

AFRICAN UNION

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**ASSEMBLY OF THE UNION**

**Fifteenth Ordinary Session**

**25 - 27 July 2010**

**Kampala, Uganda**

**Assembly/AU/17(XV) Add.10**

**RECONSIDERATION OF DECISION ASSEMBLY/AU/Dec.263(XIII) ON  
THE TRANSFORMATION OF THE AFRICAN UNION COMMISSION  
INTO THE AFRICAN UNION AUTHORITY**

***(Item proposed by the Great Socialist People's Libyan Arab  
Jamahiriya)***

**2010**  
MAKE PEACE HAPPEN

**RECONSIDERATION OF DECISION ASSEMBLY/AU/Dec.263(XIII) ON  
THE TRANSFORMATION OF THE AFRICAN UNION COMMISSION  
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*(Item proposed by the Great Socialist People's Libyan Arab Jamahiriya)*

**I. ITEM PROPOSED FOR INCLUSION IN THE AGENDA OF THE ASSEMBLY**

1. In accordance with Rule 8, paragraph 2(d) of the Rules of Procedure of the Assembly, the Great Socialist People's Libyan Arab Jamahiriya requests the inclusion of an item titled "Reconsideration of Decision Assembly/AU/Dec.263(XIII) on the Transformation of the African Union Commission into the African Union Authority" in the agenda of the 15<sup>th</sup> Ordinary Session of the Assembly to be held in Kampala, Uganda in July 2010.

**II. EXPLANATORY NOTE ON THE JUSTIFICATIONS FOR THE INCLUSION**

2. At its 13<sup>th</sup> Ordinary Session held in Sirte in July 2009, the Assembly of the African Union adopted a document titled: The Outcome of the 12<sup>th</sup> Ordinary Session of the Executive Council on the Implementation of Decision Assembly/AU/Dec.263(XIII) on the Transformation of the African Union Commission into the African Union Authority. This Decision requested the AU Commission, inter-alia, to prepare the necessary legal documents for the process. The Commission thus prepared the said documents through legal experts assigned to that task.

3. The purpose of that arrangement was to establish an organ for the African Union that would embrace all organs so far created within the African Union, namely: the Executive Council, Peace and Security Council, the New Partnership for Africa's Development (NEPAD), the Permanent Representatives' Committee in addition to the two recently established organs - the African Defence Council and the African Agency for the Protection of Territorial and Economic Waters. It was clear from the documents prepared that what was done was a mere change of name from the African Union Commission to the African Union Authority. No real change has taken place to lead to the establishment of an effective African organ capable of accelerating the integration process on the continent, with the ultimate goal of the establishment of the United States of Africa.

4. In its present form as proposed in the said legal documents, the Union remains a multi authority institution with each authority maintaining its current structure, rules and mandate without being answerable to any other organ. The Executive Council will have no link with the Commission, and the Peace and Security Council will remain autonomous without any link with either the Commission, the Executive Council or the Chairperson of the Union. The Permanent Representatives' Committee will not be answerable to any organ. NEPAD will become a government of its own with a flag, holding its own Summit.

5. Any substantive and effective change in the current structure of the Union must put an end to all this fragmentation and balkanization. That is why the Great Socialist People's Libyan Arab Jamahiriya proposes the reconsideration of Assembly

Decision Assembly/AU/Dec.263 (XIII) and the recommendations adopted therein that will ultimately lead to the acceptance of the two following options:

**OPTION ONE**

6. Maintain the African Union Commission with a new mandate additional to the existing one as per what is clearly indicated in the Draft Statutes, copy of which is hereto attached. We also propose a new structure for the Commission as clearly illustrated in the Draft Statutes.

7. By this arrangement, all Commissioners will become Members of the Commission. In addition to other responsibilities that may be assigned to each of them, the duties of the Commissioner of Peace, Security and Mediation will include chairing the meetings of both the Peace and Security Council and Member States' Ministers of the Interior. The duties of the Commissioner of Foreign Policies will include chairing the meetings of the Executive Council and should be confined only to Foreign Policy, without having anything to do with the issues it currently deals with such as Agriculture, Industry, Education, etc. The Commissioner of Economic Affairs, Trade, Industry and International Cooperation shall chair meetings of both NEPAD and Ministers of Economy, Trade and Industry of Member States as well as those of the remaining sectors such as Education, Health, Agriculture, Infrastructure etc.

**OPTION TWO**

8. Application of Article 10 of the Constitutive Act whereby the Executive Council will be composed of Ministers of Foreign Affairs and Ministers of various sectors in Member States such as Education, Agriculture, Industry, Social Affairs, External Affairs and Defence etc. as clearly illustrated in the attached chart on the new composition of the Executive Council, including a number of Sectoral Ministers and their respective duties.

9. In presenting this proposal as contained in the two Options, the Great Socialist People's Libyan Arab Jamahiriya is fully confident that the adoption of either of them, will make the African Union an effective organ comprising Commissioners for the first Option; and Secretaries/Ministers for the second Option, each performing clear and well defined functions in both Options. In addition to that, the advantages of this proposal are that the new composition of the Executive Council will reflect the letter and spirit of Article 10 of the Constitutive Act. Besides, both the new structure of the Commission and the new composition of the Executive Council will comprise all the organs of the Union in a coherent and more coordinated manner. Moreover, acceptance of either Option will not require any amendments to the Constitutive Act of the Union, its nomenclature or content. The issue will then be to introduce changes to the Rules of Procedure of a number of the existing organs.

*"We are determined to deal once and for all with the scourge of conflicts and violence on our continent, acknowledging our shortcomings and errors, committing our resources and our best people, and missing no opportunity to push forward the agenda of conflict prevention, peacemaking, peacekeeping and post-conflict reconstruction. We, as leaders, simply cannot bequeath the burden of conflicts to the next generation of Africans."* (Paragraph 9 of the Tripoli Declaration of 31 August 2009).

**DRAFT**

**STATUTES OF THE COMMISSION OF THE AFRICAN UNION**  
*(Proposed by the Great Socialist People's Libyan Arab Jamahiriya)*

## **GENERAL PROVISION**

The Commission shall be the Executive Arm of the African Union and shall act as such in conformity with articles 5 and 20 of the Constitutive Act of the African Union.

### **Article 1** **Definitions**

In these Statutes:

- “**Union**” means the African Union established by the Constitutive Act;
- “**Assembly**” means the Assembly of Heads of State and Government of the Union;
- “**Chairperson**” means the Chairperson of the Commission;
- “**Constitutive Act**” means the Constitutive Act of the African Union;
- “**Commission**” means the Executive Arm of the African Union;
- “**Committee**” means a Specialized Technical Committee of the Union;
- “**Council**” means the Economic, Social and Cultural Council of the Union;
- “**Court**” means the African Court of Justice and Human Rights;
- “**CSSDCA**” means the Conference on Security, Stability, Development and Co-operation in Africa;
- “**Executive Council**” means the Council of Ministers of the Union;
- “**Member State**” means a Member State of the Union;
- “**Members of the Commission**” means the Chairperson, the Deputy Chairperson and the Commissioners;
- “**NEPAD**” means the New Partnership for Africa’s Development.
- “**OAU**” means the Organization of African Unity;
- “**Parliament**” means the Pan-African Parliament;
- “**PRC**” means Permanent Representatives Committee of the Union;
- “**PSC**” means the Peace and Security Council of the Union;

### **Article 2** **Composition**

1. The Commission shall be composed of the following members:
  - a) a Chairperson;
  - b) one (1) Deputy Chairperson; and
  - c) eight (8) Commissioners.

2. The Assembly may, when it deems necessary, review the number of Commissioners.
3. The Members of the Commission shall be assisted by the necessary staff for the smooth functioning of the Commission.

### **Article 3**

#### **Areas of Competence of the Commission**

The Commission shall perform its duties based on the principle of the mandate given by the Member States and other organs of the Union and they shall include, inter alia, the following areas of competence:

- Continent-wide poverty alleviation;
- Free movement of persons, goods and services;
- Inter-regional and continental infrastructure (road networks, bridges, railways, sea and air ports, energy, communications, etc.);
- Research centres, universities and centres of excellence;
- Coordination of the common defence policy of the Continent;
- Foreign trade and international cooperation;
- Peace and security and internal affairs;
- Protection and defence of territorial waters and exclusive economic zones;
- Trans-national border crime (terrorism, arms trafficking and increasing value added);

### **Article 4**

#### **Functions**

1. The Commission shall carry out the functions assigned to it under the Constitutive Act, those specified in Protocols thereto, and decisions of the

Union as well as those established in these Statutes, and in this contexts, it shall:

- represent the Union and defend its interests under the guidance of the Assembly;
- initiate proposals for consideration by other organs;
- implement the decisions taken by other organs;
- organise and manage the meetings of the Union;
- act as the custodian of the Constitutive Act, its protocols, the treaties, legal instruments, decisions adopted by the Union and those inherited from the OAU;
- establish, on the basis of approved programmes, such operational units as it may deem necessary;
- coordinate and monitor the implementation of the decisions of the other organs of the Union and report regularly to the Assembly;
- assist Member States in implementing the Union programmes and policies, including, CSSDCA and NEPAD;
- work out draft common positions of the Union and coordinate the actions of Member States in international negotiations;
- prepare the Union's Programme of work and coordinate actions of Member States in international negotiations;
- manage the budgetary and financial resources including collecting the approved revenue from various sources, establishing fiduciary, reserve and special Funds with the appropriate approvals, and accepting donations and grants that are compatible with the objectives and principles of the Union;
- manage the assets and liabilities of the Union according to laid down regulations and procedures;



- prepare strategic plans and studies for the consideration of the Assembly;
- take action in the domains of responsibility as may be delegated by the Assembly. The domains shall include the following:
  - i) disaster management;
  - ii) combating international crime and terrorism;
  - iii) environmental management;
  - iv) negotiations relating to external trade;
  - v) negotiations relating to external debt;
  - vi) population, migration, refugees and displaced persons;
  - vii) food security;
  - viii) socio-economic integration; and
  - ix) all other areas in which a common position has been established.
- mobilize resources and devise appropriate strategies for self-financing, income generating activities and investment for the Union;
- promote integration and socio-economic development;
- strengthen cooperation and co-ordination of activities between Member States in fields of common interest;
- ensure the promotion of peace, democracy, security and stability;
- prepare and submit an annual report on the activities of the Union to the Assembly, the Executive Council and the Parliament;
- prepare the Staff Rules and Regulations for approval by the Assembly;
- implement the decisions of the Assembly regarding the opening and closing down of sections, administrative or technical offices;
- follow up and ensure the application of the Rules of Procedure and Statutes of the organs of the Union;
- negotiate with the host countries, the Host Agreements of the Union and those of its administrative or technical offices;

- build capacity for scientific research and development for enhancing socio-economic development in the Member States;
  - strive for the promotion and popularization of the objectives of the Union;
  - collect and disseminate information on the Union and set up and maintain a reliable database;
  - ensure the mainstreaming of gender in all programmes and activities of the Union;
  - undertake research on building the Union and on the integration process;
  - strengthen and develop capacity, infrastructure and maintenance of intra-continental information and communication technology; and
  - prepare and submit to the Assembly for approval, administrative regulations, standing orders and Rules and Regulations for the management of the affairs of the Union and keeping proper books of accounts.
2. In addition, the Commission shall:
- prepare sessions of the Assembly of the Union;
  - determine issues emanating from Member states that should be submitted to the Assembly for its decision;
  - submit proposals aimed at reform and improvement of the administrative structure of the African Union;
  - work on building the institutions of the African Union for accelerating the political and economic integration of the Continent;
  - promote Pan-Africanism and articulate and defend Africa's common interests within and an outside the Continent;
  - ensure that policies, positions and decisions of the Union are translated into action and faithfully implemented;

- effectively mobilize the African peoples within the Continent and the Diaspora for participation in the process of renewal and reform of the Continent as a framework for the African renaissance;
- coordinate political policy positions of AU Member States on issues of common concern to the Continent and its peoples;
- coordinate positions of AU Member States during international negotiations;
- represent AU Member States and speak on their behalf in international bodies with focus on Africa's common foreign policy as per the mandate given by the Assembly in this regard;
- coordinate and promote actions for conflict Prevention, Management and Resolution;
- coordinate, monitor and promote actions to enhance post-conflict reconstruction and development;
- coordinate the implementation of the common African defence and security policy as well as strategies and mobilize the necessary resources for Africa's defence;
- evaluate, assess and monitor potential threats that may undermine the political, economic and social security and stability of the Continent;
- provide strategic leadership for the African Standby Force;
- operationalize the African Peace Academy enunciated in the African Non-Aggression and Common Defence Pact, and supervise it;
- promote the efficacy of the comprehensive Early Warning System;
- coordinate, monitor and encourage the implementation of the African Nuclear Weapon Free Zone Treaty (Pelindaba Treaty);
- follow-up on the issue of Non-Proliferation of Weapons of Mass Destruction, Small Arms and Light Weapons;

- develop a common African programme of action in the field of Foreign Trade with a view to harmonizing policies and systems in this field;
- represent common interests of AU Member States and speak on their behalf in international fora on international trade;
- promote inter-African trade so as to enhance integration and development;
- formulate plans aimed at facilitating free movement of persons, capital, goods and services;
- develop and harmonize the use of statistics on the Continent;
- promote the development of the private sector;
- ensure the monitoring of the implementation of NEPAD programmes;
- ensure the centrality of the AU Authority in Africa's relations with the outside world, particularly with the international economic grouping and international partners as well as protect the economic zones and territorial waters of Africa.

### **Article 5**

#### **Obligations**

1. In the performance of their duties, the Members of the Commission and the other staff shall not seek or receive instructions from any government or from any other authority external to the Union. They shall refrain from any action which may reflect adversely on their position as international officials responsible only to the Union.
2. Each Member State undertakes to respect the exclusive character of the responsibilities of the Members of the Commission and the other staff and shall not influence or seek to influence them in the discharge of their responsibilities.
3. The Members of the Commission and the other staff shall not, in the discharge of their duties, engage in any other occupation, whether gainful or not. When taking up their duties, they shall give a solemn undertaking that, both during and after their term of office, they shall respect the obligations arising

therefrom, and in particular their duty to behave with integrity and discretion and to regulate their conduct with only the interests of the Union in view, and not to seek or accept instructions from the Government of any Member State or authority external to the Union.

4. In the event of any breach of these obligations, the Assembly may, on application by the Commission, decide disciplinary measures to be applied to the Members of the Commission.
5. In the event of a decision to take disciplinary measures against a staff member according to paragraph 4 above, the internal procedures set out in the Staff Rules and Regulations shall be applied provided that the staff member concerned shall have a right of appeal, after exhausting all the internal administrative measures, to the Court.

#### **Article 6**

##### **Headquarters of the Commission**

1. The Commission shall be based at the Headquarters of the Union in the city of Addis Ababa, Ethiopia.
2. The Headquarters is dedicated for the official use of the Union.
3. The Chairperson may authorise the holding of meetings or social functions at the Headquarters or other offices of the Union when such meetings and functions are closely linked or are compatible with the objectives and principles of the Union.

#### **Article 7**

##### **Election of Members of the Commission**

1. The election of Members of the Commission shall be governed by the Rules of Procedure of the Assembly in the context that:
  - a) The region from which the Chairperson and the Deputy Chairperson are appointed, shall be entitled to one (1) Commissioner each. All other regions shall be entitled to two (2) Commissioners;
  - b) At least one (1) Member of the Commission from each region shall be a woman.

## **Article 8**

### **Responsibilities of the Chairperson**

1. The responsibilities of the Chairperson shall be:
  - a) Chief Executive Officer of the Commission;
  - b) Legal representative of the Union;
  - c) Accounting Officer of the Commission;
2. The Chairperson shall be directly responsible to the Executive Council for the effective discharge of his/her duties.

## **Article 9**

### **Functions of the Chairperson**

1. The functions of the Chairperson shall be to, inter-alia:
  - a) chair all meetings and deliberations of the Commission;
  - b) undertake measures aimed at promoting and popularising the objectives of the Union and enhancing its performance;
  - c) promote cooperation with other organizations for the furtherance of the objectives of the Union;
  - d) participate in and keep records of the deliberations of the Assembly and any other organs of the Union as may be required;
  - e) prepare and submit reports requested by the Assembly and any other organs of the Union as may be required;
  - f) prepare and submit the Staff Rules and Regulations to the Assembly for approval;
  - g) prepare, together with the competent Committees, the Budget, Audited Accounts and Programme of Work at least one (1) month before the commencement of the sessions of the Assembly;
  - h) act as depository of all Union and OAU Treaties and other legal instruments of the Union and perform depository functions thereof;

- i) act as a depository for instruments of ratification, accession or adherence of all international agreements concluded under the auspices of the Union and communicate information in this respect to Member States;
- j) receive copies of international agreements entered into between or amongst Member States;
- k) receive the notification of Member States which may desire to renounce their membership in the Union as provided for in Article 31 of the Constitutive Act;
- l) communicate to Member States, and include in the Agenda of the Assembly, as provided in Article 32 of the Constitutive Act, written requests of Member States for amendments or revisions to the Constitutive Act;
- m) circulate the provisional agenda of the sessions of the Assembly and Councils and Committees to Member States;
- n) receive proposals, together with explanatory notes, for the inclusion of items on the agenda of the Assembly at least sixty (60) days prior to the session;
- o) receive and circulate requests which conform to the correct Rules of Procedure of the Assembly from any Member State, for the convening of an extraordinary session of the Assembly or those of Councils and Committees;
- p) assess the need for branches, administrative and technical offices as may be considered necessary for the adequate functioning of the Commission, and create or abolish them as necessary, with the approval of the Assembly;
- q) consult and coordinate with the Governments and other institutions of Member States;
- r) appoint the staff of the Commission in accordance with the provisions of Article 20 of these Statutes;

- s) assume overall responsibility for the administration and finances of the Commission;
  - t) prepare an Annual Report on the activities of the Union and its organs;
  - u) carry out diplomatic representations of the Union;
  - v) liaise closely with the organs of the Union to guide, support and monitor the performance of the Union in the various areas to ensure conformity and harmony with agreed policies, strategies, programmes and projects;
  - w) carry out such other functions as may be determined by the Assembly;
  - x) supervise the functioning of the Headquarters and other offices of the Union;
  - y) coordinate all activities and programmes of the Commission related to gender issues.
- 2.** In the absence or death or permanent incapacity, the Chairperson may delegate any of his/her functions to the Deputy Chairperson who shall perform them pending the election by the Assembly of a new Chairperson of the Commission.
- 3.** The Chairperson may delegate his/her functions to the Deputy Chairperson and in the absence of the latter, to one of Commissioners.

### **Article 10**

#### **The Deputy Chairperson**

- 1.** The Deputy Chairperson shall, in the discharge of his/her responsibilities, be accountable to the Chairperson. He/she shall have, inter alia, the following functions:
- assist the Chairperson in the exercise of his/her functions;
  - exercise the functions delegated to him/her by the Chairperson;
  - shall be in charge of the administration and finance of the Commission;



- act as Chairperson in case of death or permanent incapacity of the latter, pending the appointment of a new Chairperson;
2. In case of absence, death, temporary or permanent incapacity of the Deputy Chairperson, the Chairperson shall, in consultation with the Chairperson of the Union, appoint one (1) of the Commissioners to act as the Deputy Chairperson, pending the return of the incumbent or the appointment of a new Deputy Chairperson, as the case may be.

### **Article 11**

#### **Term of Office and Termination of Office**

1. The term of office of the members of the Commission shall be four (4) years. The Members may be eligible to compete for re-election for another term of four (4) years.
2. When so required for the good functioning of the Union, the Assembly may terminate the appointment of a Member of the Commission, based on the provisions of these Statutes.
3. Where, due to any reason, a Commissioner is unable to take up office or complete his/her term of office, the region from which that Commissioner was appointed, shall be given the opportunity to present a candidate to complete the remaining term.

### **Article 12**

#### **The Commissioners**

Each Commissioner shall be responsible for the implementation of all decisions, policies and programmes in respect of the portfolio for which he/she has been elected, and be accountable to the Chairperson of the Commission.

### **Article 13**

#### **Portfolios of the Commission**

The portfolios of the Commission shall be as follows:

1. **Chairperson:** He/she shall carry out the responsibilities and duties stipulated in Articles 8 and 9 of these Statutes;

2. **Deputy Chairperson:** He/she shall carry out the responsibilities and duties stipulated in Article 10 of these Statutes;
3. **Commissioner, Peace, Security and Mediation:** He/she shall chair meetings of the Peace and Security Council and those of Ministers of Security and the Interior of Member States. His/her duties shall also include Conflict Prevention, Management and Resolution, Post-Conflict Reconstruction, Combating Terrorism Non-Aggression and Transnational Crime, Arms Trafficking as well as Human Rights, Democracy, Good Governance, Electoral Institutions, Humanitarian Matters, Refugees, Returnees and Internally Displaced Persons, Free Movement of Persons, Financial Crimes and Money Laundering;
4. **Commissioner, Political Affairs and Coordination of the Common Position on Foreign Policy:** He/she shall chair meetings of Foreign Ministers of Member States and coordinate Common Position of Member States on Foreign Policies and speak on their behalf at International Fora;
5. **Commissioner for Defence:** He/she shall chair meetings of Ministers of Defence of Member States as well as the African Defence Council. His/her duties shall also include: potential threats to the safety, independence and internal stability of the Continent, elaboration of the continental policy strategy, mobilization of defence potentials and supervision of the Continental war industries, command of African Standby Force and implementation of the provisions of the African Union Non-Aggression and Common Defence Treaty;
6. **Commissioner, Economic Affairs, Industry, Trade and International Cooperation:** He/she shall chair meetings of Ministers of these sectors in Member States and meetings of NEPAD. His/her duties shall include economic integration, monetary matters, international economic cooperation, development of the Private Sector, investment and resource mobilization, continent-wide poverty alleviation, industrial development, increased production, industrial integration, encouragement of innovation and creativity, minerals, industrial security, promotion of added value, industrial trade, customs, immigration matters, international trade negotiations, free movement of goods and services and tourism.
7. **Commissioner, Education, Human Resources, Science and Technology:** He/she shall chair meetings of Ministers of these Sectors in Member States and his/her duties shall include education, information and communication

technologies, research, universities and centres of excellence and intellectual property issues.

8. **Commissioner, Infrastructure and Energy:** He/she shall chair meetings of Ministers of Infrastructure and Energy in Member States. His/her duties shall include: energy, transport, inter regional and continental infrastructure, road networks, bridges, railways, ports, road transport, infrastructure for communication and information networks.
  9. **Commissioner, Health and Social Affairs:** He/she shall chair meetings of Ministers of Health and Social Affairs of Member States. His/her duties shall include: health, children, crime prevention, drug control, illicit human trafficking, population, immigration, labour and employment, sport and culture, vulnerable groups, social welfare and epidemic control;
  10. **Commissioner, Economy, Agricultural Development and the Environment:** He/she shall chair meetings of Ministers responsible for these Sectors in Member States. His/her duties shall include: rural economy, agriculture and food security, livestock, lakes, rivers, and natural resources, desertification and climate change.
- Considering that gender issues are cross-cutting through all the portfolios of the Commission, a special unit shall be established in the Office of the Chairperson to coordinate all activities and programmes of the Commission related to gender issues.

#### Article 14

##### Overall Functions of Commissioners

- a) initiate common policies and programmes in respect of the portfolios assigned to them, submit them to Union Organs for consideration and adoption and monitor the implementation of decisions;
- b) oversee departments under their charge and in accordance with the functions of the Authority;
- c) engage in advocacy activities so as to promote the attainment of the goals of the Union, as well as the implementation of its programmes;
- d) perform representational and negotiation functions as and when the Authority is mandated by the Assembly.

## **Article 15**

### **Rules of Procedure**

The Commission shall adopt its own Rules of Procedure and they shall include the following:

- a) Venues of the meetings of Commission;
- b) Quorum for meetings;
- c) Agendas of meetings;
- d) Working languages.

## **Article 16**

### **Appointment of other Staff of the Commission**

1. The Members of the Commission shall be assisted, in the discharge of their functions, by a corps of suitably qualified, experienced and well-motivated senior administrative, professional and technical staff.
2. Appointment of senior administrative, professional and technical staff of the Commission shall be made by a Recruitment Board, comprising the Members of the Commission, the Head of Human Resources, the Legal Counsel and a Representative of the Staff Association.
3. The remaining general/ancillary staff of the Commission shall be recruited and appointed in terms of a mechanism and procedures contained in reviewed Staff Rules and Regulations.
4. The recruitment process shall be conducted in accordance with elaborate recruitment procedures calculated to ensure the utmost transparency and objectivity.
5. In recruiting senior administrative, professional and technical staff, the Recruitment Board shall:
  - a) uphold the principles of equitable geographical representation and gender equality; and

- b) apply a quota system recommended by the Executive Council and approved by the Assembly on the basis of a minimum number of posts allocated to a Member State, and additional posts allocated on the basis of agreed criteria including assessed contributions.
- 6. Paramount in the employment of the staff referred to in the preceding paragraph shall be the need to guarantee the highest standards of competence, efficiency and integrity.
  - 7. Nationals of Member States which are under sanctions for defaulting in the payment of assessed contributions to the budget of the Union amounting to two (2) years or more or for failure to comply with the decisions and policies of the Union shall not be eligible for appointment.
  - 8. These provisions shall also be applicable to recruitment for projects financed by extra-budgetary resources/funds.
  - 9. The promotion and advancement of the senior administrative, professional and technical staff of the Commission shall be carried out by a Promotions Board, based on the following criteria, among others:
    - a) annual performance evaluation reports;
    - b) result of competitive examination and interviews to be conducted by a Board made up of representatives of the Commission and the Staff Association.
  - 10. A Disciplinary Board, which shall be composed of representatives of the Commission shall be set up under the Staff Rules and Regulations. The type of misconduct to attract disciplinary measures shall be spelt out in the Staff Rules and Regulations to be drawn up by the Commission and approved by the Assembly .
  - 11. The Commission shall maintain a package of remuneration and conditions of service comparable to those obtainable in other international organizations, multilateral institutions and the private sector organizations of equivalent status, in order to attract and retain the appropriate caliber of employees.

**Article 17**  
**Privileges and Immunities**

1. The Headquarters of the Union, other organs and administrative and technical offices of the Union shall be governed by Host Agreements negotiated by the Commission with the Host countries and approved by the Executive Council, and reviewed periodically to ensure strict compliance and facilitate the smooth functioning of the Commission.
2. The Headquarters of the Union and those of the other organs and administrative and technical offices shall enjoy the privileges and immunities stipulated in the General Convention on Privileges and Immunities of the OAU/AU, the Vienna Convention on Diplomatic Relations and the Vienna Convention on the Law of Treaties between States and International Organisations or between International Organisations.

**FINANCES OF THE UNION**

**Article 18**  
**Programme and Budget**

1. The Commission shall prepare the Programme and Budget of the Union every two (2) years and shall submit it to the Assembly for consideration.
2. The proposed Programme and Budget shall include:
  - a) the programme of activities of the Commission;
  - b) the expenses of the Assembly, Councils and Committees and other organs of the Union;
  - c) a list of contributions made by Member States in accordance with the established scale of assessment ;
  - d) an estimate of the various incomes of the Union;
  - e) a description of the financial status of the Working Fund as created under these Statutes;
  - f) staff nominal rolls of the Commission.

3. In preparing the Programme and Budget of the Union, the Commission shall consult the different organs of the Union.

### **Article 19**

#### **Financial Resources**

1. The Chairperson shall, as soon as the Assembly approves the Budget, communicate it to the Member States, with all pertinent documents, at least three (3) months before the first day of the Financial Year.
2. The budget shall be accompanied by a list indicating the assessed annual contributions in respect of each Member State.
3. The assessed annual contribution of each Member State becomes due on the first day of the Financial Year.
4. The Chairperson shall submit to Member States a quarterly statement on payments of contributions and outstanding contributions.

### **Article 20**

#### **General Fund**

1. There shall be a General Fund, in which the following categories of accounts shall be maintained:
  - a) annual Contributions of Member States;
  - b) miscellaneous income including donations and grants ; and
  - c) advances from the Working Fund.
2. All expenditures established in the budget shall be met from the General Fund.

### **Article 21**

#### **Special Funds**

The Chairperson may establish Special Funds including fiduciary funds, reserve funds, with the approval of the Assembly, which shall define the objectives of these funds. These funds shall be administered in separate accounts, as provided for in the Financial Rules and Regulations of the Union.

**Article 22**  
**Gifts and Other Donations**

1. The Chairperson, may accept, on behalf of the Union, gifts, bequests and other donations made to the Union, provided that such donations are consistent with the objectives and principles of the Union and shall remain the property of the Union.
2. In the case of monetary donations for specific purposes, these funds shall be treated as fiduciary or special funds as provided for in Article 23 of these Statutes. Monetary donations for no specific purposes shall be considered as miscellaneous income.

**Article 23**  
**Deposit of Funds**

The Commission shall determine the financial Institutions in which the funds of the Union shall be deposited. The interests accrued by such funds, including the Working Fund, shall be entered as miscellaneous income.

**Article 24**  
**Accounts and Auditing**

1. The accounts of the Union shall be maintained in the currencies specified by the Executive Council on the proposal of the Commission.
2. The Chairperson shall ensure that the accounts of the Union are audited by external auditors at the end of each Financial Year, including the accounts of projects funded through extra-budgetary resources.
3. The Chairperson shall submit to the Assembly for its approval, at the earliest possible moment, the complete regulations governing the accounting method of the Union, in accordance with established international accounting standards.

**Article 25**  
**Amendments**

These Statutes of the Commission may be amended by the Assembly.



**Article 26**  
**Entry into Force**

1. These Statutes shall enter into force upon their adoption by the Assembly and shall supersede the Statutes adopted by the 1<sup>st</sup> Ordinary Session the Assembly held in Durban, South Africa in July 2002 and amended by the 8<sup>th</sup> Ordinary Session of the Assembly held in Addis Ababa, Ethiopia in January 2007.
  
2. **ADOPTED BY THE ..... ORDINARY SESSION OF THE  
ASSEMBLY HELD .....IN .....**

**Assembly/AU/17(XV) Add.10**  
**Annex 2**

**DRAFT**

**RULES OF PROCEDURE OF THE EXECUTIVE COUNCIL**

## **GENERAL PROVISION**

The Executive Council,

Having regard to the Constitutive Act of the African Union, and in particular Article 12,

**HAS ADOPTED THESE RULES OF PROCEDURE:**

### **RULE 1 Definitions**

In these Rules:

- **“Assembly”** means the Assembly of Heads of State and Government of the Union;
- **“Chairperson”** unless specified otherwise, means the Chairperson of the Executive Council;
- **“Constitutive Act”** means the Constitutive Act of the African Union;
- **“Executive Council”** means the Executive Council of Ministers of the Union;
- **“Member State”** means a Member State of the Union;
- **“NEPAD”** means the New Partnership for Africa’s Development;
- **“Union”** means the African Union established by the Constitutive Act;
- **“Vice-Chairpersons”** unless specified otherwise, means the Vice-Chairpersons of the Executive Council;

## **CHAPTER I EXECUTIVE COUNCIL**

### **SECTION I STATUS, AREAS OF COMPETENCE, COMPOSITION, ACCREDITATION, POWERS AND FUNCTIONS**

#### **RULE 2 Status**

The Executive Council shall be answerable to the Assembly.

**RULE 3**  
**Areas of Competence**

The Executive Council shall perform its duties based on the principle of the mandate given by the Member States and other organs of the Union and they shall include, inter alia, the following areas of competence:

- a) Continent-wide poverty alleviation;
- b) Free movement of persons, goods and services;
- c) Inter-regional and continental infrastructure (road networks, bridges, railways, sea and air ports, energy, communications, etc.);
- d) Research centres, universities and centres of excellence;
- e) International trade negotiations;
- f) Peace and Security;
- g) Coordination of the foreign policy of the Continent;
- h) Coordination of the common defence policy of the Continent;
- i) Trans-national border crime (terrorism, drug trafficking, illicit arms trafficking and legal positions and frameworks);

**RULE 4**  
**Composition**

- 1. The Executive Council shall be composed of:
  - a) Chairperson of the Council;
  - b) Vice-Chairpersons;
  - c) ..... Secretaries/Ministers.
- 2. The Assembly may review the numbers of Secretaries/Ministers if it deems it necessary

**RULE 5**  
**Accreditation**

- 1. The Executive Council shall establish a Credentials Committee.
- 2. The Rules of Procedure of the Credentials Committee shall be adopted by the Executive Council.

## **RULE 6**

### **Powers and Functions**

1. In accordance with Article 13 of the Constitutive Act, the functions of the Executive Council shall be as follows:
  - a) Foreign trade;
  - b) Energy, industry and Mineral resources;
  - c) Food, agriculture, animal resources, livestock and forestry;
  - d) Marine resources and irrigation;
  - e) Environment protection, humanitarian action and response and mitigation of natural disasters;
  - f) Transport and communication;
  - g) Insurance;
  - h) Education, culture, health and human resource development;
  - i) Science and technology;
  - j) Nationality and immigration issues;
  - k) Social security including formulation of policies for mother and child care as well as policies relating to the disabled;
  - l) Establishment of a system for awarding African medals and prizes;
2. In addition, the Executive Council shall
  - coordinate and harmonize the policies, activities and initiatives of the African Union in areas of foreign policy, monitoring the implementation of policies, decisions and agreements adopted by the Assembly;
  - formulate proposals for reform and improvement of the existing administrative structure of the African Union as a means for accelerating the political and economic integration of the Continent;
  - promote Pan-Africanism and planning for the common interests of Africa within and outside the Continent;
  - ensure that policies, positions and decisions of the Union are translated into action and faithfully implemented;
  - effectively mobilise the African peoples within the Continent and in the Diaspora for participation in the process of renewal and reform of the Continent as a framework for African renaissance;
  - coordinate political positions of AU Member States on issues of common concern to the Continent and its peoples;
  - coordinate positions of AU Member States during international negotiations;

- represent AU Member States and speak on their behalf in international bodies with focus on Africa's common foreign policy as and when mandated to do so by the Assembly;
- coordinate and promote actions for conflict Prevention, Management and Resolution;
- coordinate, monitor and promote actions to support post-conflict reconstruction and development;
- coordinate the implementation of the common African defence and security policy as well as strategies and mobilize the necessary resources for Africa's defence;
- evaluate, assess and monitor potential threats that may undermine the political, economic and social security and stability of the Continent;
- provide strategic leadership for the African Standby Force;
- operationalize the African Peace Academy enunciated in the African Non-Aggression and Common Defence Pact, and supervise it;
- promote the efficacy of the Comprehensive Early Warning System;
- coordinate, monitor and encourage the implementation of the African Nuclear Weapon Free Zone Treaty (Pelindaba Treaty);
- follow-up on the issue of Non-Proliferation of Weapons of Mass Destruction and Small Arms and Light Weapons;
- develop a common African programme of action in the field of Foreign Trade with a view to harmonizing policies and systems in this field;
- represent common interests of AU Member States and speak on their behalf in international fora on international trade;
- promote inter-African trade so as to enhance integration and development;
- formulate plans aimed at facilitating free movement of persons, capital, goods and services;
- develop and harmonize the use of statistics on the Continent;
- promote the development of the private sector;

- ensure monitoring the implementation of NEPAD programmes;
- ensure the centrality of the AU Authority in Africa's relations with the outside world, particularly with the international economic groupings and international partners as well as protect the economic zones and territorial waters of Africa.

## **RULE 7**

### **Election**

The Chairperson, the Vice-Chairperson and other members of the Executive Council shall be elected by the Assembly of the Union in accordance with the relevant Articles of its Rules of Procedure.

## **RULE 8**

### **Term of Office and Termination of Office**

The term of Office of the Chairperson, the Vice-Chairperson and other members of the Executive Council shall be four (4) years and they may be re-elected at the expiry of their term of Office for another four (4) years.

## **RULE 9**

### **The Composition of the Executive Council**

The composition of the Executive Council shall be as follows:

1. **Chairperson:** He/she shall carry out the responsibilities and duties stipulated in Rules 10 and 11 of these Rules;
2. **Deputy Chairperson:** He/she shall carry out the responsibilities and duties stipulated in Rule 12 of these Rules;
3. **Secretary/Minister, Peace, Security and Mediation:** He/she shall chair meetings of the Peace and Security Council and those of Ministers of Security and the Interior of Member States. His/her duties shall also include (Conflict Prevention, Management and Resolution, Post-Conflict Reconstruction, Combating Terrorism, Non-Aggression and Transnational Crime, Arms Trafficking as well as Human Rights, Democracy, Good Governance, Electoral Institutions, Humanitarian Matters, Refugees, Returnees and Internally Displaced Persons, Free Movement of Persons, Financial Crimes and Money Laundering);
4. **Secretary/Minister, Political Affairs and Coordination of the Common Positions on Foreign Policy:** He/she shall chair meetings of Foreign Ministers of Member States and coordinate Common Positions of Member States on Foreign Policies and speak on their behalf at International Fora;

5. **Secretary/Minister, Coordination of Joint Defence Policies:** He/she shall chair meetings of Ministers of Defence of Member States as well as the African Defence Council. His/her duties shall also include: (potential threats to the safety, independence and internal stability of the Continent, elaboration of the continental policy strategy, mobilization of defence potentials and supervision of the Continental war industries, command of the African Standby Force and implementation of the provisions of the African Union Non-Aggression and Common Defence Pact;
6. **Secretary/Minister, Trade and International Cooperation:** He/she shall chair meetings of Ministers of these sectors in Member States and meetings of NEPAD. His/her duties shall also include (industrial development, industrial integration, encouragement of innovation and creativity, minerals, industrial security, promotion of added value, industrial trade, customs, immigration matters, international trade negotiations, and free movement of goods, services and tourism).
7. **Secretary/Minister, Education, Human Resources, Science and Technology:** He/she shall chair meetings of Ministers of these Sectors in Member States and his/her duties shall also include (education, information and communication technologies, youth, research, universities and centres of excellence and intellectual property issues).
8. **Secretary/Minister, Infrastructure and Energy:** He/she shall chair meetings of Ministers of Infrastructure and Energy in Member States. His/her duties shall also include: (energy, transport, inter regional and continental infrastructure, road networks, bridges, railways, ports, road transport, infrastructure for communication, and information networks).
9. **Secretary/Minister, Health and Social Affairs:** He/she shall chair meetings of Ministers of Health and Social Affairs of Member States. His/her duties shall also include: (health, children, crime prevention, drug control, illicit human trafficking, population, immigration, labour and employment, sport and culture, vulnerable groups, social welfare and epidemic control).
10. **Secretary/Minister, Economy, Agricultural Development and the Environment:** He/she shall chair meetings of Ministers responsible for these Sectors in Member States. His/her duties shall include: (rural economy, agriculture and food security, livestock, lakes, rivers, and natural resources, desertification and climate change).
11. **Secretary/Minister, Economic Affairs:** He/she shall chair meetings of Ministers of Economic Affairs in Member States. His/her duties shall also include (Economic Integration, International Economic Cooperation, Private Sector Development, Investment, Resource Mobilization and Continent-wide Poverty Alleviation).



**RULE 10**  
**Duties of the Chairperson**

1. The Chairperson shall:
  - a) convene the sessions of the Executive Council;
  - b) Chair Ordinary and Extraordinary Sessions of the Executive Council
  - c) open and close the sessions;
  - d) submit for approval the records of the sessions;
  - e) guide the proceedings;
  - f) submit to a vote, matters under discussion and announce the results of the vote taken;
  - g) rule on points of order.
2. The Chairperson shall ensure order and decorum of the proceedings of the Executive Council.
3. In the event that the Executive Council accepts an invitation from a Member State in accordance with the approved criteria, the Chairperson shall chair all the Sessions including the opening and closing sessions.
4. In the absence of the Chairperson or in case of a vacancy, the first vice-Chairperson shall act as the Chairperson.

**RULE 11**  
**The Deputy Chairperson**

1. The Deputy Chairperson shall, in the discharge of his/her responsibilities, be accountable to the Chairperson. He/she shall have, inter alia, the following functions:
  - a) assist the Chairperson in the exercise of his/her functions;
  - b) exercise the functions delegated to him/her by the Chairperson;
  - c) shall be in charge of the Administration and Finance Department of the Authority;
  - d) act as Chairperson in case of death or permanent incapacity of the latter, pending the appointment of a new Chairperson;
  - e) act as Chairperson in the absence or in case of temporary incapacity of the latter.
2. In case of absence, death, temporary or permanent incapacity of the Deputy Chairperson, the Chairperson shall, in consultation with the Chairperson of the Union, appoint one (1) of the Secretaries to act as the Deputy Chairperson,

pending the return of the incumbent or the appointment of a new Deputy Chairperson, as the case may be.

## **SECTION II**

### **MEETINGS AND THEIR VENUES**

#### **RULE 12**

##### **Venue**

1. The Ordinary Sessions of the Executive Council shall be held at the same venue as those of the Assembly.
2. In the event the session is held outside the Headquarters of the Union, the host Member State shall be responsible for all extra expenses as a result of the session being held outside the Headquarters.
3. In conformity with relevant rules of the Rules of Procedure of the Assembly, Member States offering to host sessions of the Executive Council shall not be under sanctions and shall be required to meet pre-determined criteria to be adopted by the Assembly, including adequate logistical facilities and a conducive political atmosphere.
4. Where two (2) or more Member States offer to host a session, the Executive Council shall decide on the venue by simple majority.
5. Where a Member State that had offered to host a session of the Executive Council is unable to do so, the session shall be held at the Headquarters of the Union, unless a new offer is received and accepted by Member States.

#### **RULE 13**

##### **Quorum**

The quorum for a session of the Executive Council shall be two-thirds of the membership of the Council.

#### **RULE 14**

##### **Ordinary Sessions**

1. The Executive Council shall meet twice (2) a year in ordinary session. The sessions shall precede those of the Assembly.

#### **RULE 15**

##### **Agenda of Ordinary Sessions**

1. The Executive Council shall adopt its Agenda at the opening of each session.

2. The Chairperson of the Executive Council shall prepare the draft Agenda of each session and communicate it to Member States at least thirty (30) days before the opening of the session. The Agenda may comprise the following:
  - (a) items which the Assembly has referred to the Executive Council;
  - (b) items which the Executive Council decided at a preceding session to place on its agenda;
  - (c) items proposed by the other organs of the Union;
  - (d) items proposed by a Member State provided that the proposal is submitted sixty (60) days before the opening of the session and the supporting document(s) and draft decision(s) have been communicated to Chairperson of the Council at least thirty (30) days before the opening of the session. The Executive Council shall examine such items;
  - (e) items under Any Other Business.

**RULE 16**  
**Other Agenda Items**

Any additional agenda item which a Member State wishes to raise at a session of the Executive Council, shall only be considered under the agenda item “Any Other Business”.

**RULE 17**  
**Opening and Closing Ceremonies**

1. During the Opening Session, the Chairperson or Foreign Minister of the host country or any other competent authority may address the Council;
2. During the opening ceremony of sessions, the following personalities shall be entitled to address the Executive Council:
  - a) Chairperson or Minister of Foreign Affairs or any other competent authority of the Host Country;
  - b) The personality pronouncing the Vote of Thanks.
3. The Executive Council may invite any other personality to address the session at the opening or closing ceremonies.

**RULE 18**  
**Extraordinary Sessions**

1. The Executive Council shall meet in an extraordinary session at the request of any Member State of the Union upon approval by a two-thirds majority of the Council.
2. The Chairperson of the Council shall notify all Member States of the request within seven (7) days of the receipt of such a request and invite them to communicate, in writing, their response within a specified period.
3. If the specified period has elapsed and the two thirds majority required has not been attained, the Chairperson of the Council shall notify all Member States that the extraordinary session shall not take place.
4. Extraordinary sessions shall be held at the Headquarters of the Union unless a member state invites the Executive Council to meet in its territory.
5. Where two (2) or more Member States offer to host an Extraordinary Session, Member States shall decide on the venue by a simple majority.

**RULE 19**  
**Agenda of Extraordinary Sessions**

1. The Chairperson of the Council shall communicate the Provisional Agenda of an extraordinary session to Member States at least fifteen (15) days before the opening of the session.
2. The Agenda of an extraordinary session shall comprise only the item(s) submitted for consideration in the request for convening the session.

**RULE 20**  
**Open and Closed Sessions**

All the sessions of the Executive Council shall be closed. The Executive Council may, however, decide by simple majority whether any of its sessions shall be open.

**RULE 21**  
**Working Languages**

1. The official languages of the Union and all its organs shall be the same working languages of the Union as stipulated in the Constitutive Act.
2. The Executive Council shall determine the process and practical modalities for the use of official languages as working languages.

3. Any Delegation may make a statement in any African language provided that he/she makes available simultaneous interpretation into at least one of the other working languages, other than an African Language, without financial implications to the Union.

**RULE 22**  
**Attendance and Participation**

1. Members of the Executive Council shall personally attend all Sessions of the Council, and where this is not possible, they shall be represented by their duly accredited representatives.
2. The Executive Council may invite any other personality to attend its Sessions based on the items included in its agenda.

**CHAPTER II**  
**DECISION-MAKING PROCEDURES**

**RULE 23**  
**Majority Required**

1. The Executive Council shall take all its decisions by consensus or, failing which, by a two-thirds majority of Members of the Council.
2. Decisions on questions of procedure shall be taken by a simple majority.
3. Decisions on whether or not a question is one of procedure shall also be determined by a simple majority

**RULE 24**  
**Decisions**

1. The text of all proposed decisions shall be submitted in writing to the Executive Council for consideration.
2. The original mover of a proposed decision or amendment may at any time, withdraw the decision or amendment. Any other Member State may reintroduce the proposed decision or amendment that has been withdrawn.
3. A draft decision shall only be adopted after its financial implications have been determined.

**RULE 25**  
**Point of Order**

1. During deliberations on any matter, a Member may raise a point of order. The Chairperson, in accordance with these Rules, shall immediately decide on the point of order.

2. The Member concerned may appeal against the ruling of the Chairperson. The ruling shall immediately be put to a vote and decided upon by a simple majority.
3. In raising a point of order, Member of the Council concerned shall not speak on the substance of the issue under discussion.

**RULE 26**  
**List of Speakers**

1. The Chairperson shall during the debate, grant the use of the floor in the order in which the speakers indicate their intention.
2. A Member shall not have the floor without the consent of the Chairperson.
3. The Chairperson may, during the debate:
  - a) read out the list of speakers and declare the list closed;
  - b) call to order any speaker whose statement deviates from the issue under discussion;
  - c) accord the right of reply to any Member where in his/her opinion a statement made after the list is closed justifies the right of reply; and
  - d) limit the time allowed to each Member irrespective of the issue under discussion, subject to sub Rule 4 of these Rules.
4. The Chairperson shall, on procedural questions, limit each intervention to a maximum of five (5) minutes.

**RULE 27**  
**Closure of Debate**

When a matter has been sufficiently discussed, a Member may move for the closure of the debate on the item under discussion. In addition to the proposer of the motion, two (2) other Members may briefly speak in favour of and two (2) against such motion. The Chairperson shall immediately thereafter put the motion to a vote.

**RULE 28**  
**Adjournment of Debate**

During the discussion of any item, a Member may move for the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one (1) Member may speak in favour of and another against the motion. The Chairperson shall immediately thereafter put the motion to a vote.

**RULE 29**  
**Suspension or Adjournment of the Meeting**

During the discussion of any matter, a Member may move for the suspension or adjournment of the meeting. No discussion on such motions shall be permitted. The Chairperson shall immediately put such motion to a vote.

**RULE 30**  
**Order of Procedural Motions**

The following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:

- a) suspend the meeting;
- b) adjourn the meeting;
- c) Adjourn the debate on the item under discussion;
- d) close the debate on the item under discussion.

**RULE 31**  
**Vote on Decisions**

After the debate has been closed, the Chairperson shall immediately put to a vote the proposal with all the amendments. The vote shall not be interrupted except on a point of order related to the manner in which the vote is being taken.

**RULE 32**  
**Vote on Amendments**

1. A proposal shall be considered as an amendment to a text if it adds or removes parts therefrom or modifies it.
2. When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Executive Council shall first vote on the amendment furthest removed in substance from the original proposal. The meeting shall then vote on the amendment next furthest removed therefrom, and so on, until all amendments have been put to a vote.
3. If one or several amendments are adopted, the amended proposal shall be put to a vote. If no amendment is adopted, the proposal shall be put to a vote in its original form.

**RULE 33**  
**Vote on Separate Parts of an Amendment**

Parts of an amendment shall be voted on separately when so requested. If this is done, the text resulting from the series of votes shall be put to the vote as a whole. If all operative parts of an amendment have been rejected, the amendment shall be considered to have been rejected as a whole.

**RULE 34**  
**Methods of Voting**

1. Voting on substantive issues shall be by secret ballot of Members States eligible to vote.
2. Voting on procedural Matters shall be taken by any other method as may be determined by the Executive Council.

**SECTION IV**  
**EXECUTIVE COUNCIL DECISIONS**

**RULE 35**  
**Authentication of Decisions**

Decisions adopted by the Executive Council shall be authenticated by the signature of the Chairperson. They shall be published in all the working languages of the Union in the *“Official Journal of the African Union”* within fifteen (15) days after signature and shall be transmitted to all Member States, and other organs of the Union.

**RULE 36**  
**Categorisation of Decisions**

1. The Decisions of the Executive Council shall be issued in the following forms:
  - a) **Regulations**: these are binding and applicable in all Member States; and national laws shall, where appropriate, be aligned accordingly;
  - b) **Directives**: these are addressed to any or all Member States, to undertakings or to individuals. They bind Member States to the objectives to be achieved while leaving national authorities with power to determine the form and the means to be used for their implementation;
  - c) **Recommendations, declarations, resolutions, opinions, etc.**: these are not binding and are intended to guide and harmonise the view points of Member States;



2. The non-implementation of regulations and directives shall, after approval by the Assembly, attract appropriate sanctions in accordance with Article 23 of the Constitutive Act.

**RULE 37**  
**Implementation of Regulations and Directives**

1. Regulations and directives shall be automatically enforceable thirty (30) days after the date of the publication in the “Official Journal of the African Union” or as specified in the decision.
2. Regulations and directives shall be binding on Member States and Organs of the Union.

**CHAPTER III**  
**FINAL PROVISIONS**

**RULE 38**  
**Implementation**

The Executive Council may lay down guidelines and supplementary measures to give effect to these Rules.

**RULE 39**  
**Saving Clause**

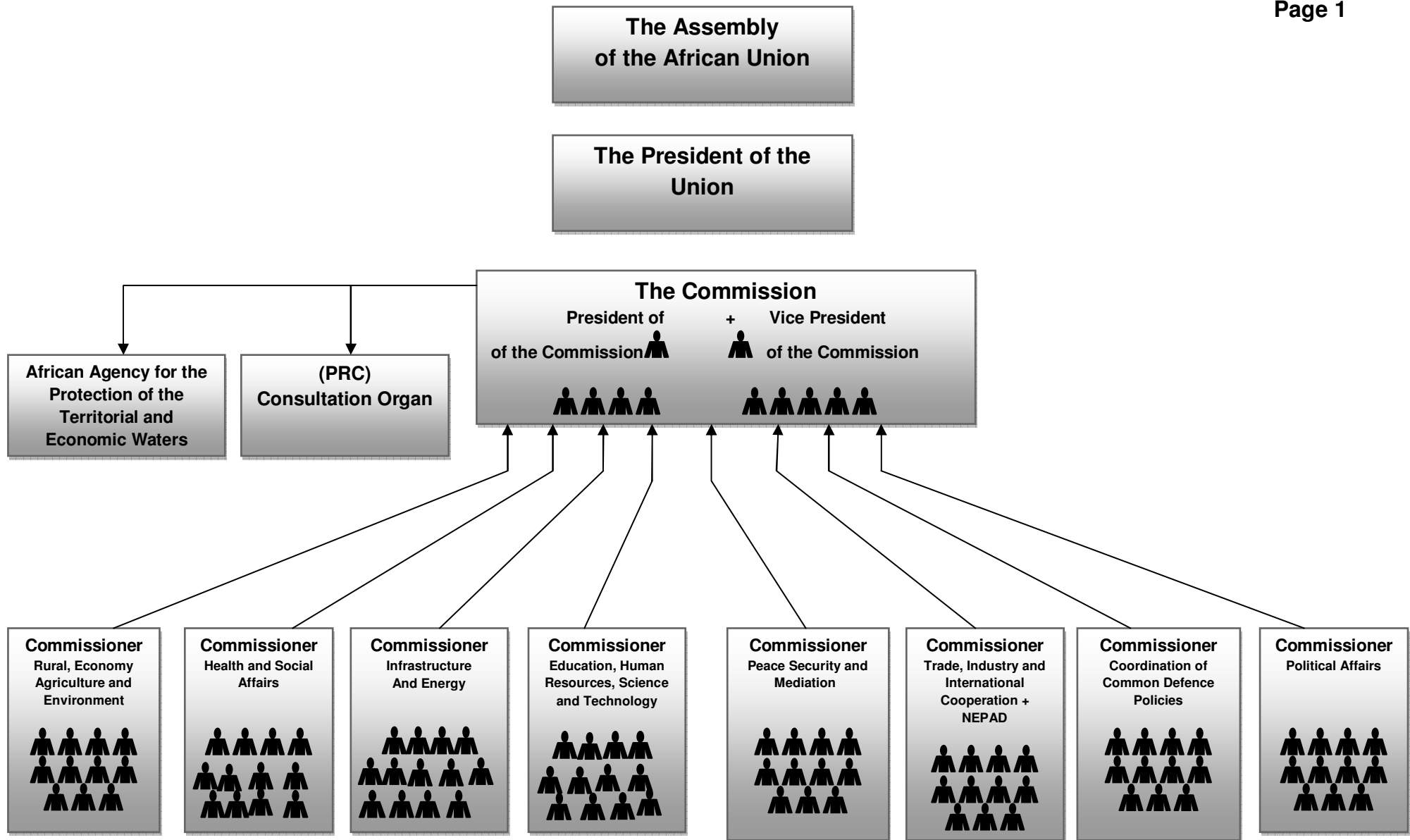
These Rules shall not affect decisions of the Council of Ministers of the OAU whose implementation has not started or has started but has not been completed provided that such decisions are not inconsistent with the provisions of the Constitutive Act.

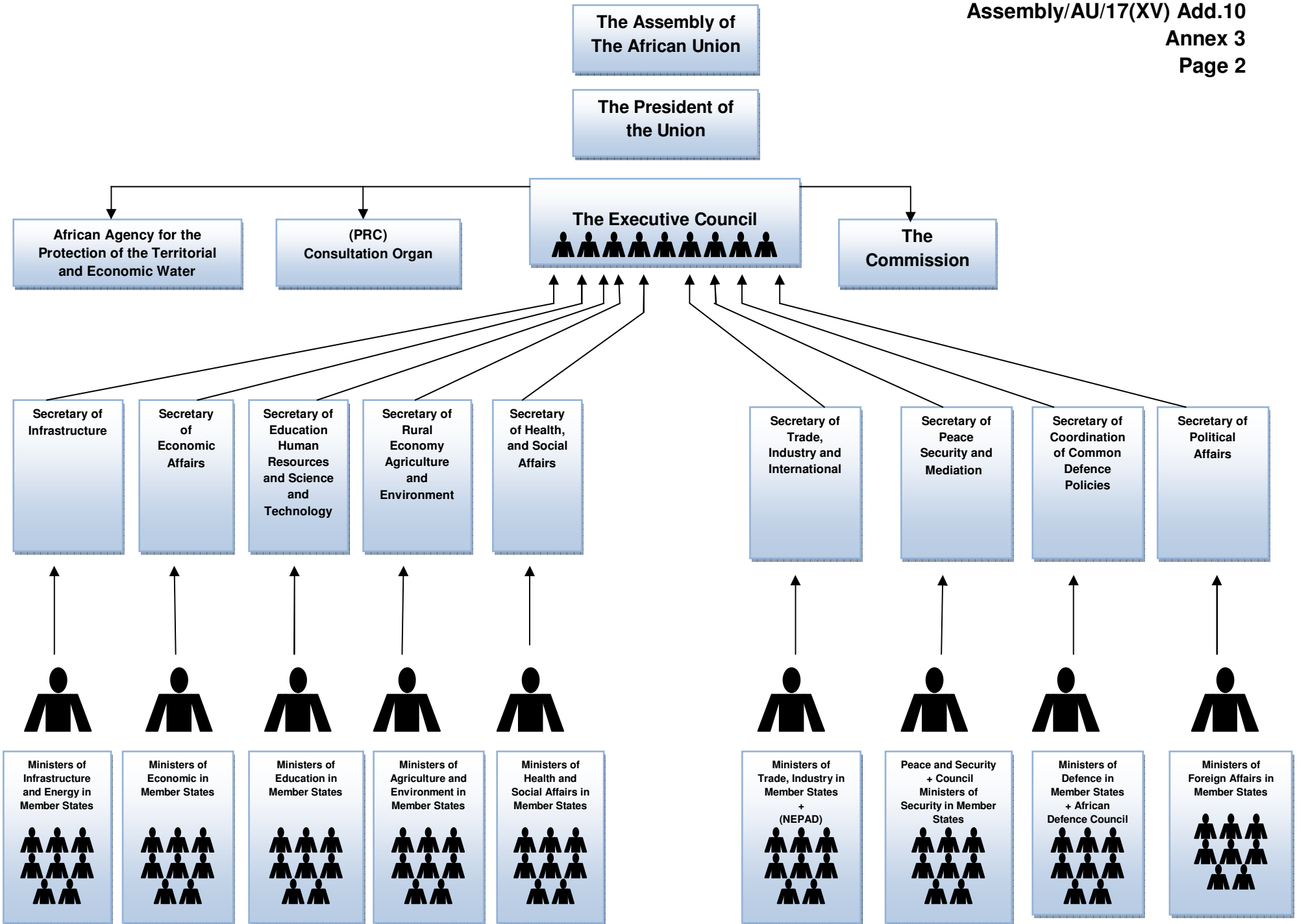
**RULE 40**  
**Entry into Force**

These Rules shall enter into force upon their adoption by the Assembly.

Adopted by the .....of the Assembly held on  
.....20

## **ORGANIGRAMME**





2010

# Reconsideration of Decision Assembly/AU/Dec.263(Xiii) on the transformation of the African Union Commission into the African Union Authority(Item proposed by The Great Socialist People's Libyan Arab Jamahiriya)

African Union

African Union

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