

PEER REVIEW AS A TOOL FOR CO-OPERATION AND CHANGE

An analysis of an OECD working method

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Peer review can be described as the systematic examination and assessment of the performance of a state by other states, with the ultimate goal of helping the reviewed state improve its policy making, adopt best practices and comply with established standards and principles. This paper examines the practice of peer review and the related effect of peer pressure in the context of international organisations, particularly the Organisation for Economic Co-operation and Development (OECD). It outlines the main features of these two concepts and attempts to establish a model based on the different peer review mechanisms used at the OECD.

Introduction

While there are other documents available that list the peer reviews of the Organisation for Economic Co-operation and Development (OECD),¹ this paper will provide an analysis of the practice of peer reviews.²

The concept of peer review

The term ‘peer review’ in the present context has not been rigorously defined.

However, over the years, the expression has assumed a specific meaning in the practice of international organisations. Peer review can be described as the systematic examination and assessment of the performance of a state by other states,³ with the ultimate goal of helping the reviewed state improve its policy making, adopt best practices and comply with established standards and principles. The examination is conducted on a non-adversarial basis, and it relies heavily on mutual trust among the states involved in the review, as well as on their shared

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confidence in the process. When peer review is undertaken in the framework of an international organisation—as is usually the case—the Secretariat of the organisation also plays an important role in supporting and stimulating the process. With these elements in place, peer review tends to create, through this reciprocal evaluation process, a system of mutual accountability.

An individual country peer review could relate to economics, governance, education, health, environment, energy or other policies and practices. Within one or more of those subject areas, a state may be examined against a wide range of standards and criteria, such as conformity with policy guidelines, or implementation of legally binding principles. Peer review can also be carried out thematically,⁴ where several countries are examined at the same time with respect to a particular theme. Peer review with regard to an individual state or themes, typically is carried out on a regular basis, with each review exercise resulting in a report that assesses accomplishments, spells out shortfalls and makes recommendations.

Other mechanisms for monitoring and ensuring compliance with internationally agreed policies and norms⁵ may be distinguished from peer review, as follows:

- *Judicial proceedings.* Unlike judicial proceedings, the final outcome of a peer review is not a binding act or a legal judgement by a superior body. In practice, peer review may play some of the role of a dispute settlement mechanism, by encouraging dialogue among states that helps to clarify their positions and interests. However, it is not intended to serve as a procedure for resolving differences and peer review never implies a punitive decision or sanctions.
- *Fact-finding missions.* Independent bodies, such as commissions of experts from international organisations, carry out on-site fact-finding missions exclusively to investigate specific events or to establish facts. Peer review, on the other hand, is not always conducted on-site, and it generally goes beyond fact-

finding to include an assessment of the performance of the state. Fact-finding can be a part of the peer-review process.

- *Reporting and data collection.* There are several systems in place for periodic reporting by states to independent bodies, who then analyse the submitted reports.⁶ By contrast, peer review is characterised by dialogue and interactive investigation, which can comprise the recourse to questionnaires, and it usually involves no formal reporting by the examined state.

A related concept: Peer pressure

The effectiveness of peer review relies on the influence and persuasion exercised by the peers during the process. This effect is known as ‘peer pressure’.⁷ The peer review process can give rise to peer pressure through, for example: a mix of formal recommendations and informal dialogue by the peer countries; public scrutiny, comparisons and, in some cases, even ranking among countries; and the impact of all the above on domestic public opinion, national administrations and policy makers. The impact will be greatest when the outcome of the peer review is made available to the public, as is usually the case at the OECD. When the press is actively engaged with the story, peer pressure is most effective. Public scrutiny often arises from media involvement.

Peer pressure does not take the form of legally binding acts, as sanctions or other enforcement mechanisms. Instead, it is a means of soft persuasion which can become an important driving force to stimulate the state to change, achieve goals and meet standards.

Peer pressure is particularly effective when it is possible to provide both qualitative and quantitative assessments of performance. The quantitative assessment might take the form of a ranking of countries according to their performance, and the drawing of real scoreboards reflecting such rankings. An example is the OECD Jobs Strategy—a programme which sets out principles and benchmarks, carries

out quantitative analysis and ranks countries according to their performances in reducing unemployment.⁸ Another example, outside the OECD, of a very effective scoreboard is the Internal Market Scoreboard, maintained by the European Commission, which ranks the EU members states according to their performance in the completion of the internal market.⁹ A variation of this system is the ‘naming and shaming’ technique, which singles out poor performers. However, these methods are appropriate and produce positive results only when the ‘rules of the game’ are clear and the countries accept them. In other cases, this type of approach could risk shifting the exercise from an open debate to a diplomatic quarrel to gain position on the scoreboard.

Peer review in international organisations

While peer review as a working method is most closely associated with the OECD, several other intergovernmental organisations and international programmes make use of this technique as well.

Within UN bodies and specialised agencies, states use peer review to monitor and assess national policies in various sectors, from environment¹⁰ to investment.¹¹ The IMF Country Surveillance mechanism also has some aspects in common with peer review.¹²

Peer review has also been developed within the World Trade Organisation (WTO) under the Trade Policy Review Mechanism.¹³ The WTO system monitors trade policy and practice in the member states. A designated WTO body then meets to review the policy statements presented by the member under review and a report prepared by the Secretariat. This examination is led by two reviewing countries. The procedure concludes with the Final Remarks of the Chair, which are published together with the policy statement of the country under review, the report of the Secretariat and the minutes of the meeting.

In the European Union framework, peer review is used in several areas. For example, the DG Employment and Social Affairs of the European Commission has developed peer review for national labour market policies to identify good practices and to assess their transferability.

Peer review within the OECD

There is no other international organisation in which the practice of peer review has been so extensively developed as the OECD, where it has been facilitated by the homogeneous membership and the high degree of trust shared among the member countries. The OECD has used this method since its creation and peer review has, over the years, characterised the work of the Organisation in most of its policy areas.¹⁴

Within the Organisation, peer review is carried out in several substantive areas and there is no standardised peer review mechanism. However, all peer reviews contain the following structural elements, which will be described further below:¹⁵

- A basis for proceeding.
- An agreed set of principles, standards and criteria against which the country performance is to be reviewed.
- Designated actors to carry out the peer review.
- A set of procedures leading to the final result of the peer review.

The basis

Peer review within the OECD may proceed on the following bases:

- *Decision by or request to an OECD subsidiary body.* Subsidiary bodies of the Organisation can decide to undertake peer reviews which are within their scope of activities. Subsidiary bodies may also carry out one-time peer review exercises at the request of the country to be reviewed.
- *Council/Ministerial Council.* For far-reaching programmes of review, a decision at council level is sometimes necessary and, in certain cases, the decision follows directly from the

Ministerial Council meeting. The competent subsidiary bodies then implement the programmes. The review on regulatory reform, for instance, which is based on a 1997 ministerial request¹⁶ and successive council decisions, is carried out by a number of subsidiary bodies including the Ad Hoc Multidisciplinary Group on Regulatory Reform, the Public Management Committee and its Regulatory Management and Reform Working Party.

- *International norms.* Provisions in treaties or in other legally binding instruments can be the basis for peer review mandates. One of the first systems of mutual review was established by the OECD Codes of Liberalisation of Capital Movement and Current Invisible Operations, which have a binding status on all OECD members.¹⁷ Another example is the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, which provides, in its Article 12, that “Parties shall cooperate in carrying out a programme of systematic follow-up to monitor and promote the full implementation of this Convention”. This provision has been the basis for the establishment of a rigorous process of multilateral surveillance, including peer review, to foster the effectiveness of the Convention and its related instruments.

Council retains control over the development of peer review programmes through its annual examination of the proposed Programme of Work and Budget of the Organisation.

The principles, criteria and standards

The performance of the reviewed state can be assessed against principles, criteria and standards which differ widely in character and scope. These may include:

- *Policy recommendations and guidelines.* The assessment of the performance of a country in its implementation of policy recommendations and guidelines is the most common form of peer review. This peer review can also include an

examination of the consistency and coherence with respect to the country’s own policies. It is carried out in many of the Organisation’s activity areas, including economic policy, education, environment, energy, regulatory reform and development assistance. For example, in the peer reviews, or surveys, carried out by the Economic and Development Review Committee, country performance is assessed in relation to broad economic policy principles and best practices that have been developed over the years, the policy orientations of the OECD Growth Project, as well as specific guidelines such as those contained in the OECD Jobs Strategy. Similarly, peer reviews carried out in connection with the regulatory reform process draw on a number of policy recommendations agreed at the ministerial level. The Education Committee also undertakes peer monitoring and assessment of countries on general policy guidelines. The DAC Peer Reviews take into account principles agreed in development co-operation, such as guidelines (e.g., poverty reduction, conflict prevention) or emerging themes (e.g., policy coherence, harmonisation of donor procedures), in order to assess the performance of the donor under review.

- *Specific indicators and benchmarks.* Indicators and benchmarks provide specific and often numerical targets to achieve, and they are more susceptible than policy guidelines to being assessed according to quantitative measures. Indicators and benchmarks are used, for instance, in the environmental performance review, and in the regulatory reform and development assistance reviews.¹⁸
- *Legally binding principles.* Peer review can also be a mechanism to monitor compliance with international norms. For example, the OECD Committee on Capital Movements and Invisible Transaction assesses, through a peer review mechanism, the performance of each member in the application of the Codes of Liberalisation and examines its

reservations or derogation, in order to progressively limit their scope.¹⁹ In the framework of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the Working Group on Bribery assesses the integration of the principles of the Convention into the national legislation of the states, party, and it also evaluates their implementation and enforcement.²⁰ This review creates a sophisticated mechanism for monitoring compliance with the Convention, and it is widely regarded as an interesting model for monitoring and improving compliance with other international legal obligations. Finally, peer review can also be conducted to assess a country's compliance with rules contained in its own national legislation or in non-OECD international instruments to which the country has adhered.²¹

Within the same peer review, the assessment can be conducted against all these different measures. For instance, in the Working Party on Environmental Performance, the environmental performance of the countries is reviewed against objectives set out in policy guidelines—such as the OECD Environmental Strategy for the First Decade of the 21st Century—and it is also reviewed against benchmarks and national and international legislation and regulations.

When a peer review programme reaches a second round of reviews, it is quite common to refer to the conclusions adopted in the previous review of the country. The recommendations and the outstanding issues noted in the earlier report become a very important part of the measures against which to assess the progress of the country, and to highlight trends and fluctuations. This process also allows for the creation of a shared knowledge base beneficial to all countries via the identification of best practices or policies that work.

The actors

Peer review is the combination of the activity of several actors: the collective body within which the review is undertaken; the

reviewed country; the examiner countries; and the Organisation Secretariat:

- *The collective body.* Peer reviews are undertaken in the framework of the activities of a subsidiary body of the Organisation, such as a Committee or a Working Party. The frequency of the reviews depends on the programme of work of the body, and it can range from the 6–7-year cycle for the Environmental Performance Reviews to the 12–18-month cycle of the Economic and Development Review Committee.
- *The reviewed country.* Usually all countries which are members of the body are subject to the peer review. Certain peer reviews are considered an obligation of membership. Moreover, in some cases, officials of the country may have an interest in peer review, as a means of stimulating reform in their national policies and practices. Participation implies the duty to co-operate with the examiners and the Secretariat by, among other things, making documents and data available, responding to questions and requests for self-assessment, facilitating contacts and hosting on-site visits. The individuals responsible for participating on behalf of the reviewed country could include civil servants from ministries and agencies and at different levels of government. On several occasions, the OECD has also reviewed the performances of non-member countries, at their request or with their agreement.²² On occasion, the reviewed country contributes to the financing of the review.
- *The examiner countries.* Peer review implies by definition that officials in the relevant policy field from other countries (peers) will be involved in the evaluation process. Generally, the choice of examiners is based on a system of rotation among the member states, although the particular knowledge of a country relevant to the review may be taken into account. The role of the examiners is to represent the collective body in the early stages of the process and to provide guidance in the collective debate itself.

Hence their task includes the examination of documentation, participation in discussions with the reviewed country and the Secretariat, and a lead speaker role in the debate in the collective body. In some cases, the examiners also participate in missions to the country. While individual examiners generally carry out the reviews in their official capacity as representatives of their state, certain reviews require the participation of examiners in their personal capacity. In either case, however, examiners have the duty to be objective and fair, and free from any influence of national interest that would undermine the credibility of the peer review mechanism.

- *The Secretariat.* The Organisation Secretariat has the role of supporting the whole review process by producing documentation and analysis, organising meetings and missions, stimulating discussion, upholding quality standards, and maintaining continuity as the keeper of the historical memory of the process. The independence, transparency, accuracy and the analytic quality of work of the Secretariat are essential to the effectiveness of the peer review process. The intensity of the interaction between the examiners and the Secretariat and the degree of involvement of the examiners vary widely. In certain cases, the Secretariat works very closely with the examiners, and the division of labour between them is not always well defined. However, normally the most labour-intensive part of the work is carried out by the Secretariat, which may also have the most expertise in the substantive area of the review.

The procedures

The procedures of each peer review are outlined in documents adopted by the responsible subsidiary body. The level of procedural detail provided can vary widely, with certain reviews relying more on well-established practice than on formally adopted rules of procedure.

Although each peer review has its own

procedure, it is possible to identify a common pattern, consisting of three phases:

- *The preparatory phase.* The first phase of the review often consists of background analysis and of some form of self-evaluation by the country under review. This phase includes work on documentation and data as well as a questionnaire prepared by the Secretariat. The questionnaire, which can be a sophisticated instrument, is sent to the country for responses by the competent authorities or as an agenda for a dialogue in the next phase.
- *The consultation phase.* The examiners and the Secretariat conduct the consultation with a division of responsibility which depends very much on the practice of the body and the topic under review. During this phase, the Secretariat and the examiners maintain close contact with the competent authorities of the reviewed country, and in some cases, they carry out on-site visits. The examiners and the Secretariat are also free to consult with interest groups, civil society and academics. At the end of this phase, the Secretariat prepares a draft of the final report, which usually follows a standardised model comprising an analytical section, where the country performance is examined in detail and individual concerns are expressed, and an evaluation or summary section setting forth the conclusions and recommendations. The Secretariat—in most peer review processes, but not always—shares the report in draft with the examiners and with the reviewed country and may make adjustments it considers justified before the draft is submitted to the members of the body responsible for the review.
- *The assessment phase.* The draft report is discussed in the plenary meeting of the body responsible for the review. The examiners lead the discussion, but the whole body is encouraged to participate extensively. Following discussions, and in some cases negotiations, among the members of the body, including the

reviewed state, the final report is adopted, or just noted, by the whole body. Generally, approval of the final report is by consensus, unless the procedures of the particular peer review specify otherwise. In some cases, the procedures may call for the final report to state the differences among the participants. In some cases, NGOs also have the opportunity to influence the discussion by submitting papers and documents. As already mentioned, the final report and particularly its recommendations form an important basis for follow-up monitoring of the performance of the state and, ultimately, for a subsequent peer review. Often, the final report is followed by a press release, which summarises the main issues for the media, and press events or dissemination seminars are organised to publicise the findings of the review.

The functions of peer review

Peer review can be used in a broad range of areas, including those not covered by OECD peer review exercises—for example, human rights and democratic governance. In each of these fields, peer review, directly or indirectly, can serve the following purposes:

- *Policy dialogue.* During the peer review process, countries systematically exchange information, attitudes and views on policy decisions and their application. This dialogue can be the basis for further co-operation, through, for example, the adoption of new policy guidelines, recommendations or even the negotiation of legal undertakings.²³
- *Transparency.* The reviewed country has the chance, in the course of a peer review, to present and clarify national rules, practices and procedures and explain their rationale. As a result, the Secretariat is usually able to develop documentation and, in certain cases, a database which remains at the disposal of the member countries, and which often is also made available to the public and published on the Organisation web site. In the case of the Anti-Bribery Convention, for

example, all the country implementation reports adopted at the end of the peer review process are published on the OECD web site.²⁴ The combination of these two levels of enhanced transparency—toward peer countries and toward public opinion—contributes to the effectiveness of the peer review and the related peer pressure.

- *Capacity building.* Peer review is a mutual learning process in which best practices are exchanged. The process can therefore serve as an important capacity building instrument—not only for the country under review, but also for countries participating in the process as examiners, or simply as members of the responsible collective body. For example, certain methodologies commonly used in peer review—such as benchmarking or recourse to quantitative indicators in assessing compliance with policies—are unfamiliar to some officials and even to some public administrations before they participate in the peer review, and the exercise therefore represents an important learning opportunity.
- *Compliance.* An important function of peer review is to monitor and enhance compliance by countries with internationally agreed policies, standards, and principles. However, unlike a traditional legal enforcement mechanism, peer review works as a sort of ‘soft enforcement’ system,²⁵ resulting in non-coercive final reports and recommendations rather than binding coercive acts, such as sanctions. In many contexts, the soft law nature of peer review can prove better suited to encouraging and enhancing compliance than a traditional enforcement mechanism. For example, unlike a legal enforcement body, examiners in a peer review have the flexibility to take into account a country’s policy objectives, and to look at its performance in a historical and political context. Peer review can therefore assess and encourage trends toward compliance even among relatively poorly performing countries, while

noting negative trends in countries that may presently have a higher performance record. Peer review can also tend to enhance compliance by helping to clarify differences in policy positions among countries, thereby leading to the resolution of those differences.

Conclusion: When can peer review and peer pressure be effective?

The effectiveness of peer review depends upon the combination of a number of factors, which may be summarised as follows:

- *Value sharing.* One precondition for an effective peer review is convergence among the participating countries on the standards or criteria against which to evaluate performance. A strong common understanding on these will prevent uncertainty or backtracking during the process.
- *Adequate level of commitment.* Peer review can function properly only if there is an adequate level of commitment by the participating countries in terms of both human and financial resources. Thus, the participating countries must not only place adequate financial means at the disposal of the Secretariat; they must also be fully engaged in the process at different times as examiners, as active members of the collective body, and as subject of the examination.
- *Mutual trust.* Since peer review is, by its nature, a co-operative, non-adversarial process, mutual trust is an important basis for its success. While the peer review process itself can contribute to confidence building, a large degree of trust and value sharing among the participants should be present from the beginning to facilitate, among other things, the disclosure of data, information and documentation which are essential to the process.²⁶
- *Credibility.* The credibility of the peer review process is essential to its effectiveness, and to its added value in comparison with governmental reports or consultants' certifications. There is a

strong linkage between the credibility of the process and its capacity of influence. To assure this credibility, the approach that the examiners—with the help of the Secretariat—take in the review must be objective, fair and consistent. In the same way, the Secretariat must guarantee independence, transparency and quality of work. Credibility can be undermined if the process is flawed by such factors as unqualified examiners, bias stemming from national interests, or inadequate standards or criteria against which to undertake the review. However, the main threat to the credibility of the process is the possibility of attempts by the reviewed state to unduly influence the final outcome. The involvement of the reviewed state in the process and its ownership of the outcome of the peer review is the best guarantee that it will ultimately endorse the final report and implement its recommendations. The state's involvement should, however, not go so far as to endanger the fairness and the objectivity of the review. For example, the state under review should not be permitted to veto the adoption of all or part of the final report.

With each of these factors in place, peer review can serve as a stimulus to incremental change and improvement. Through the accompanying effect of peer pressure—including both persuasion by other countries and the stimulus of domestic public opinion—peer review can create a catalyst for performance enhancement which can be far-reaching and open-ended.

Notes

- 1 For a general list of the peer review mechanisms within the OECD, see *Executive Committee in special session, monitoring and surveillance activities at the OECD and co-operation with other international organisations* (Note by the Secretary-General), 27 April 1999, (ECSS(99)3). On peer review and peer pressure, especially in the area of economic policy, see also *Peer pressure as part of surveillance by international institutions*, discussion led by Niels Thygesen, chairman, Economic and Development Review Committee, 4 June 2002 <www.oecd.

- org/pdf/M00031000/M00031293.pdf>. For an analytical paper on the use of peer review in a subject area, see Joint Group on Trade and Competition, *Peer review: Merits and approaches in a trade and competition context*, 6 June 2002, COM/TD/DAFFE/COMP(2002)4/FINAL.
- 2 Literature on peer review is scarce. Peer review is sometimes addressed, but always marginally, in the context of the debate on 'compliance', and particularly within the scholarly dispute 'enforcement vs. co-operation', which opposes the managerial school of international relations to the institutionalists. See, for example, G W Downs, D M Rocke and P N Barsoom, Is the good news about compliance good news about co-operation?, *International Organisation* 50(3), Summer 1996, pp 379 ff, or G W Downs, Enforcement and the evolution of co-operation, *Michigan Journal of International Law* 19(2), 1988, pp 319 ff. For a general introduction to the mechanisms of follow up and compliance in international organisations, see N Blokker & S Muller (eds.), *Towards more effective supervision by international organisations. Essays in honour of Henry G. Schermers I*, Dordrecht/Boston/London, 1994, and more recently, H R Fabri, L-A Sicilianos, J M Sorel (eds.), *L'effectivité des Organisations Internationales: Mécanismes de suivi et de contrôle*, Athènes/Paris, 2000.
 - 3 In some contexts, entities other than states participate in peer review processes. An OECD example is certain reviews of the European Community in the economic, trade and development assistance policies.
 - 4 See, for instance, the thematic reviews in the sector of education. One example is the thematic review on adult learning, see Education Committee, *Thematic review on adult learning: Proposed terms of reference*, 19 July 1999, DEEELSA/ED/WD(99)9/REV1.
 - 5 On this subject, with a particular emphasis on legal obligations, see A Chayes, A H Chayes, *The new sovereignty. Compliance with international regulatory agreements*, Cambridge Mass., 1995.
 - 6 See, for instance, the International Labour Organisation review and assessment process. For a general review of these mechanism see Chayes, op cit, pp 154 ff.
 - 7 The term peer pressure was used by the social sciences, and particularly in pedagogy and behavioural studies.
 - 8 See The OECD Jobs Strategy: Progress report on implementation of country-specific recommendations, OECD Economics Department Working Paper 196.
 - 9 See, for instance, Internal Market Scoreboard, May 2002, n 10.
 - 10 See, for example, the Environmental Performance Reviews Programme carried out by the UN Economic Commission for Europe, initiated as a joint undertaking with the OECD Environment Directorate. Several activities within UNEP follow peer review mechanisms.
 - 11 Within UNCTAD, there are programmes which submit the investment policies of developing countries to peer review.
 - 12 For a brief description of the IMF Country Surveillance mechanism, see IMF Annual Report 2001.
 - 13 A more extensive description and evaluation of the Trade Policy Review Mechanism is contained in Joint Group on Trade and Competition, *Peer review: Merits and approaches in a trade and competition context*, 6 June 2002, COM/TD/DAFFE/COMP(2002)4/FINAL. See also S Laird, The WTO's trade policy review mechanism—from through the looking glass, *The World Economy* 22, n 6, August 1999, pp 741 ff.
 - 14 Officials involved in peer review can be from any level of government—central, regional, local.
 - 15 Executive Committee in Special Session, *Monitoring and surveillance activities at the OECD and co-operation with other international organisations* (Note by the Secretary-General), 27 April 1999, (ECSS(99)3).
 - 16 See Meeting of the Council at Ministerial Level, *Communiqué*, Paris, 26–27 May 1997, SG/COM/NEWS(97)45.
 - 17 See OECD, *Introduction to the OECD codes of liberalisation of capital movements and current invisible operations*, Paris, 1995.
 - 18 In development assistance, see the Millennium Development Goals <www.oecd.org/pdf/M00017000/M00017310.pdf>.
 - 19 For a detailed description of the mechanism, see OECD, *Introduction to the OECD codes of liberalisation of capital movements and current invisible operations*, Paris, 1995.
 - 20 See Working Group on Bribery in International Business Transactions, *A procedure of self- and mutual evaluation of implementation of the convention and the revised recommendation*, DAFFE/IME/BR(98)8/REV1.
 - 21 As is the case of the Environment Performance Review.
 - 22 See Executive Committee in Special Session, *Monitoring and surveillance activities at the OECD and co-operation with other international organisations* (Note by the Secretary-General), 27 April 1999, (ECSS(99)3). An interesting case of peer review specifically designed for non-members is the mechanism for their adherence to the OECD Declaration on the International Investment and Multinational Enterprises. These reviews are divided into three parts. The first consists in a general assessment of the country's actual performance in attracting foreign direct investment (FDI). The second involves a review of the country's regulatory framework for FDI and domestic business operations. The last part consists of an examination of the country's proposed exceptions to the principle of national

treatment as well as of the steps envisaged to promote the OECD Guidelines for Multinational Enterprises. This process may lead to the formulation of specific recommendations to the country on how to further promote the objectives of the Declaration.

- 23 On peer review as a tool for convergence and convergence vs. negotiations, see Joint Group on Trade and Competition, *Peer review: Merits and approaches in a trade and competition*

context, 6 June 2002, COM/TD/DAFFE/COMP(2002)4/FINAL.

- 24 See <www.oecd.org/EN/documents/0,,EN-documents-88-3-no-3-no-88,00.html>
- 25 On the notion of soft law see the relevant entry in J Salmon (ed.), *Dictionnaire de droit international public*, Bruxelles, 2001.
- 26 In this regard, peer review is an instrument that appears difficult to apply in the context of security and defence.