exchange of views about these issues allowed a general consensus to be reached. The following potential issues were considered: keeping track of commitments and delivery; aid and development cooperation modalities (what should be done differently); timeliness and speed of development interventions; focus on the things that have most impact at the grassroots level; good and replicable processes; avoidable bad practices; empowerment and support to grassroots for ownership of the development process.
23. The following key features were identified: continuous identification of challenges/issues as well as ways to address the challenges and build on progress; make concrete recommendations either for policy change, or change in approach; adopt a communication-for-change strategy in order to effect the desired attitudinal, policy and implementation changes.

B. Analysis in relation to the right to development criteria

24. Little public information can be found on the ECA/OECD-DAC Mutual Review process, apart from the 2005 inaugural report and circumstantial (mainly promotional) documentation with regard to the process. There is no access to recent data or data analysis since the publication of the 2005 inaugural report, nor to information on progress made with regard to action frontiers or 2007 performance benchmarks on six of the seven focus areas. No academic research has been found thus far on specifically dedicated to this topic. The focus area of aid quality is directly linked to the 2005 Paris Declaration on Aid Effectiveness, in terms of main messages, action frontiers and 2007 performance benchmarks, and will be discussed below.
25. According to an ODI note on promoting mutual accountability in aid relationships, the ECA/OECD Mutual Review process, aimed at developing a process to track the implementation of existing mutual commitments by African governments and their OECD partners, has the advantage of having high-level political support and of including reciprocal commitments in all areas. However, without an enforcement mechanism, it still has to demonstrate results, besides the publication of the 2005 inaugural report, and the level of support from NEPAD or the African Union is unclear.²
26. In order for the ECA/OECD Mutual Review process to have true value-added to the various African initiatives presently ongoing in the broad field of development, particularly vis-à-vis the ARPM, it is important to remember its primary function of being a tool for mutual review of achievements of both African and OECD countries with respect to their development commitments. In this regard, the 2007 Mutual Review report would ideally not only map the implementation of these commitments by both African and OECD countries, but also provide some analysis as to why certain commitments have not been (adequately) implemented and offer recommendations to close implementation gaps identified.
27. There is significant potential value-added of most of the criteria to the Mutual Review process, from the perspective of the right to development, and of human rights in general. The application of certain criteria reveals that there is no mention or reference to a specific criterion in the Mutual Review process (for example, criterion c) on incorporation of human rights, and particularly the right to development, into national and international development strategies, and criterion h) on the needs of vulnerable or marginalized groups). Application of other criteria demonstrates that these would contribute to a better understanding of certain aspects of the process, from the perspective of human rights and the right to development (for example, criterion f) on gender equality and women's rights, and criterion l) on meaningful participation of all stakeholders).

III. AFRICAN PEER REVIEW MECHANISM (APRM)³

A. Objectives and overview of the process

28. The African Peer Review Mechanism (APRM), considered to be the most innovative aspect of NEPAD, aims “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” (APRM Base Document. “African Union, Assembly of Heads of State and Government,” 2003. AHG/235, www.nepad.org). It, thus, identifies the capacity gaps in African governance systems in the fields of democracy and political governance, corporate

governance, economic governance and management, and socio-economic development, and recommends remedial policy actions by adopting best practices from within the continent.

29. The APRM Heads of State and Governments Forum, its highest political authority (the APR Forum), officially launched the APRM process in 2003. The review is open to all 53 member States of the African Union (AU), and currently 26 African countries have signed up to be reviewed by their peers. These include: Algeria, Angola, Benin, Burkina Faso, Cameroon, Republic of Congo, Egypt, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Malawi, Mali, Mauritius, Mozambique, Nigeria, Rwanda, Sierra Leone, Senegal, South Africa, Sudan, Tanzania, and Uganda. Ghana, Kenya, Rwanda and Mauritius have started the process of the review, with Ghana having reached the most advanced phase at the time of writing of this report (November 2006).
30. The core documents that paved the way for the implementation of the APRM were adopted at the 6th Summit of the Heads of State and Government Implementation Committee (HSGIC) of NEPAD, held in Abuja/Nigeria on 9 March 2003. These documents included a Memorandum of Understanding (MOU) on the APRM, the Declaration on Democracy, Political, Economic and Corporate Governance, as well as four other technical base documents⁴ outlining the organization and processes of the APRM, including indicative criteria and examples of indicators.
31. The supreme political authority and overall responsibility for the APRM rests with the APR Forum. The APR Forum examines the Country Review Team's Final Report and recommendations by the APR Panel, as well as the final Programme of Action drawn by the participating government under review, and supports the latter in its efforts to rectify any shortcomings. The Forum is the key institution where the APRM core instrument of peer pressure is exerted, and which has the authority to administer sanctions, if deemed necessary to induce corrective action on behalf of the participating governments, although the exact nature of these sanctions is unclear.
32. At the operational level, the APRM is being directed and managed by a panel of eminent persons, who are distinguished and well-known African personalities of high integrity and technical competence in the areas of political, economic and corporate governance. The Panel's core task is to ensure the credibility and integrity of the APR process and to guide the actions of the APR Secretariat. The panel members are nominated by the participating countries and appointed by the APR Forum, and may serve for up to four years with the exception of the Panel's Chairperson who will serve for a maximum of five years.
33. The current members of the Panel are Mrs. Marie-Angélique Savané from Senegal (Chairperson), Professor Adebayo Adedeji from Nigeria, Ambassador Bethuel Kiplagat from Kenya, Dr. Graça Machel from Mozambique, Mr. Mourad Medelci from Algeria, Dr. Dorothy Njeuma from Cameroon, and Dr. Chris Stals from South Africa.
34. The Panel is supported by the APR Secretariat that provides technical, secretarial, coordinating and administrative services to the APRM. Its functions include the maintenance of a database and tracking of all relevant information on political and economic developments in the APRM countries, the preparation of background documents for the Peer Review Teams, and proposing adequate indicators to track the performance of individual APRM countries. Furthermore, the

APR Secretariat issues the questionnaires on the basis of which the country under review will conduct its self-assessment and draw its preliminary Programme of Action (PoA).

35. Furthermore, four institutions have been designated as strategic partners for the APRM, to provide technical assistance and support to the APR process: the organs and units of the African Union; the African Development Bank (AfDB); the United Nations Economic Commission for Africa (ECA); and the United Nations Development Programme (UNDP) Bureau for Africa.
36. At the national level, the APR process is supported by an elaborate system, which each country can structure to the needs of its own specific political and economic circumstances, based on general parameters provided in the APRM base documents. First of all, an APR Focal Point is appointed at the ministerial level or higher, acting as a liaison between national structures and APRM institutions, to facilitate communication and access to all relevant stakeholders in the country under APR study, including the Head of State.
37. Each APR country also establishes a National Coordinating Mechanism, where such a structure does not already exist. Incorporating all the relevant key government, private sector and civil society stakeholders, the objective of the Coordinating Mechanism is to ensure that the review process is participatory in nature, as explicitly stated in the APR MOU.
38. The country under review may call upon any national research or non-governmental institution to provide technical assistance with the self-assessment process. In the case of Ghana, for instance, the National APRM Governing Council engaged the services of four independent National Technical Review Teams to each lead the technical assessments in one of the four core thematic clusters.
39. There are five stages to the review process. Stage one involves a study of the political, economic and corporate governance and development environment in the country to be reviewed, based principally on up-to-date background documentation prepared by the APRM Secretariat and material provided by national, sub-regional, regional and international institutions.
40. In stage two, the Review Team will visit the country concerned where its priority order of business will be to carry out the widest possible range of consultations with the Government, officials, political parties, parliamentarians and representatives of civil society organizations (including the media, academia, trade unions and private sector).
41. Stage three is the preparation of the Team's report. The report is prepared on the basis of the briefing material prepared by the APRM Secretariat and the information provided in country by official and unofficial sources during the wide-ranging consultations and interactions with all stakeholders. The report must be measured against the applicable political, economic and corporate governance commitments made and the Programme of Action.
42. The Team's draft report is first discussed with the Government concerned. Those discussions will be designed to ensure the accuracy of the information and to provide the Government with an opportunity both to react to the Team's findings and to put forward its own views on how the identified shortcomings may be addressed. These responses of the Government will be appended to the Team's report.

43. The fourth stage begins when the Team's report is submitted to the participating Heads of State and Government through the APRM Secretariat, and includes the consideration of the final report by the participating Heads of State and Government. They can also make a request for formal responses from the Head of State of the reviewed country and offer suggestions for rectifying the deficiencies identified by the APRM.
44. If the Government of the country in question shows a demonstrable will to rectify the identified shortcomings, then it will be incumbent upon participating Governments to provide what assistance they can, as well as to urge donor governments and agencies also to come to the assistance of the country reviewed. However, if the necessary political will is not forthcoming from the Government, the participating states should first do everything practicable to engage it in constructive dialogue, offering in the process technical and other appropriate assistance. If dialogue proves unavailing, the participating Heads of State and Government may wish to put the Government on notice of their collective intention to proceed with appropriate measures by a given date. The interval should concentrate the mind of the Government and provide a further opportunity for addressing the identified shortcomings under a process of constructive dialogue. All considered, such measures should always be utilized as a last resort.
45. Six months after the report has been considered by the Heads of State and Government of the participating member countries, it should be formally and publicly tabled in key regional and sub-regional structures such as the Pan-African Parliament, the African Commission on Human and Peoples' Rights, the envisaged Peace and Security Council and the Economic, Social and Cultural Council (ECOSOCC) of the African Union. This constitutes the fifth and final stage of the process. The duration of the review process per country should not be longer than six months, commencing on the date of the inception of Stage One up to the date the report is submitted for the consideration of the Heads of State and Government. To enhance its dynamism, the Conference of the participating countries will review the APRM once every five years.

B. Analysis in relation to the right to development criteria⁵

46. Research available on the APRM process indicates that while setting a new tone in African intergovernmental cooperation, it so far does not live up to its potential of holding states accountable to their human rights obligations with regard to development.
47. The Declaration on Democracy, Political, Economic and Corporate Governance sets out the vision of NEPAD, identifying its main objectives and commitments. These are commitments that the APRM is mandated to "promote adherence to and fulfilment of human rights." The Declaration thus places NEPAD and the APRM within a human rights framework. The preamble reaffirms earlier OAU decisions "aimed at ensuring stability, peace and security, promoting closer economic integration, ending unconstitutional changes of government, supporting human rights and upholding the rule of law and good governance. Among the OAU decisions listed are the African Charter on Human and Peoples' Rights (ACHPR), its Protocol on the establishment of an African Court on Human and Peoples' Rights, and the African Charter on the Rights and Welfare of the Child.

48. The Preamble also reaffirms the commitment of the states parties to “other international obligations and undertakings into which [they] have entered in the context of the United Nations,” mentioning specifically the UN Charter, the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and the Beijing Declaration. Human rights are thus explicitly and comprehensively recognised as crucial to the APRM. They are presented as the basis of the mechanism.
49. Where rights are spoken of in the APRM core documents it is most often relative to the focus area democracy and political governance. In the Declaration, promoting and protecting human rights is presented as one of three parts of an action plan to fulfil commitments in this area, the others being to support democracy and to support good governance. Rights are not mentioned in the clauses on economic and corporate governance, nor in the part of the declaration dealing with socio-economic development. The lack of a rights language in relation to socio-economic development is somewhat rectified in the Ghana report where “strengthening accountability” and “guaranteeing protection of human rights and the rule of law” are recognised as central objectives for socio-economic developments. This is however not due to APRM guidelines on this, but rather that the above mentioned objectives are laid down in Ghana’s Poverty Reduction Strategy, which is integrated in Ghana’s APRM self-assessment.
50. References to human rights in APRM documents are in most instances general. Specific rights referred to include equality before the law, freedom to join political parties and trade unions, participation in democratic processes, protection of vulnerable and disadvantaged groups including women, children, and ethnic minorities, and freedom of the press. The importance of strengthening human rights education, human rights institutions, civil society and the AU human rights protection bodies is also highlighted. Again, it is interesting to note that no economic or social rights are specifically mentioned.
51. Furthermore, human rights are continuously portrayed as a separate chart of goals to attain, rather than as an integral part of all NEPAD/APRM objectives. Human rights are listed in addition to democracy, good governance, socio-economic development, corporate responsibility, etc., rather than as the basis of these principles and aspirations. NEPAD/APRM policy makers have not, it seems, seen this potential in the human rights framework.
52. Human rights are thus explicitly recognised as important to NEPAD and the APRM. In the APRM core documents, however, the goals related to human rights are mainly in the form of civil and political rights, and are not treated as integral to the comprehensive APRM mission, or to socio-economic development in particular. From an accountability perspective, this means that a significant portion of states commitments are not spoken of in the form of rights or obligations. This is far from conducive to strengthening states’ ability to fulfil obligations relative to socio-economic rights.
53. The fact that human rights are at all mentioned in the documents is still significant for human rights accountability as a whole. They show how the acceptance and use of a human rights discourse is a first crucial step towards active protection and promotion of human rights by political leaders. Explicit recognition of rights is thus an important step towards building government’s capacity to fulfil its human rights obligations.

54. More so than the Mutual Review or the Paris Declaration, many aspects of the APRM show congruence with the criteria. However, certain criteria can still enhance specific dimensions of the process from a rights-perspective, such as a more cross-cutting application of the non-discrimination principle (criterion h) and proper disaggregation of statistical data (criterion n).
55. Specifically with regard to participation, in efforts to enhance the national ownership and participation aspects of the process, the APRM puts strong emphasis on finding ways to involve all key stakeholders at country and continental level, including rural populations, religious groups, trade unions, the media, women and youth, and the private sector. This is partially being addressed by the creation of the National Coordinating Mechanism; but in order to enhance the effectiveness of the non-state actors in the APR process, some experts have suggested that an independent civil society panel should be established, either as a formal structure of the National Coordinating Mechanism, or as an independent sub-structure of it.

IV. OECD PARIS DECLARATION ON AID EFFECTIVENESS

A. Objectives and overview of the process⁶

56. The Paris Declaration, endorsed on 2 March 2005, is an international agreement to which over one hundred Ministers, Heads of Agencies and other Senior Officials adhered and committed their countries and organisations to continue to increase efforts in harmonisation, alignment and managing aid for results with a set of monitorable actions and indicators.
57. The Paris Declaration process has been heralded as truly innovative and promising mechanism for increased aid effectiveness, for three main reasons. The first is that it has moved the aid effectiveness agenda beyond the general consensus reached in previous agreements of this kind including the High-Level Forum in Rome in 2003. An unprecedented high level of representation, including the development officials and ministers from 91 countries, 26 donor organisations and partner countries, and civil society and private sector representatives, was involved at the inception of the process. More so than previous agreements, the Paris Declaration lays down a practical, action-orientated roadmap to improve the quality of aid and its impact on development. The 56 partnership commitments are organised around the five key principles: ownership, alignment, harmonisation, managing for results, and mutual accountability.
58. The second reason is that for the first time, donors and developing countries have committed to measuring their success – or failure – at making aid more effective with a set of indicators and targets for the year 2010. Twelve indicators of aid effectiveness were developed as a way of tracking and encouraging progress against the broader set of partnership commitments. Targets for the year 2010 have been set for 11 of the indicators and are designed to encourage progress at the global level among the countries and organisations adhering to the Paris Declaration.
59. The third reason is that the Paris Declaration promotes a model of partnership that improves transparency and accountability on the use of development resources. It recognises that for aid to become truly effective, stronger and more balanced, accountability mechanisms are required at different levels. At the international level, the Paris Declaration constitutes a mechanism which donors and recipients of aid are held mutually accountable to each other and compliance in

meeting the commitments will be publicly monitored. At the country level, the Paris Declaration encourages donors and partners to jointly assess mutual progress in implementing agreed commitments on aid effectiveness by making best use of local mechanisms.

60. At present accountability requirements are often harder on developing countries than donors, yet aid is more effective when partner countries exercise strong and effective leadership over their development policies and strategies. This is why ownership -developing countries exercising strong and effective leadership over their development policies and strategies - is the fundamental tenet underpinning the Paris Declaration.
61. The challenge of the Paris Declaration is to reform the way donors and partner countries work together to meet common objectives and make best use of limited development resources. The Paris Declaration therefore aims at changing behaviour. Taken together, the agenda set out by the Paris Declaration and the strengthened mechanisms for mutual accountability create some very powerful incentives to change patterns of behaviour. For it to yield results, it will have to be matched by serious and sustained political resolve at the highest level. The next High-Level Forum on Aid Effectiveness will be held in 2008 in Ghana when donors and partner countries will get together to review progress in implementing the Paris Declaration.
62. Implementation of the Paris Declaration is monitored by the OECD-DAC Working Party on Aid Effectiveness, which was charged after the High-Level Forum in 2005 with taking the lead in tracking and encouraging progress at the global level among the countries and agencies that have agreed to the Declaration.
63. The Paris Declaration recognises that progress should be tracked both at the country level and at the international level. At the country level, it invites partner countries to take leadership in “periodically assessing, qualitatively as well as quantitatively, mutual progress in implementing agreed commitments on aid effectiveness. In doing so, appropriate country level mechanisms should be used.” At the international level, the Paris Declaration invites the monitoring process to be placed under the aegis of the Working Party on Aid Effectiveness.
64. Three Surveys on Monitoring the Paris Declaration on Aid Effectiveness are to take place in 2006, 2008 and 2010. The main purpose of these surveys is to track and encourage progress in implementing the Paris Declaration at country level. In doing so, the Surveys should build, as far as possible, on existing local processes with a view to: supporting broad-based dialogue at country level on how to make aid more effective; building a common understanding on how more effective aid contributes to achieving development results; and providing an accurate description of how aid is managed.
65. The 2006 Survey aims to determine the baseline for eight indicators against which future progress will be measured. The remaining four indicators are assessed through desk reviews and are, as far as possible, made available as a point of reference during the survey process at country level. The documents required for the survey are the following: a donor questionnaire, a government questionnaire for partner countries receiving aid, and a country worksheet which consolidates information provided in all donor and government questionnaires.

66. At the national level, the survey is managed under the responsibility of a national coordinator appointed by government. The national coordinator in exercising his responsibilities might, where appropriate, be supported by donors. Among his various functions are to: ensure that government, donors and other stakeholders, as deemed relevant, are appropriately informed and fully take part in the dialogue; convene meetings of representatives from donors and governments in order to complete the Survey; support donors and government representatives in completing the Survey, control quality and consistency of responses provided; consolidate the donor and government questionnaire into the country worksheet; and communicate the responses to the OECD Secretariat (by 15 August 2006).

B. Analysis in relation to the right to development criteria⁷

67. According to an ODI framework paper of August 2006, the Paris Declaration on Aid Effectiveness of March 2005 marks an important turning point in international efforts towards improving the effectiveness of aid, and represents an unprecedented comprehensive and broad-based consensus among donor and partner countries. Its implementation provides a unique and concrete opportunity for integrating human rights and aid effectiveness principles and for ensuring that these principles, combined, can enhance development objectives, such as the MDGs, sustainable growth and social transformation.

68. Although human rights are not explicitly addressed by the Paris Declaration, there is potentially a great deal of congruence between human rights, and in particular the criteria for periodic evaluation of global development partnerships from the perspective of the right to development, and a number of aid effectiveness principles, such as mutual accountability, developing national capacities, greater transparency, results-based approaches and policy coherence.

69. At the same time, the paper recognized that there are a number of areas where the Paris Declaration could be strengthened and where a human rights perspective could contribute to improving its implementation. These include: concerns over the lack of an explicit governance agenda in the Declaration; questionable assumptions underlying the putative links between the aid effectiveness commitments outlined in the Declaration and the development outcomes and impacts they set out to achieve; and limitations connected with what was described as a narrow and technocratic focus of the Declaration, focusing to a great extent on issues of technical capacity in relation to budget monitoring and procurement systems.

70. The ODI paper concludes that the international human rights framework offers one of the most coherent and potentially effective frameworks available to the international community for assessing development performance, providing universally applicable standards backed by claims to fairness, legitimacy and objectivity. Human rights norms, analysis and practice not only make a real contribution to strengthening the underlying principles and structures of the Paris Declaration, they can also add practical value by providing additional tools to strengthen the Declaration's implementation and monitoring.

71. In this regard, it is suggested that mutual accountability, one of the key principles in the Paris Declaration and also one of the criteria for periodic evaluation adopted by the Working Group, is the area where human rights thinking and practice has the greatest potential to contribute to the implementation of the Declaration and to improving its potential for achieving better development

outcomes and impacts. Human rights could contribute to better define the boundaries and core features of the notion of mutual accountability and to place greater emphasis on the quality and legitimacy of processes and institutions involved in developing nationally owned policies. These contributions related to, inter alia, the following aspects: domestic accountability of both donor and partner countries, in terms of accountability to citizens, right to information, and transparency; use of international human rights standards to assist in monitoring mutual progress; and strengthening lines of accountability of donor agencies to the populations of poor countries.

72. Ownership, which is also a criterion for periodic evaluation, is argued to be one of the key principles which a human rights framework could strengthen. In this context, human rights could be seen as acting as minimum criteria for principled behaviour by donors. Furthermore, human rights establish that there should be national or citizen-based ownership (rather than government or executive ownership) and can provide guidance on how this principle could be operationalized. Ownership needs to be linked to the extent, to which the State and other duty bearers are able to fulfil, protect and respect people's rights.
73. With respect to gender equality and women's rights, despite limited explicit reference in the Declaration (paragraph 42), there is considerable congruence between Declaration commitments and gender equality objectives and strategies, through out all five key principles of ownership, alignment, harmonization, managing for results and mutual accountability.
74. Focusing more specifically on the right to development, most criteria reveal areas of the Paris Declaration, which could be strengthened from a human rights/right to development perspective, either because there is no mention of the subject matter of a specific criterion (e.g. criterion c) on incorporation of human rights into national and international development strategies, and criterion g) on good governance, democracy and rule of law), or because a certain aspect of the process would gain more depth if a human rights perspective were employed (e.g. criterion l) on participation of all stakeholders).

V. CONCLUDING REMARKS

75. The above concise overviews and analyses demonstrate that there is major potential for mutual enhancement between on the one hand the three processes in focus, and on the other, the criteria for periodic evaluation of development partnerships from the right to development perspective.
76. The criteria as presently formulated have value-added, in that they bring a deeper and more meaningful human rights dimension to several key principles adopted by the three processes. This is not surprising, given their common fundamental and primary objective, namely to enhance development performance and outcomes on the ground, including achievement of the MDGs.
77. Responding to the first objective stated by the Working Group on the Right to Development, namely to operationalize the right to development partnership criteria, it can be said that each of the three processes - the ECA/OECD Mutual Review, the APRM and the Paris Declaration - has its own approach and perspective, and each of them can be complemented by the application of the right-to-development criteria. The latter criteria are firmly grounded in the international human rights normative framework, and are, in consequence, closely linked to the U.N. system's ongoing efforts in the field of human rights mainstreaming, including developing and

implementing programming methodologies for human rights-based approaches to development and poverty reduction.

78. With respect to the second objective of progressively developing the criteria, valuable lessons can be drawn from the three aforementioned processes in terms of methodology. The Paris Declaration and APRM, in particular, appear to have well-developed and publicly accessible systems of monitoring and assessment, which could help to lay strong foundations for a system of application of the right to development partnership criteria.

END NOTES

¹ Based on E/ECA/CM.38/6, 6 April 2005, Mutual Review of Development Effectiveness in the context of NEPAD – Introduction.

² Mr. Paolo de Renzio, Promoting Accountability in Aid Relationships, ODI Synthesis Note, January 2006.

³ Based on E/ECA/CHDCS.3/5, 14 April 2005, Strategies for promoting effective stakeholder participation in the APRM (by Dr. Kojo Busia), UNECA.

⁴ Namely, the APRM base document (AHG/235 (XXXVIII) Annex II); APRM Organisation and Processes (NEPAD/HSGIC/03.2003/APRM/Guideline/OSCI/O&P); Objectives, Standards, Criteria and Indicators for the APRM (NEPAD/HSGIC/03.2003/APRM/Guideline/OSCI); and Outline of the Memorandum of Understanding on Technical Assessments and the Country Review Visit (NEPAD/HSGIC/03.2003/APRM/Guideline/Outline).

⁵ The analysis in the present section is derived from research done by Ms. Kristine Hofseth Hovland for an unpublished masters thesis “Africanizing accountability: the African Peer Review Mechanism in a human rights perspective”, University of Oslo, 22 September 2006.

⁶ Information derived from the OECD website on the Paris Declaration home page, www.oecd.org

⁷ Information and analysis derived from: ODI Framework Paper, Aid effectiveness and human rights: strengthening the implementation of the Paris Declaration, Marta Foresti, David Booth & Tammie O’Neil, August 2006; Document DCD/DAC/GEN(2006)1, 23 June 2006, DAC Network on Gender Equality, Paris Declaration commitments and implications for gender equality and women’s empowerment, 5-7 July 2006; Chapter on “overview of the survey results” from the 2004 OECD publication, Survey on Harmonisation and Alignment; and 2003 OECD Publication on Harmonising Donor Practices for Effective Aid Delivery.