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EXECUTIVE COUNCIL
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REPORT OF THE SUB-COMMITTEE
ON STRUCTURAL REFORMS

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**Meeting of the Subcommittee on Structural Reforms
22 July 2021
Addis Ababa, ETHIOPIA**

Original: English

OUTCOME DOCUMENT

INTRODUCTION

1. The Subcommittee on Structural Reforms met virtually on July 22, 2021 under the Chairmanship of H.E. Churchill Ewumbue-Monono, Ambassador of the Republic of Cameroon and Permanent Representative to the African Union and United Nations Economic Commission and Chair of the Subcommittee on Structural Reforms.

2. The Meeting was attended by the following Member States:

- Algeria
- Angola
- Botswana
- Burkina-Faso
- Cameroon
- Cote d'Ivoire
- Djibouti
- Egypt
- Equatorial Guinea
- Eritrea
- Ethiopia
- Gabon
- Gambia
- Ghana
- Guinea
- Kenya
- Libya
- Madagascar
- Mauritius
- Morocco
- Namibia
- Nigeria
- Saharawi
- Seychelles
- Somalia
- South Africa
- Tanzania
- Togo
- Zambia
- Zimbabwe
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3. The Chair, H.E. Ambassador of the Republic of Cameroon opened the Meeting and thanked Delegates from Member States who were present for their commitment. He also welcomed the Representatives of the Commission. He informed the Meeting that the Ambassador of the People's Democratic Republic of Algeria, H.E. Mr. Salah Francis ELHAMDI had handed over the Chairmanship of the Subcommittee to the new Bureau during a meeting on June 22, 2021.

4. The Chair H.E. Ambassador of the Republic of Cameroon also thanked H.E. Mr. ELHAMDI, Ambassador of the People's Democratic Republic of Algeria for his Chairmanship and congratulated him for the work that was accomplished by the Subcommittee under his Chairmanship.

5. The Chair, H.E. Ambassador of the Republic of Cameroon, also informed the Meeting that the Bureau of the Subcommittee met on July 07, 2021 to discuss the calendar of the Subcommittee on Structural Reforms to review the structures that were ready. The Meeting of the Bureau decided to divide the list of seven (7) structures into two groups: the group (priority 1) were the structures had been examined previously and needed minor amendments, and the group (priority 2) were the structures were new and had never been examined. The Meeting of the Bureau also decided on the date of the joint sitting with the Subcommittee on General Supervision and Coordination on Budgetary Financial and Administrative Matters convened on 12 July 2021 to review the progress report on the implementation of the Transition Plan.

ON THE ADOPTION OF THE AGENDA

6. The Chair, presented the proposed draft agenda to the Meeting as follows:
- i. Opening Remarks by the Chairperson of the Subcommittee
 - ii. Adoption of Agenda
 - iii. Examination of Structures to be approved by the Executive Council Session of July 2021
 - AU Permanent Representation in China;
 - Office of Safety and Security Services of the AUC;
 - Economic, Social & Cultural Council (ECOSOCC); and
 - African Peer Review Mechanism (APRM)
 - iv. Any Other Business

7. There was a comment from the Secretariat that the APRM wished to present their structures before the other offices due to an emergency. The Chair insisted that given the importance of the changes made in the proposed structure for the Office, it would be better to start with offices with minor changes and that the APRM should be the third office to present their structure. The agenda was therefore adopted as follows:

- i. Opening Remarks by the Chairpersons of the Subcommittees
- ii. Adoption of Agenda
- iii. Examination of Structures to be approved by the Executive Council Session of July 2021
 - AU Permanent Representation in China;
 - Office of Safety and Security Services of the AUC;
 - APRM; and
 - ECOSOCC
- iv. Any Other Business

EXAMINATION OF STRUCTURES TO BE APPROVED BY THE EXECUTIVE COUNCIL SESSION OF OCTOBER 2021

A. AU PERMANENT REPRESENTATION IN CHINA

8. The Ag. Director of HRMD introduced the revised structure for the AU Permanent Representation Office in China based on all the concerns and suggestions raised by the Member States during the Meeting held in June 2020. He clarified that the financial implication of the proposed structure was USD 1,062,495. He also informed the Meeting

that the Head of Mission Ambassador Osman was online to give them details on the new proposal and that he would be supported by the Human Resources Business Partner (HRBP), who assisted the Office in drafting the proposal, where necessary.

9. The Head of Mission took the floor and explained to the Meeting that the revised proposal was drafted based on the comments of Member States, while keeping in mind the mandate of the Office. He reminded the Meeting that the proposed structure was very lean, compared to other Permanent Representation Offices of the AU, with a total of only eleven (11) staff proposed; and was drafted in line with the mandate of the office and in consideration of budget constraints.

10. The Chair of the Meeting thanked the Head of Mission and opened the floor for Member States' reaction to the proposal. The following concerns were raised by Member States:

- a) Member States requested more comprehensive presentations when presenting the reports or the proposal;
- b) Member States raised a concern on the fact that there was no organogram to clearly show the reporting lines;
- c) They requested clarification on approving the structure of the office while there is a decision to restructure all the Permanent Representations as well as Liaison Offices;
- d) They advised that the Commission should factor a phased recruitment given the impact on Member States' economies;
- e) They requested clarity on the sequence of events between the adoption of the structure and the signing of the Host agreement. They also raised the question on whether it is standard practice to have a host agreement with countries outside Africa;
- f) They also raised a concern on the grade of the professional positions – some positions are at P3 and one (1) is at P2. They recommended that it should be aligned and the positions be placed at P3;
- g) They proposed a renaming of the professional positions as follows:
 - Senior Policy Officer in charge of Economic and Commercial Cooperation;
 - Senior Policy Officer in charge of Technical Cooperation, Technology, Science and Education;
 - Senior Policy Officer in charge of promotion of Culture, Tourism and Engagement of the Diaspora.
- h) They raised another question on the local staff of the office, Member States wanted clarity with regards to hiring local staff since China was not an African Country, whether those staff will be Africans living in China or Chinese.

- i) They raised the issue of the imbalance in terms of reporting lines in the structure; where the Head of Mission is a P6 (political appointee) and the Technical Officers, his direct reports, are at P3 and P2 levels. They made a suggestion to have a Senior Officer at P4 or P5 level.
- j) They reminded the Commission to ensure that there was no duplication in the positions with regards to the Officer in Finance and Administrative P2 and the Administrative and Assistant Accounting GSA5. They suggested that the GSA5 should be deleted.
- k) The Member States further requested the Commission to harmonise the title of the office in the draft proposal as the name changed many times in the document.

11. The Commission responded to the Member States' concerns and questions by providing the following clarifications:

- a) To the concern of Member States on the missing organogram, the Commission apologised and shared the organogram on the chat of the Zoom platform to enable Member States to see the organogram while they are reviewing the proposal.
- b) With regards to the clarification Member States sought in approving the structure of the office while there was a decision to have a restructuring of all the Permanent Representations as well as Liaison Offices, the Commission clarified that this office is not part of the restructuring process because it never had a structure.
- c) The Commission apologised to the Member States for not providing in-depth details while presenting because the understanding was that the structure had been reviewed and discussed in a previous meeting by Member States and this meeting was just to examine the revised proposal based on the outcome of the previous meeting.
- d) On the question asked about the work of the office, on whether it was a bilateral cooperation or to promote African Member States, the Commission responded that the work of the office was mainly to promote the Agenda 2063.
- e) On the clarity sought about the host agreement, the Commission confirmed that China has host agreements with various offices that are opened there. They do not have host agreement with countries. The Commission further clarified that there was no determined sequence as to whether the host agreement should be signed first before the structure is approved or the other way around. The Commission explained that the host agreement deals with general principles of the international law and the rights and obligation of the African Union as an organisation and has no link with the structure, also it can take a long time to finalise the host agreement as it can take up to one (1) year.

- f) The Commission informed the Meeting that they have been having trouble to find support staff that are from African decent and are fully fluent with the language. At the moment, the office outsources the secretarial service to Chinese local staff.
- g) The Commission clarified that the initial proposal had a P4 staff to act as a Deputy while technically leading one of the thematic areas, but the Member States had requested the Commission to downgrade the position to P3, in order to reduce the costs, which was done in this proposal. However, the Commission welcomed the suggestion of Member States to have all the professional positions at P3 level.
- h) The Commission clarified that the position of Administrative and Accounting Assistant was introduced in the proposal because the support function of Finance and Administrative Officer entailed a number of duties which needed segregation.
- i) The Cleaning and the Mail Runner functions were merged in the proposal, however the suggestions of Member States to merge the Receptionist function with these two functions might be difficult given the difference of grades and the fact that Receptionist is a clerical function.
- j) The Commission clarified that the official name of the office is: AU Permanent Representation Office in China.

12. Following the clarification from the Commission, the ruling of the Chair was as follows:

- The structure is adopted taking into account the Member States comments and suggestions.
- There is an agreement to make the structure leaner by deleting the position of Administrative and Accounting Assistance at GSA4
- There is a need to harmonise the structure with other Permanent Representation Offices with regards to the position of Legal Officer.

B. Office of Safety and Security Services of the AUC

13. The Ag. Director of HRMD introduced the revised structure for the Office of Safety and Security Services of the AUC. He clarified that the financial implication of USD 5,613,143, is less by USD 107,854 compared to the initially approved structure which was USD 5,720,997. He also informed the Meeting that the Officer-in-Charge of the Office, Mr. Moussa Mahamat Zene was online provide details on the new proposal and that he would be supported by the Human Resources Business Partner (HRBP), who assisted the Office in drafting the proposal, when necessary.

14. The Officer-in-Charge took the floor and presented the revised proposal of this office. He explained to Member States that the request for this review of the structure

came after the departure of the previous Head and the fact that the highest ranking officer after the Head at P5 was a P2 Officer; when in the previous structure, there was a position for Deputy Head of the Office. The proposal put in front of Member States is for a reduction of the number of staff from 113 to 111, with Deputy Head of Office at P4 or P5, both with less financial implications.

15. The Office of the Legal Counsel clarified to the Meeting that there was no legal issue for the Subcommittee to review a structure without a decision from the Policy Organs as the question was raised by Member States at the beginning of the Meeting.

16. The Chair of the Meeting thanked Mr. Zene and opened the floor for Member States' reaction on the proposal. Member States welcomed the proposal and approved the position of Deputy Head at P4.

17. Commission responded by thanking Member States for their support for the revised structure.

18. Following the response from the Commission, the ruling of the Chair was as follows:

- Member states approved the proposed structure with grade of Deputy Head at P4.

C. APRM

19. The Ag. Director of HRMD introduced the proposal from the APRM and informed the Meeting that the CEO of the APRM Prof. Edward Maloka was online to provide details on the proposal and that he would be supported by the Human Resources Business Partner (HRBP), who assisted the Office in drafting the proposal, when necessary.

20. The CEO of the APRM Prof. Maloka took the floor and presented the revised proposal of this office. He explained to Member States that in 2019 a provisional structure was approved by the Policy Organs. Furthermore, in 2020, the Assembly Decision, Assembly/AU/Dec.758 (XXXIII) of February, 2020, decided on the adoption of the APRM Statute (2020) and the Rules of Procedure of the APRM Forum. Prof. Maloka also reminded the Meeting that mandate of the APRM was expanded over the years, however, their current structure does not take that into account and that following the Assembly decision of February 2020, the APRM was requested to present a structure that ensured that it could deliver on its core mandate. The proposal presented to Member States showed an increase in the number of positions from 67 to 157 and that the current structure was aligned to the structure of other AU Organs. He also informed the Meeting that the APRM plans to populate the structure over a period of three years through a phased approach.

21. The Chair of the Meeting thanked Prof. Maloka and opened the floor for Member States' reaction to the proposal. The Member States made the following comments on the proposal:

- a) Member States welcomed the structure that would enable the APRM to deliver on its mandate but requested that it should be rationalised;
- b) They reminded the Commission that due to current realities, the recruitment should be done in a realistic, phased and affordable manner;
- c) They agreed that there was a need to highlight the strategic importance of the APRM in terms of good governance, rule of law and human rights, which are critical for the continental development project;
- d) Member States welcomed the proposal from APRM to have phasing recruitment for the proposed structure;
- e) Member States supported, in principle, the proposed structure which should be rationalised and implemented in a realistic, phased and affordable manner.
- f) They also reminded the APRM that the restructuring should be without financial implication as per the decision of Member States;
- g) The following proposals were made to rationalise the structure:
 - To clarify whether the task of Senior Resource Mobilisation Officer will be performed by the Partnerships Management and Resource Mobilisation Directorate (PMRM) and if the staff will be deployed from PMRM;
 - To rationalise one Legal Officer – so instead of 3 Legal Officers, one post could be rationalised and the other two can share the responsibilities;
 - To rationalise the function of Administrative Assistants;
 - To add youth to the Senior Country Review Officer for the Directorate of Country Reviews and Assessments; ,
 - To rationalise the number of Senior Officers (P3) in the structure as it might be duplicating efforts
 - To downgrade the Strategic Planning Division to Strategic Planning Unit
 - To delete Principal APRM Liaison Officer to AU (P4) and APRM Liaison Officer to AU (P2) and have a Senior APRM Liaison Officer to AU (P3)
 - To delete Senior Coordination Officer for the APRM Structure (P3) as it should be done by the CEO
 - To delete Senior Risk Officer (P3)

- To delete the Technical Cooperation and Resource Mobilisation Division (P5)
 - To downgrade Principal Information and Communication Officer (P4) to Senior Information and Communication Officer (P3)
 - To delete Senior Information and Communication Officer (P3)
 - To downgrade Graphic Designer/Multimedia Officer (P2) to Junior Graphic Designer/Multimedia Officer (P1)
 - To downgrade Head of Conference Management Division (P5) to P4
 - To delete Translator/Interpreter x 2 (P4) and have only Translator x 2 (P3)
 - To downgrade Documentation Officer (P2) to P1
 - To downgrade Conferencing Officer (P2) to P1
 - To delete Senior Early Warning and Conflict Prevention Officer (P3)
 - To delete Early Warning & Conflict Prevention Officer (P2)
 - To delete the Division of Evaluation (P5)
 - To clarify the relationship between the Research Officers in the Directorate of Governance and Specialized Reporting, the (Senior) Country Review Officers in the Directorate Country Review Assessments and the Evaluation Officers in the M&E Directorate – whether they are similar or the same thematic areas and the need for coordination.
- h) Member States requested the APRM to revise the structure based on the Member States comments and suggestions and resubmit to the Subcommittee on Structural Reforms before the structure can be approved.

22. The APRM responded to the Member States' concerns and questions by providing the following clarifications:

- a) The APRM thanked Member States for their support and recognised the need to review the proposal based on Member States proposal;
- b) The APRM addressed the concern of Member States on financial implication by stressing that given the expanded mandate, there will be some financial implication. However, APRM stated that the proposal will be reviewed to bring it to a minimum;
- c) The APRM also clarified that since the work of the APRM is very technical, there is a need to have more professional staff who can deliver on technical tasks and specialised reporting;
- d) The APRM also clarified that some of the positions proposed were in line with international as well as IPSAS standards, to ensure segregation of duties and to avoid future audit queries.

23. Following the clarification from the APRM, the ruling of the Chair was as follows:

- Member States requested that the APRM and the Commission should go back and revise the structure to be presented to Member States in a subsequent meeting.

D. ECOSOCC Secretariat

24. The Ag. Director of HRMD introduced the proposal from the ECOSOCC Secretariat and informed the Meeting that the Head of the Secretariat, Mr. William Carew was online to give them details on the proposal and that he would be supported by the Human Resources Business Partner (HRBP), who assisted the office in drafting the proposal, when necessary.

25. The Head of the Secretariat took the floor and presented the revised proposal of this office. He started by thanking Member States for the approval of the first structure which prompted the relocation of the Secretariat to Lusaka, Zambia in 2019. He explained to the Meeting that when the structure was approved, some essential positions were omitted, which has become a challenge for the office to fully function and deliver on its mandate. The proposal tabled for Member States' review was for an increase of the number of positions from 27 to 37.

26. The Chair of the Meeting thanked Mr. Carew and opened the floor for Member States' reaction to the proposal. The Member States made the following comments on the proposal:

- a) Member States welcomed the proposal and supported the structure with following few changes to:
 - Move the position of Protocol Officer (P2) to the Office of the Executive Secretary and should be downgraded to (P1)
 - Downgrade the Head of Administration and Finance to P4
 - Keep Head of Programmes at P5
 - Correct the post at GSA7 as the AU nomenclature does not have such a grade
 - Downgrade Principal Projects & Partnerships Officer (P4) to P3
 - Downgrade Senior Programmes Officer (P3) to P2
 - Downgrade Principal CSO Engagements Officer (P4) to P3
 - Downgrade Senior Programmes Officer (P3) to P2
 - Downgrade Senior HR Officer (P3) to P2
 - Outsource the service of security

- Add HR Assistant
 - Move Documentalist (GSA5) to the Principal Communications Officer (P4)
 - Downgrade Principal Communications Officer (P4) to P3
 - Downgrade Multimedia Officer (P2) to P1
 - Merge the function of Multimedia Officer (P2) and Coordinator Popularization (P2) and downgrade the position P1 since the Principal Communications Officer can feed information to DIC in order to popularise the work of ECOSOCC
 - Rationalise the position of Procurement Assistant from two to one
- b) Member States also requested clarification on the mandate of the Secretariat as from the proposed structure, it looked like Secretariat and the Commission are doing the same work. They further suggested that the proposed structure should be realigning the Commission's work to allow ECOSOC carry on their mandate;
- c) They also requested clarity on the position of Programme Officer Resource Mobilisation and the level of relationship with Partnerships and Resource Mobilisation Directorate,
- d) They raised the concern for a need to have the recruitment in a planned, phased and affordable manner;
- e) They supported the structure with the amendments.

27. The Secretariat responded to the Member States' concerns and questions by providing the following clarifications:

- a) The Secretariat clarified that the mandate of the Secretariat is different from the mandate of CIDO;
- b) The Secretariat reaffirmed to the meeting that this proposed structure was aligned to the structures of other organs while being lean;
- c) The Secretariat welcomed Member States suggestions to rationalise the structure
- d) They further assured Member States that the implementation of the structure will be phased.

28. Following the clarification from the Secretariat, the ruling of the Chair was as follows:

- Member states supported the structure with the amendments that they proposed.

CONCLUSION

29. The Chair, H.E. Ambassador of the Republic of Cameroon closed the session after thanking his colleagues for their participation in the Meeting. He informed the Meeting that the report would be prepared by the Secretariat and distributed to all Member States. He also informed them that there would be subsequent meetings to review the remaining structures and to adopt the report and structures discussed which shall then be tabled to the PRC for their consideration.

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MEETING OF THE SUBCOMMITTEE ON STRUCTURAL REFORMS AUGUST 13 AND 27, 2021- VIRTUAL

Original: English

SESSION OF AUGUST 13, 2021

I. INTRODUCTION

1. The Subcommittee on Structural Reforms met on 13th August 2021 under the Chairmanship of H.E. Churchill Ewumbue-Monono, Ambassador of the Republic of Cameroon and Permanent Representative to the African Union and United Nations Economic Commission. The African Union was represented by the Deputy Chairperson of the Commission, H.E. Dr. Monique Nsanzabaganwa and the Officer-in-Charge of the Human Resources Directorate in her capacity of Head of Secretariat of the Subcommittee.

2. The Meeting was attended by the following Member States:

Algeria	Gambia	Rwanda
Angola	Ghana	Saharawi Republic
Botswana	Guinea	Senegal
Burkina Faso	Liberia	Seychelles
Cameroon	Malawi	Somalia
Congo	Mauritius	South Africa
Egypt	Morocco	Tanzania
Equatorial Guinea	Mozambique	Togo
Eritrea	Namibia	Uganda
Eswatini	Niger	Zambia
Ethiopia	Nigeria	Zimbabwe

3. H.E. Ambassador of the Republic of Cameroon welcomed the participants of the Meeting and presented the proposed draft agenda. The agenda was adopted with the amendment on item number '3. *Examination of Structures to be approved by the Executive Council Session of July 2021*' to read as '3. *Consideration of Structures for approval by the Executive Council Session of July 2021 adoption by the Executive Council*'.

II. PRESENTATION OF THE STRUCTURE OF APRM (AFRICAN PEER REVIEW MECHANISM)

4. The Secretariat reminded the Meeting that the structure of the APRM was previously considered by the Subcommittee on Structural Reforms on 22nd of July and by the Bureau of this Subcommittee on 6th of August. The Organ had made amendments to its proposal to incorporate the recommendations made during those meetings. The proposed structure now included 116 positions with a budget of USD11,599,573.

5. Prof. Eddy Maloka, CEO of the APRM, presented the revised APRM structure as per the recommendations made by the Subcommittee in its sitting of 22nd of July and the 6th August Bureau Meeting. He indicated that the APRM had deleted 41 positions and subsequently reduced 40% of the budget from the initial proposal.

6. The Chair reminded the CEO of the APRM that, during its Meeting on 6th of August, the Bureau recommended the APRM to revise by reducing P3 positions and increasing P1 and P2. After noting that the APRM had made substantial reductions, the Chair then opened the floor to Member States for comments.

7. The participants of the Meeting commended the efforts made by the APRM for integrating the comments of Member States to readjust its structure accordingly and to propose a leaner, more efficient structure.

8. Concerns were however, still raised on the problem of duplications and overlapping of functions within the proposed structure.

9. It was proposed to reduce the number of P3 positions from 5 to 3 within the Governance and Reporting Division in order to have a leaner and more efficient structure.

10. It was suggested that the positions of Strategic Planning, Protocol, Librarian and Documentalist be further rationalized.

11. More clarifications were requested on the administrative functions of the General Services especially with regards to Travel, Finance and Procurement functions.

12. It was proposed that the APRM should review its Recruitment Plan in order to ensure affordability by Member States.

13. Member States also requested an appendix to the report of the PRC and Executive Council that will include the job descriptions and required qualifications for the positions.

14. They acknowledged that the APRM had gone through a very rigorous process, extensive discussions and had presented a very lean structure that met the expectations of Members of the Subcommittee. They consequently expressed strong support for the APRM structure as proposed.

15. Concerns were raised on the lack of scientific approach that is used to consider and develop the structures of the Union. It was strongly suggested that guidelines be developed to guide the development and consideration of the structures of the Union in a more systematic way.

16. A proposal to prepare a guideline that will orientate the discussions on proposed structures in a more objective manner within the framework of the overall Reform of the Union.

17. The APRM CEO strongly supported the suggestion to have guidelines to link the Budget, Structure and Mandate. With regard to the suggestions of Member States to rationalise more positions, the CEO intimated that it might not be realistic. He pleaded with the Meeting to allow the APRM to operate with the same quality standards similar to Organs and Agencies of the Union. He reiterated that the Organ had already cut its positions 'to the bones' and could not possibly regrade, reduce or shrink the proposed structure further as such a move will definitely impact on the quality of work and the ability for the Organ to effectively discharge its functions. He emphasised that the recruitment can be phased in a way that will accommodate the propensity of the Member States to pay.

18. The Human Resources Business Partner (HRBP) of the APRM took the floor as the HR Expert who supported the APRM structure development. She emphasised that the approach used to review the proposed structure was based on the approved provisional structure; which took into account the division of labour, international best practices and operational needs to allow the APRM to deliver on its mandate. It also took into account the audit queries as well as the specificities and expertise needed for the reporting functions. She argued that some of the positions may look duplicated but the officers are servicing different countries in different regions of the continent. She indicated that if the APRM were to reduce further positions, it will not be able to deliver on its mandate.

19. The representative of APRM clarified that the APRM thematic Areas are: Political Governance and Democracy, Economic Governance and Corporate Governance. The new and 5th thematic area is State Resilience. These are the areas of focus of the APRM which encompasses its core mandate.

20. Further clarifications were given on the regrading and the reviewed financial implications by the APRM HRBP. She indicated that some of the positions had already been approved based on the provisional structure and had regular staff sitting in the posts who were already performing the functions. The representative of APRM indicated that regrading brought the budget down from over USD21M to around USD11.6M.

21. **Conclusion and Recommendations:**

- a. Member States supported the structure presented as a pragmatic, need-based and standardised structure and called for a phased recruitment;
- b. They called on the Commission and APRM to harmonise the positions and present the structure to APRM within one week;
- c. They called on the Commission to work with the Reform Implementation Unit and the Office of the Legal Counsel (OLC) under the supervision of the Deputy Chairperson of the Commission to propose a Guideline to ensure a harmonised and standardised framework to enable Member States consider proposed structures in a pragmatic manner;
- d. They finally requested the revised cost implication of the regrading and the appendix on the job descriptions be included in the report that would be presented to PRC.

III. PRESENTATION OF THE PAN AFRICAN VIRTUAL E-UNIVERSITY (PAVEU)

22. In presenting the PAVEU structure, the Secretariat acknowledged the presence of H.E the Deputy Chairperson of the Commission, Dr. Monique Nsanzabaganwa and went on to inform the Meeting that the proposed structure comprised 14 positions with a financial implication of USD1,213,359.

23. The Chair welcomed H.E the Deputy Chairperson of the Commission, Dr. Monique Nsanzabaganwa and gave the floor to the Director of Education, Science Technology and Innovation (ESTI), Dr. Mahama Ouegdraogo to present the structure of the Pan African Virtual University.

24. The Director acknowledged the presence of H.E. Deputy Chairperson of the Commission and H.E the Commissioner of Education, Science Technology and Innovation (ESTI). He then indicated that this institution aims to enable the implementation of one of the AU's Agenda 2063 Flagship projects which is based in Yaoundé, Cameroon. He indicated that since its launching in 2018, it had received several applications from 50 countries out of 55. He emphasised that they were proposing a very lean and conservative structure with the bare minimum to ensure that PAVEU delivered on its mandate to ensure best quality in higher education to fellow Africans.

25. The importance of this institution was emphasised especially during the COVID19 pandemic times where distance working and learning methods have become very relevant.

26. In the deliberations that ensued, Member States sought a number of clarifications on:
- The status of the PAVEU as either attached to the Pan African University or a stand-alone institute; and
 - The benchmarking of PAVEU against other institutions of the African Union and similar institutes of the world.

27. It was proposed to upgrade the Director's position from P5 to P6 or D1 to harmonise with other institutions of the Union and to align with similar institutes around the world.

28. It was further suggested to merge the posts of Content Development Officer with that of Instructional Designer as well as remove the Learner Support Officer.

29. Concerns were raised on the very wide gap between the Principal Officers and their support staff. It was also emphasised that IT functions be upgraded as the technological aspect of this institution was significant.

30. It was suggested that this institution works in close collaboration with the PAU and deploy additional efforts to ensure adequate publicity so that all Member States' Nationals are sufficiently informed to benefit from it.

31. A concern was raised about the structure being presented in 2021 yet PAVEU should be operational by 2023.

32. There was a request for an appendix with the job descriptions and qualifications to be provided in the report that will be presented to the PRC.

33. Responding to the comments from Member States, the Commissioner of Education, Science Technology and Innovation, H.E. Sarah Mbi Enow Anyang Agbor supported by the Acting Rector of the PAU, informed the Meeting that the proposal was made based on benchmarks with other Institutes. She indicated that the PAU has a Rector and the Heads of the PAU Institutes are called Directors thus clarifying the questions on the harmonisation of the title of the Head of the Institute. She also indicated that the PAVEU is proposed to work under the PAU. Currently, the AUC is benefiting from the expertise of a seconded staff from the United Nations. She also reiterated that the Department had ensured wide publicity by informing all the Member States through a Note Verbale.

34. The Acting Rector of the PAU thanked the Government of Cameroon for the generous offer in the form of seconded staff and facilities. He emphasised that the proposed structure is the bare minimum that will enable the Institute to function. He then indicated that the staff on the positions will have multi-tasking roles in which they will perform various duties. He indicated that the P1 position of the Learning Support Officer will also act as Documentalist. He indicated that each proposed position was very distinct in their nature and cannot be merged. The job descriptions were available and will be shared with the Subcommittee. As for the working languages, he reminded that the Statutes of the PAU provide for it and they are the same of that of the Union.

35. **The Chair concluded the Agenda Item as follows:**

- a. The Member States support the proposed structure of the PAVEU that is within the PAU System;

- b. Recommend extensive promotion in all the AU working languages to ensure participation of all Member States;
- c. Call for greater harmonisation of positions to avoid duplications and that an appendix be provided in the report to the PRC that will comprise the job descriptions;
- d. Acknowledge the efforts of the Cameroon Government to operationalise the Institution.

IV. PRESENTATION OF THE SECRETARIAT OF THE AFRICAN CONTINENTAL FREE TRADE AREA (AfCFTA)

36. The Secretary General (SG) of the AfCFTA, H.E Wamkele Mene, acknowledged the presence of the Deputy Chairperson of the Commission, Dr. Monique Nsanzabaganwa and presented the scope of the AfCFTA Agreement, the strategic objectives and proposed structure that will enable the Secretariat fulfil its Mandate. He explained that the 1st phase of the scope is wide and includes the Protocol of Trading Goods, Trade of services and on the Rules and Procedures for the Settlement of Disputes. He indicated that as per the February 2020 Ex.Cl decision, the Secretariat launched the recruitment of leadership positions. The proposal of the permanent structures, phase II, of the Secretariat is also being presented within this framework. He emphasised that the presented structure had been developed taking into account the benchmarking of other Institutions and analyses of their effectiveness.

37. He indicated the proposed phase II of the structure includes 265 positions with an estimated financial implication is USD 27,349,204.58. The proposed implementation for the structure was over a period of 4 years. Based on the Member States' Decision to avoid funding of political positions by donors, he recommended that the position of the Chief Technical Officer be upgraded and be included in the permanent structures of the Secretariat. He presented the detailed plan of head count with the annual financial implication staggered over 4 years. He concluded by adding that the scope was wide and expectations were very high and in order to make a positive impact in African Lives the Secretariat should be given the means.

38. The Chair reiterated that the AfCFTA Secretariat had a wide mandate and that the proposed structure presented was responsive to the mandate entrusted to it. He then opened the floor for comments from Members.

39. Within the current recruitment process to fill the positions of the approved phase I structure, clarification was requested with regard to the implementation of the Quota Policy and the application of the Gap Cap. In that regard, the Meeting emphasised the need for the AU Commission to share the legal opinion to shed light on the application of the Quota and Gap Cap Policies as well as the status of the respective quota of all Member States.

40. A concern was raised on the issue of harmonisation of posts. The Meeting noted that some Divisions were headed by P4s whereas the Heads of Divisions are usually at P5 grades.

41. It was suggested that implementation of the structure be made on a needs basis instead of over 4 year timeline as presented in order to take into account the ability for Member States to pay.

42. To minimise the financial implication of the upgrade, the Secretariat should review the grading of the staff within the unit. This unit should also be financed by the Member States.

43. The Meeting appreciated the proposal as it had less support staff as compared to core professional staff.

44. More details on the mandate, staffing and interaction with other Division handling arbitration of the Legal Affairs Division was requested.

45. A concern was raised on the reasons behind the size of the Finance and Administration Directorates.

46. In his response to the concerns of Member States, the Secretary General (SG) explained that the Secretariat was expected to start generating income through registration of intellectual properties rights, registration of businesses or due diligence of businesses. He explained that there were various ways to generate funding.

47. As for the Gap Cap, the Secretary General (SG) of the AfCFTA Secretariat indicated that when the Gap Cap was applied, the number of candidates were drastically reduced, which prompted the Secretariat to request for the legal opinion. He stressed that the OLC responded that the Gap Cap was to be applied as per the Executive Council Decision thus 'tying' the hands of the Secretariat. He assured the Meeting that there was no overlap with the RECs as the mandates were distinct. He reminded Member States that when the AfCFTA Secretariat mandate was drafted, the Secretariat looked at all the mandates of all communities on the continent. However, the Secretariat is looking at ways to work in collaboration with the RECs and other Institutions working on the same sectors.

48. The Secretary General explained that the implementation of the liberalisation of different sectors will be done in rounds and is a continuous process. He proceeded to explain the difference between the dispute settlement mechanisms and the legal divisions within the Secretariat, which were very distinct in nature. He insisted that only the AfCFTA Secretariat has arbitration functions and that no other regional community has such a mandate.

49. The Secretary General of the AfCFTA Secretariat explained at length the different mandates of the Legal Officers that will handle Dispute settlement and General Legal Affairs as well as the different roles of the Office of Legal Counsel (OLC) in the

Commission and the one within the AfCFTA Secretariat. He insisted that the job descriptions will be made available to the Members of the Subcommittee. He also explained that the AfCFTA Secretariat had functional autonomy as per Article 20 of the statutes. With regard to the Liaison Office, he reiterated that there was a need to maintain the policy link and this was in line with existing practices.

50. Responding on behalf of the AU Commission, H.E the Deputy Chairperson of the Commission reminded the Meeting of the presentation on the implementation of the Quota System where the progress on the Gap Cap was shared. She also informed the meeting that the Quota Table had been shared with all Member States. She recalled that the Gap Cap was implemented as per the Executive Council Decision. She indicated that the policy of the Gap Cap may hit a dead end and the Commission is working towards a solution that will enable it to implement the Quota System while upholding the principles enshrined in the policy with full transparency and fairness. H.E the Deputy Chairperson of the Commission further highlighted, in her capacity of former Minister of Trade, the differences between the legal functions within the Commission and the AfCFTA Secretariat.

51. The representative from the Office of the Legal Counsel (OLC) explained that the Executive Council Decision of October 2020 expressed the need to address the imbalance in the representation of Member States. The Quota System was also requested by the Executive Council and applied to both Regular and Short Term staff of the Union. It was aimed at correcting the glaring imbalance of geographical representation of the staffing within the Union. Based on these Decisions, the Commission and the R10 presented the new Union wide Quota System including the Gap Cap. This Quota system was approved by the Executive Council in February 2021. He then cited para 29 (Ex.CL 1105), on applicability criteria on Gap Cap that provides two categories of criteria for managerial and tactical staff. He explained that the Decision was clear and provides the calculations on which the Commission can base itself to apply the Gap Cap. He insisted that the logic behind the Gap Cap was to ensure that a minimum number of nationals were represented at managerial as well as tactical levels within the Union.

52. The representative of the AfCFTA Secretariat informed the meeting that the Finance Officer will be handling the day to day activities, procurement related transactions and handle various statutory requirements of the state parties of the AfCFTA Secretariat without compromising segregation of duties in compliance with the FRR.

53. It was agreed that the name of the Legal Directorate should be changed to be called Directorate of Dispute Settlement and Legal Affairs to avoid any confusion with the Office of the Legal Counsel (OLC) at the Commission.

54. The representative of the Office of the Legal Counsel (OLC) explained that the AfCFTA Secretariat should not only have more lawyers but that it would be beneficial for the Union that all Organs have their own Legal Units. He explained that the Chairperson of the Commission oversees all the Organs of the Union as per the Constitutive Act. The OLC, will remain the main depository of agreements and advisor when pertaining to

Institutional issues. He insisted that the OLC was fully invested in the drafting of the AfCFTA Statutes.

55. The AfCFTA Policy Review and Research and Women and Youth in Trade in MSNEs will be downgraded to P5 and be put under a Director. The positions under the P6 will also be downgraded accordingly.

56. A clarification was sought on whether the establishment provided by the host country would be sufficient to house the full structure.

57. The suggestion on whether it would not be possible to wait for the Protocol to enter into force to start the recruitment of some positions, the Secretary General of the AfCFTA replied that the implementation of the AfCFTA had already started and negotiations are ongoing. Moreover, a lot of preparatory work is required before the launch of any Protocol Agreement. He also added that discussions were ongoing with the host country to expand the establishment graciously offered.

58. A suggestion was made to hold a specific meeting to discuss the harmonisation of all Legal positions in all the Organs.

59. The Chair concluded the Agenda item by summarising the deliberation:

- a. Member States express support to the structure presented but reiterated the need for a leaner;
- b. Need to revise the structure with a view to downgrading some of the positions;
- c. Harmonisation of grades of various positions within the AfCFTA Secretariat, the Commission and across the Organs of the Union;
- d. On the Gap Cap that it should be applied alongside other principles of the Quota System;
- e. The AfCFTA Secretariat should annex the Job descriptions for all the proposed positions;
- f. It should consider changing the appellation of the Legal Directorate into Directorate of Dispute Settlement and Legal Affairs;
- g. It should revise the structure as per the amendments made and finalise the document by or before Friday 20th August 2021 and the job descriptions to be ready by 27th August 2021;
- h. Appreciate the contribution of Ghana towards the operationalisation of the AfCFTA Secretariat.

V. CONCLUSION OF THE DAY

60. The Chair concluded the day's session by thanking all the delegates who attended the Meeting. Since the agenda items were not all reviewed because of the time, the Chair informed the meeting that a subsequent Meeting will be held as soon as possible. The

Chair thanked all the members of the Commission and Organs as well as the interpreters and closed the Meeting.

SESSION OF AUGUST 27, 2021**I. INTRODUCTION**

61. The Subcommittee on Structural Reforms met on 27th August 2021 under the Chairmanship of H.E. Churchill Ewumbue-Monono, Ambassador of the Republic of Cameroon and Permanent Representative to the African Union and United Nations Economic Commission for Africa.

62. H.E. Ambassador of the Republic of Cameroon welcomed the participants of the meeting and reminded them that the Secretariat had presented priority structures to be reviewed by this Subcommittee, he indicated that so far, the Subcommittee has adopted six structures with amendments. This Meeting was dedicated to review the structure of the African Space Agency (AfSA) and the revised structures of the AfCFTA Secretariat and the APRM.

63. The Secretariat confirmed that all the structures had been distributed in all four languages.

64. The Agenda has been adopted without amendments.

II. PRESENTATION OF THE AFRICAN SPACE AGENCY (AfSA)

65. The Secretariat indicated that the structure of the African Space Agency (AfSA) was to be presented by the Director of the Department of Education, Science and Technology (ESTI), Dr. Mahama Ouedraogo and that it included 175 positions and the implementation cost was estimated at USD 15.6Million.

66. Dr. Mahama Ouedraogo, presented the structure of the AfSA. He explained that the Agency had many advantages and dealt with issues such as Agriculture and other domains that drive African growth and transformation. The establishment of the AfSA was requested by the Executive Council Decisions 744, 746 and 747 as well as the Assembly Decision 589 to develop capacity in areas such as Space Policy and Strategy. The AfSA is proposed to be established as an Organ, it will collaborate with National and International Agencies and drive the multilateral engagements in this area within the continent. The Organ will be headed by a Director General at a D1 level step 10. The Director presented the structure of the Agency in detail and with the functions and composition of each office. A total of 175 positions to be implemented in 3 phases. The 3rd phase is where the Agency is expected to be operational and it is expected to be launched in 5 years. He concluded by indicating that African countries have already spent over 4Billion USD in setting up Space programs and 21 African countries have already Space programs. The establishment of the AfSA will ensure African Countries will have more coordinated efforts and achieve better value for their monies through collaboration.

67. The Chair recognised the presence of the Commissioner for Education, Science Technology and Innovation (ESTI) and requested the Secretariat to circulate the presentation as it was clearer than the circulated document. He opened the floor for discussions.

68. There was a suggestion to align positions with those of the Commission, add a Deputy Director-General at P6 grade, a unit of quality management, separate audit and M&E functions.

69. The representative of Egypt indicated that the Government of Egypt will provide support for the Agency and this will reduce some of the financial implications of the Agency. He also announced that the Government of Egypt has allocated USD10Million for the launch and implementation of the AfSA.

70. It was suggested that the Office of the Director General will be composed of two assistants, while the number of staff within Corporate Services including Legal Affairs and Security Services to be reduced.

71. The phased approach within 5 years was supported as it was aligned with the principle of affordability, needs based and pragmatic implementation.

72. It was suggested that more rationalisation was needed, where the Directorates should be downgraded to Divisions. The Heads of Divisions should also be graded at P5 level. A request to downgrade some positions at professional levels and driver positions to be upgraded to GSB7 level in order to harmonise with the positions of the Commission.

73. Suggestions were made to harmonise the nomenclatures such as the Divisions and their respective Heads, the Director General (DG) should be at D1 level and not step 10.

74. It was requested that an appendix on the job descriptions should be included.

75. Clarification were sought on: whether the Units on Astrology and Space Applications were not handling the same issues; whether a capacity building program was foreseen in the Agency's activities; and on the working and collaboration methods of the Agency with the national Space Agencies in the continent.

76. Dr. Mahama expressed his appreciation to the Government of Egypt for its efforts towards the operationalisation of the Agency. He took note of the comments to rationalise and align the positions; he also assured the meeting that job descriptions will be provided in collaboration with the Human Resources Management Directorate. The addition of the Deputy Director General was not provided in the Statute, therefore, the Department stood to be guided by the Member States. In terms of reducing the number of positions, he suggested that the Agency required the proposed positions to enable it function with good quality standards. He emphasised that the proposal was based on benchmarks with other institutions. He reiterated that for Africa to be well represented in the area it needed to invest in it.

77. He explained that the reason why the DG was proposed at Step 10 was to differentiate with the other directors within the Agency, however the Director with the Human Resources will look into how it can be harmonised. The PAU, based in South Africa, is focused on providing capacity building to African Countries in the domain. He

reiterated that this Agency's Council will be composed with the staff from National Space Agencies, which will enhance the coordination of the Agency and National Agencies. The location of the ground stations has not been decided upon yet and needs technical discussions and assessments to be undertaken before a decision is taken.

78. Another representative from the Directorate took the floor to provide additional clarification. He emphasised that the Agency was very important for the continent. He confirmed that there is a Division dedicated to provide capacity building to African Countries and reminded that there is a Pan-African University Institute on Space Sciences to ensure that there are African students adequately trained on the subject.

79. The Space Expert at the Commission also took the floor and pointed out that with regard to Space Law and Regulations, Africa is absent in the international arena on space traffic and legal issues as well. The Security and Facility Management are of utmost importance because there is high value infrastructure. Finance and Procurement will be handling activities with over 122 institutions with four segments. He also emphasised that Space is very expensive, therefore, the Agency will be handling huge amount of financial transaction. The Agency will play a great role in coordination, knowledge management and other very critical areas for the development of the continent.

80. In his ruling, the Chair summarised as follows:

- a) Welcome the importance of AfSA, in line with the Agenda 2063;
- b) Express gratitude to the Government of Egypt for hosting the AfSA and for the USD10Million they allocated for the operationalisation of the office;
- c) Recognise the need for some rationalisation in the structure and request job descriptions for the positions before the meeting of the PRC, as well as the revised cost of the structure following the proposed rationalisation;
- d) Support the proposed structure with the amendments made for harmonization, implementation of the proposed plan and sharing of the Director's presentation with Member States;
- e) Align positions with those of the similar organs of the Union, add a Deputy Director General position, a Unit for Quality Management, and to separate Audit from M&E Unit.

III. CONSIDERATION OF THE AMENDED STRUCTURE OF APRM

81. The Secretariat called on the CEO of APRM to do the presentation and informed the Meeting that the job descriptions had been shared with the Subcommittee members. The revised structure includes 114 positions and cost estimate is USD11Million.

82. Prof. Maloka, the CEO of APRM reminded the Subcommittee that the APRM was presenting the draft structure for the fourth time and wished to submit the financial implications as per the previous meeting's request.

83. The representative of APRM reminded the Meeting of the historical background and principles upon which the present draft is being presented. The APRM Secretariat informed the Meeting that some positions had been downgraded as recommended, 43

positions had been removed, P1 positions had been increased and GSA, P3 to P5 positions had been reduced. The total estimated cost is USD11.4Million, and proposed to implement the structure over a period of three years.

84. The Meeting expressed support for the proposal as all the observations had been taken into account.

85. The Chair concluded that:

- a) The revised structure is approved; and
- b) The job descriptions should be shared with Member States before the Meeting of the 42nd Session of the PRC.

IV. PRESENTATION OF THE REVISED STRUCTURE OF THE AfCFTA

86. The Secretariat confirmed that the revised structure and the job profiles had been submitted in English.

87. The Chair opened the floor for discussions by highlighting that the Meeting should only focus on recommended amendments during the previous meeting.

88. The Chief of Staff of the AfCFTA Secretariat, Mr. Silver Ojakol, and Mrs. Fatma Yusuf, representative of the AfCFTA Secretariat presented the amendments made to the proposed structure of the AfCFTA Secretariat as per the recommendations of the 22nd July Meeting.

89. She informed the Meeting that the job descriptions shared in English will be submitted with translation and shared with the Member States. The rationalisation has made savings of USD772, 597.21 and a reduction of 4 positions to arrive at a total of 292 positions. However, the AfCFTA Secretariat pleaded with the meeting to consider 4 additional positions, which came with less financial implication and further savings of USD158,261.29.

90. The Meeting re-emphasised that the job descriptions should be accompanied by the qualifications.

91. The Meeting, therefore approved the proposed structure including the 4 positions, maintaining the total number of positions to 296.

92. A clarification was requested on the financial implications of the 4 additional positions and if the positions could not be added at a later stage.

93. The representative of AfCFTA explained that the Certification Officer was critical for compliance and 'real time auditing' purposes. She reiterated that the Technical Barriers to Trade (TBT) position at P4 level, the Certification officer at P2 and the Digital App development at P2 level are the most critical positions. As for the implementation plan, the 1st year there will only be 100 staff to be recruited as the 31 positions are already recruited positions.

94. The Chief of Staff shed light on the Technical Barriers to Trade (TBT) and Sanitary and Phyto-Sanitary (SPS) positions. He informed the meeting that the Technical Barriers to Trade (TBT) is dealing with standards on Equipment and the Sanitary and Phyto-Sanitary (SPS) deals with Standards on what we eat. On the Digital Trade, he explained that due to the COVID19 Pandemic, most trading is being done online. A digital app had been developed and the AfCFTA Secretariat was dealing with many Digital companies. He concluded by saying that the proposed structure was composed of only the most critical positions and could not reduce positions any further.

95. On the phased implementation, a concern was raised on the high number of staff to be recruited while the negotiations are still ongoing.

96. A clarification was requested on which Directorate will be handling Industrialisation.

97. The Chair concluded that:

- a) The revised structure is approved; and
- b) The job descriptions should be shared with Member States before the 42nd Session of the PRC.

V. ANY OTHER BUSINESS

98. The Representative from Equatorial Guinea raised the concern on the non-availability of documents in Spanish and requested that before the 42nd Session of the PRC all documents shall be available in Spanish.

99. The Secretariat should consult the Office of the Legal Counsel (OLC) to clarify whether the adoption of these structures should be at the level of the Executive Council or the Assembly.

VI. CONCLUSION

100. The Chair H.E. Ambassador of the Republic of Cameroon closed the session after thanking all the delegates for their participation in the Meeting. He also thanked all members of the Commission for the support that they provided to the Subcommittee, especially the interpreters. He informed the Meeting that the report would be prepared by the Secretariat in all the AU working languages and distributed to Member States. The report was adopted at the meeting of the Subcommittee held on 17 September 2021.

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