

Lessons from the Peer Review Mechanism

This issues brief provides summary information on peer review mechanisms that are currently in place in different institutional settings. The focus is on the potential of such mechanisms to contribute to the implementation of international agreements, including on issues ranging from economic governance to human rights, and therefore to the achievement of internationally agreed sustainable development goals.

What is peer review?

It is important to understand what peer review is and what it is not.

Peer review is not a compliance mechanism. Neither is it a substitute for, or comparable to such compliance mechanisms as dispute settlement bodies, cap and trade systems, MRV (monitoring, reporting, and verification) systems, or courts or other judicial processes.

Instead, Peer Review is a constructive, persuasive and non-adversarial process. It is motivated by a shared commitment to national sovereignty and mutual respect and equality of all parties, as well as a common desire to implement mutually agreed goals efficaciously. Its goal is to build a shared understanding both of the pitfalls that impede compliance and the possible measures that could be instituted to promote implementation. It is rooted in a learning and facilitative approach, and avoids a "fault-finding" mode of analysis and enquiry, which would be counter-productive. In short, while peer review does not *enforce* compliance, it can *promote* compliance.

Steps in peer review mechanisms

The table on the following pages provides a summary overview of current peer review arrangements. These have evolved in regard to a range of substantive topics and institutional settings. Among the common features of review mechanisms are the following steps:

- *National Reporting*: Provision of information by the party under review, in the form of replies to a questionnaire or a system of reporting
- *Independent Review*: Experts or sub-group of peers conducting the review, assisted by a secretariat
- *Synthesis*: Country review report
- *Coordination and Support*: A Secretariat to carry out a coordinating function and, in many cases, provide substantive and analytical support, e.g. through the preparation of draft country reports
- *Consultation and Feedback*: Consultative element, e.g. draft country report is shared with the country under review

- *Presentation and Review*: Discussion in a subsidiary or plenary body, with country presentation and opportunity for peers to pose questions.

Additional features of peer review mechanisms

Role of Civil Society: While peer review is primarily a government-driven process, the valuable contribution of civil society has been recognized, e.g. the inclusion of a separate report on the inputs of civil society in the Universal Periodic Review under the UN Human Rights Council. One of the distinguishing features of SD institutions, e.g. the Commission on Sustainable Development, has been their relative openness to, and engagement with, civil society.

Range of experiences: Some review mechanisms display a tight thematic focus, while others cover more multi-dimensional areas of policy. Various shades of review mechanism are deployed in domains relevant to the three dimensions of sustainable development, e.g. the OECD Economic Surveys.

Relevance to IFSD

A key motivation for the Rio+20 Conference is the lack of progress in the achievement of agreed sustainable development goals. In this regard, reference is often made to challenges posed by: (a) diversity of countries at very different levels of development; (b) diversity of an agenda that encompasses problems that cut across thematic domains as well as levels of action, including national, regional and global; (c) inadequate level of compliance with agreed commitments, and (d) lack and inadequacy of mechanisms for systemic monitoring and review of implementation of commitments.

The Rio+20 preparatory process has produced a number of proposals for reform or strengthening of institutions charged with monitoring the review of implementation, including strengthening the CSD, establishing an umbrella body for sustainable development (such as a SD Council), or amending ECOSOC's mandate. All these proposals entail, consciously or unconsciously, the need to address the review and monitoring deficits, without which institutional innovation would lead to formal rather than fundamental change.

The lessons from the experience with peer review mechanisms may be valuable in this regard, especially because of their less formalistic nature and sensitivity to diversity. This may explain why several countries have expressed explicit interest in the idea at the 2nd UNCSO PrepCom.¹

Following is a table which summarizes key features of several peer review mechanisms:

¹ See <http://www.uncsd2012.org/rio20/index.php?page=view&nr=217&type=12&menu=24&template=435>

ANNEX

Table of peer review and other related mechanisms*

*The list of peer review arrangements is not exhaustive; descriptions are not comprehensive and aim to capture salient features.

Name & Key features	Review Body	Reporting & review process	Secretariat	Legal basis	Comments
<p>African Peer Review Mechanism (APRM)</p> <p>Self-monitoring initiative for good governance that member states of African Union can accede to. Requires governments to analyse systemic governance problems, assess progress towards improvement and identify suggestions for effective reform. Concludes with Plan of Action to address governance gaps that have been identified.</p> <p>APRM developed from the New Partnership for Africa's Development (NEPAD)</p> <p>Seven-person 'Panel of Eminent Persons' oversees conduct of the APRM process and ensure its integrity.</p>	<p>Heads of State and Government Implementation Committee of NEPAD</p>	<p>National Governing Council prepares Country Self-Assessment Report, drawing on local think tanks/institutes for research and data collection.</p> <p>Country Review Mission headed by Eminent Person visits country and prepares independent report.</p> <p>Five-year cycle envisaged.</p> <p>Twelve countries have completed the review process.</p>	<p>Continental APRM Secretariat, based in South Africa, provides administrative and research support to the Panel. Prepares detailed questionnaire for national self-assessment. Serves as information clearing-house.</p> <p>Ad hoc secretariat/National bodies established to oversee/guide the process, e.g. APRM National Governing Council</p>	<p>APRM is open to all member states of the African Union. Established by MoU adopted at the Sixth Summit of the Heads of State and Government Implementation Committee of NEPAD, 9 March 2003. To date 30 countries have acceded to the MoU.</p> <p>Aims to promote adherence to commitments contained in the Declaration on Democracy, Political and Economic Governance of 18 June 2002.</p> <p>http://www.aprm-international.org/index.htm</p>	<p>Process has proved to be substantively onerous and politically complex: (a) Review process has very broad remit: democracy and political good governance, economic and corporate governance, and socio-economic development. Self-Assessment Questionnaire runs to 88 pages and contains 183 indicators; (b) Politically-charged nature of some issues, e.g. corruption, has raised stakes in establishing national councils or commissions that manage country self-assessment reports. Concerns in some countries over inadequate civil society involvement; (c) Formulation of Plans of Action not sufficiently considered in the process; and (d) Financial and capacity constraints in the Secretariat and Panel of Eminent Persons.</p>

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<p>OECD peer reviews</p> <p>Each OECD peer review has its own procedure, but all have in common three phases: preparation, consultation and assessment. All reviews are published.</p> <p>An OECD committee or working party dealing with a particular issue can decide to undertake peer reviews as part of its activities.</p> <p>Mix of voluntary, e.g. Competition Policy Review, and mandatory, e.g. Economic Surveys and OECD Bribery Convention Monitoring Programme.</p>	<p>Various. Longest-standing is the Economic and Development Review Committee (EDRC) for Economic Surveys. Others include the Development Assistance Committee (DAC) for the DAC Reviews, and Working Party on Environmental Performance (WPEP) for Environmental Performance Reviews.</p>	<p>In preparatory phase country being reviewed prepares a report. During the consultation phase the review team, consisting of experts from the Secretariat and the reviewing countries, engages with the country concerned, and a draft report is prepared. During the assessment phase the reviewing body, e.g. Working Party on Environmental Performance, discusses the report and the country being reviewed answers questions.</p> <p>Frequency of reviews varies: economic surveys are usually carried out every 18 months, environmental performance reviews on a five- to seven-year cycle, and DAC every four years.</p>	<p>Secretariat prepares documentation and analysis, organises meetings and missions. E.g., for Economic Surveys, the Committee uses a draft survey prepared by the Secretariat as the basis for their examination.</p>	<p>Basis can be: (a) decision by or request to an OECD body; (b) Council or Ministerial Council decision; (c) international agreement, e.g. Bribery Convention.</p>	<p>Institutionalized processes and analytical capacity.</p> <p>Independence and analytic quality of the Secretariat's work are regarded as important to the effectiveness of the process.</p>

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<p>APEC Individual Action Plan Peer Reviews</p> <p>Individual Action Plans (IAPs) are annual reports that record unilateral steps taken towards meeting the goals of free and open trade by 2010 for industrialized economies, and by 2020 for developing economies, as set out in Bogor Declaration of 1994.</p>	<p>Senior Officials Meeting (SOM).</p>	<p>The IAP Peer Review is based on: (a) information from country's most recent IAP; (b) responses to questions submitted by APEC Member Economies; (c) responses to questions posed by the Review Team during visit to the economy under review.</p> <p>Report on IAP is prepared by outside experts, from a list nominated by APEC economies.</p>	<p>Secretariat coordinates the review.</p>	<p>Bogor Declaration of 1994 and the Osaka Action Plan of 1995.</p>	<p>Very little documentation available. Designed to be positive and non-judgmental. "Soft" reviews that do not dwell on policy inconsistencies.</p>
<p>Conference Committee on the Application of Standards of the ILO</p> <p>A permanent, tripartite body of the ILO Conference, forming a key component of the ILO supervisory system. Conference Committee has been described as the dialogue body within the ILO for discussing the difficulties encountered in the application of international labour standards.</p>	<p>Conference Committee on the Application of Standards, which is responsible for determining the extent to which international labour standards are given effect; reports to the ILO Conference.</p>	<p>Committee of Experts on the Application of Conventions and Recommendations, consisting of 20 jurists, carries out technical and independent examination of government reports. The Conference Committee considers general survey prepared by Committee of Experts, as well as individual cases. The report of the Conference Committee is submitted for discussion by the Conference in plenary.</p>	<p>Supports the Committee of Experts and the Conference Committee.</p> <p>Prepares Information document on ratifications and standards-related activities.</p>	<p>Article 23 of the ILO Constitution, together with article 7 of the Standing Orders of the International Labour Conference.</p>	<p>Benefits from long-standing, established procedures. Has in-built stakeholder participation by virtue of being tripartite. Process has mechanisms to deal with very large volume of reports.</p>

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<p>IMF Surveillance</p> <p>Process of monitoring and consultation relating to members' economic and financial policies.</p>	<p>IMF Executive Board.</p>	<p>IMF staff visit country for consultations and prepare report for submission to Executive Board. The Board's views are subsequently summarized by the Managing Director and transmitted to the country's authorities.</p>	<p>IMF staff economists visit country and prepare reports.</p>	<p>Article IV of IMF's Articles of Agreement provide mandate to exercise surveillance over the exchange rate policies of its members. Executive Board Decision on Bilateral Surveillance of 2007 provides that the focus of bilateral surveillance is on those policies of members that can significantly influence present or prospective external stability.</p>	<p>Peer element of the review is vested in the 24 members of the Executive Board.</p>
<p>WTO Trade Policy Review Mechanism</p> <p>Objective is to facilitate improved adherence to rules and commitments of the WTO, increase the transparency and understanding of countries' trade policies and practices. All Members are subject to review, with the frequency determined by the share of world trade, e.g. four Members with the largest share reviewed every two years, the next 16 every four years and the rest every six years.</p>	<p>WTO General Council, constituted as Trade Policy Review Body (TPRB), comprising full WTO membership.</p>	<p>The Secretariat prepares a detailed report, the Member under review submits a policy statement. Members can submit written questions to country being reviewed. The Secretariat report and the Member's policy statement are published after the review meeting, along with the minutes of the meeting, as well as the text of the TPRB Chairperson's Concluding Remarks.</p>	<p>In preparing its report, the Secretariat seeks the cooperation of the Member, but has the sole responsibility for the facts presented and views expressed.</p>	<p>Mandated by Article III of the Marrakesh Agreement of 1994.</p>	<p>Greater focus on consistency with commitments and rules than some "softer" peer review mechanisms.</p>

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<p>UNCTAD Investment Policy Review</p> <p>Evaluation of country's legal and regulatory framework relating to investment. Voluntary and prepared upon request.</p>	<p>Peer review within UNCTAD's Commission on Investment, Technology and Related Financial Issues.</p>	<p>Secretariat prepares draft IPR report, which is discussed at national workshop. Main findings and recommendations are presented at intergovernmental peer review session.</p>	<p>Secretariat has central role in managing process and preparing report.</p>	<p>Forms part of UNCTAD's technical assistance programme.</p>	<p>26 countries have been reviewed. Ad hoc approach, with little integration into intergovernmental framework.</p>
<p>Universal Periodic Review of the UN Human Rights Council</p> <p>All UN Member States are reviewed every four years, with 48 States reviewed each year.</p>	<p>Reviews are conducted by the UPR Working Group which consists of the 47 members of the Council. Any UN Member State can participate in the dialogue with the State under review.</p>	<p>Reviews are based on information provided by the State under review, which can take the form of a "national report"; information contained in the reports of independent human rights experts and treaty bodies; and other stakeholders including non-governmental organizations and national human rights institutions. Review is assisted by a troika – countries that act as rapporteurs, in which role they gather questions from other Member States and submit them to Secretariat for circulation. The troika prepares factual report of the proceedings, which, together with the views of the state under review, is adopted at a plenary meeting of the Council.</p>	<p>Input from Secretariat is strictly factual. Prepares ten-page compilation of the information contained in the reports of treaty bodies and other relevant official UN documents. The Secretariat also prepares a ten-page summary of inputs from other stakeholders (NGOs).</p>	<p>UPR was established when the Council was created on 15 March 2006 by the UN General Assembly in resolution 60/251. Details of the UPR are contained in Council Resolution A/HRC/RES/5/1 of 18 June 2007.</p>	<p>Universal nature of review crucial to its acceptance.</p>

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<p>Mechanism for the Review of Implementation of the UN Convention against Corruption</p> <p>All States parties to Convention are subject to review.</p>	<p>Implementation Review Group, which is an open-ended inter-governmental group of States parties operating under the authority of and reporting to the Conference of States Parties.</p>	<p>State is reviewed by two other States, one from the same region and the other from outside the region. Selection is by drawing of lots.</p> <p>Each state appoints up to 15 governmental experts for the purpose of the review process.</p> <p>Reviewing States countries carry out desk review, based on self-assessment and other information provided by country under review. Desk review may be complemented by other forms of dialogue, if country agrees.</p> <p>The country review report is finalized upon agreement between the reviewing States and the State party under review. The report remains confidential, unless the reviewing state decides otherwise. Executive Summary is made publicly available .</p>	<p>Mandated to develop self-assessment tool and country reporting template.</p> <p>Organizes country review schedule.</p> <p>Compiles the most common and relevant information on successes, good practices, challenges, observations and technical assistance needs from the country review reports and submits them to Implementation Review Group in a thematic implementation report and regional supplementary addenda.</p>	<p>Resolution 3/1 of the Conference of the States Parties to the United Nations Convention against Corruption.</p>	<p>It is explicitly stated that the review is an intergovernmental process.</p> <p>Intended to be non-intrusive. Reviewed country has two chances to draw lots for reviewing countries.</p> <p>Information-gathering during review process is constrained.</p>

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<p>Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption (MESICIC)</p> <p>Supports the States Parties in the implementation of the provisions of the Inter-American Convention Against Corruption of 1996, through a process of reciprocal evaluation, based on conditions of equality among the states. In this mechanism, recommendations are formulated with respect to those areas in which there are legal gaps or in which further progress is necessary.</p>	<p>The Mechanism is implemented under the overall authority of the Conference of States Parties, which is comprised of the States Parties to the Convention that are members of the Mechanism.</p> <p>Actual preparation of country reports is done by a Committee of Experts, whose members are nominated by States parties.</p>	<p>Committee of Experts is responsible for the technical analysis of the implementation of the Convention.</p> <p>Committee selects provisions of the Convention to be reviewed and determines length of round.</p> <p>Sub-group of experts from two States parties carries out country review. After consultation with Party being reviewed, sub-group presents report to Committee, where it is discussed and approved. The Committee makes such changes as it finds necessary, discusses and approves.</p> <p>When a round is finished, the Committee adopts a Hemispheric Report, summarizing findings and progress, which is forwarded to the Conference of States Parties.</p>	<p>OAS Secretariat supports the work of the Committee.</p> <p>Secretariat prepares the draft methodology and questionnaire proposals for the review of the provisions of the Convention selected.</p> <p>Secretariat prepares draft preliminary report based on country questionnaire.</p>	<p>Report of Buenos Aires on the Mechanism for the Follow-up on Implementation of the Inter-American Convention Against Corruption, adopted by the OAS General Assembly on 4 June 2001.</p>	<p>Peer review is vested in the Committee of Experts, which consists of experts nominated by the States that are members of the Mechanism. The Secretariat provides support to the Committee.</p> <p>Country reports contain a section on follow-up relating to prior recommendations.</p>

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<p>APEC Peer Review on Energy Efficiency (PREE)</p> <p>Voluntary review process intended to promote achievement of efficiency goals and to provide recommendations on how policies could be made more effective.</p>	<p>Energy Working Group (EWG). EWG is accountable to APEC leaders for operation of the peer review.</p>	<p>Review team of experts from APEC economies is jointly selected by the host economy and Asia Pacific Energy Research Centre (APERC). Review team prepares draft report with recommendations; report is finalized by economy being reviewed and tabled for discussion by EWG.</p>	<p>EWG secretariat plays no substantive role, simply ensures distribution of reports to EWG members and reporting to APEC leaders.</p> <p>APERC works with volunteer country in selecting review team and prepares draft final report.</p>	<p>Darwin Declaration of APEC Energy Ministers of 29 May 2007.</p>	<p>Since the formal endorsement of the review process in 2008, seven reviews have been carried out. Reviews include thorough consideration of policies and detailed recommendations.</p> <p>http://www.ieej.or.jp/aperc/PREE.html</p>
<p>IAEA Integrated Regulatory Review Service (IRRS)</p> <p>Voluntary assessment of a State's safety practices regarding nuclear installations, radiation, waste, transport, emergency preparedness and security. Review compares the nuclear and radiation regulatory infrastructure in a State against international standards (IAEA) and guidance and where appropriate, good practice elsewhere.</p>	<p>High-level team of regulators from other IAEA Member States.</p>	<p>IAEA selects regulatory officials from our Member States to participate country visit and consultations. The team prepares a report and recommendations, made public at in an international peer review effort</p>	<p>IAEA organizes visits and selects experts from Member States.</p>	<p>Under Article III of its statute, the IAEA has the mandate to adopt safety standards. Review and appraisal activities are undertaken to facilitate the application of such safety standards.</p>	<p>IRRS consolidates separate peer review services previously offered for various nuclear and radiation issues.</p>