

AFRICAN UNION

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AFRICAN UNION

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EXECUTIVE COUNCIL
Fortieth Ordinary Session
20 January to 3 February 2022
Addis Ababa, Ethiopia

EX.CL/1320(XL)
Original: French

**REPORT ON THE PROGRESS OF THE
LAST PHASE OF INSTITUTIONAL REFORM
OF THE AFRICAN UNION**

1. By Decision Assembly ... of 7 December 2021, the Assembly of Heads of State and Government of the African Union instructed the African Union Commission "to finalize the remaining priority reforms and submit them to the policy organs in January-February 2022".
2. The Assembly further instructed the Commission to "conduct in-depth consultations with all relevant stakeholders and to use independent African experts for the preparation of all reform proposals".
3. This Report reflects the implementation of the Assembly Decision and the lessons to be learned therefrom.
4. First, it is appropriate to list out the remaining priority reforms. This will be followed by details on how the in-depth consultations with stakeholders took place. A description of activities regarding the use of independent African experts for the preparation of all reform proposals will follow. Lastly, we will draw the consequences that flow from the facts mentioned with regard to finalizing the remaining reforms and their presentation to the policy organs.

I. REMAINING PRIORITY REFORMS

5. They are grouped into three sections.

A. Organs and Institutions other than the African Union Commission

6. The organs and institutions are:

- the Pan-African Parliament;
- the Peace and Security Council;
- the African Court on Human and Peoples' Rights;
- the African Commission on Human and Peoples' Rights;
- the Committee for the Protection of the Welfare and Rights of the Child;
- the Anti-Corruption Advisory Committee;
- the African Union International Law Commission.

B. External Services of the African Union Commission

7. It should be recalled that the central services of the Commission have already been restructured. External services of the Commission refer to:

- the seven permanent representative offices (Washington, New York, Brussels, Geneva, Lilongwe, Cairo and Beijing);
- Liaison offices;
- the 35 specialized technical agencies.

C. Division of labour between the African Union, Regional Economic Communities, Regional Mechanisms and Member States

8. It should be noted that three sectors have already been dealt with. These are: (a) Political Affairs, (b) Peace and Security, and (c) Trade.

9. The objective here is to complete the work in accordance with Decision 635, by determining the division of labour in the remaining sectors which mainly concern regional integration and the overall representation of the Continent on the international scene (the thorny issue of partnerships).

II. IN-DEPTH CONSULTATIONS WITH STAKEHOLDERS CONCERNED BY THE REFORM

10. The consultations took place in two stages, at the initiative and under the supervision of Professor Pierre Moukoko Mbonjo, Head of the AU Institutional Reform Implementation Unit. The first round of consultations took place the day after the Summit on 6 and 7 February 2021. The second round took place from 2 to 8 July 2021.

A. First round of consultations: 10 to 18 February 2021

11. Virtual meetings were held with representatives from all the Commission's Directorates, RECs and Regional Mechanisms, to determine the remaining sectors in the field of the division of labour and to discuss how the terms of reference could be crafted in view of recruiting independent African experts for the preparation of recommendations on division of labour.

12. The consultations also involved representatives of permanent representative offices, liaison offices, the Pan-African Parliament, judicial and quasi-judicial bodies and specialized technical agencies as well as those of the departments of the Commission. The sought objective was to determine, together, the outlines of the terms of reference for the recruitment of independent African experts.

13. This first phase of the consultations ended with a meeting with the new Chairperson of the PRC and his collaborators at the Headquarters of the embassy in Addis Ababa.

B. Second round of consultations: 2 to 10 July 2021

14. The consultations that began the day after the February 2021 Summit continued in July. The Reforms Unit had previously sent to all stakeholders (including the Commissioners and Directors concerned) the various draft terms of reference prepared following the brainstorming among stakeholders, with a view to recruiting independent African experts.

15. It should be noted that it was the first time in the history of the AU that a meeting, albeit virtual, brought together all the heads of the specialized technical agencies and offices. This was greatly appreciated by those concerned, who also hoped that such experiences would be repeated in the future.

16. Subsequent to the consultations, the Terms of Reference were drafted and adopted by consensus between all the stakeholders.

III. PROCESS FOR RECRUITING INDEPENDENT AFRICAN EXPERTS

17. We will address, in turn, the publication of call for tenders, the receipt of bids and their evaluation.

A. Budget constraint

18. First and foremost, it should be pointed out that the diligent implementation of the Assembly Decision was heavily handicapped from the outset by the absence of budgetary resources to allow the recruitment of experts. This was all the more so as, when the Decision was taken on 7 February 2021, the Commission had no resources to cover contingency expenses not included in the budget adopted by the Executive Council in October 2020. A supplementary budget request had to be submitted to the PRC Sub-Committee on General Oversight, Administrative, Budgetary and Financial Affairs, which considered it during its session held in Accra in July 2021. It was precisely on 27 July 2021 that said supplementary budget approved by the PRC was notified to the Reforms Unit.

B. Publication of call for tenders

19. August being the month for holidays, the call for tenders was published in September 2021. The bids were grouped into five lots by the procurement service, as follows:

1. Pan-African Parliament, judicial and quasi-judicial bodies
2. Permanent Representative Offices
3. Liaison Offices
4. Specialized Technical Agencies
5. Division of labour between the AU, RECs, Regional Mechanisms and Member States.

20. This gives a total of sixty bodies, institutions and agencies to be reformed. It is important to specify that for the recruitment of individual experts, the deadline for submitting bids was fifteen days. For the recruitment of consulting firms, the deadline for submitting bids was thirty days.

21. After publication of the calls for applications, several Member States requested an extension of the deadlines. Fifteen additional days were granted to all Member States (i.e. a total of thirty days) to enable them to properly raise the awareness of their nationals.

C. Opening of bids

22. When the bids were opened in early October, it was noted that very few applications had been received by the procurement service, as evidenced by the bid opening report summarized below. We sought to understand the reasons for this extremely disappointing state of affairs. Such lack of interest from African elites remains a mystery at the level of the Reform Unit to this day. Despite the use of the usual channels for disseminating information by the Commission's Procurement Service (African Union website, United Nations website, notes verbales and tender

documents sent to fifty-five embassies of Member States at their requests), it is hard to understand the insignificant number of files received after one month.

D. Evaluation of bids

23. Bid analysis by the evaluation committees set up by the Vice-Chairperson of the Commission also yielded unexpected surprises. Indeed, of the five lots selected, only one was conclusive, as shown in the table below.

IV. LESSONS LEARNED AND PROPOSED WAY FORWARD TO FINALIZING THE REMAINING PRIORITY REFORMS

24. In view of the lack of enthusiasm generated by the call for tenders for the recruitment of independent African experts and in view of the time constraints, it seems almost impossible to finalize the remaining priority reforms and present them to the policy organs during their statutory sessions at the beginning of February 2022.

25. It is therefore proposed to recommend that the Assembly kindly:

- (1) examine the possibility of extending, for a period of one year, the deadline for submitting conclusions on the reform proposals for the remaining areas;
- (2) authorize, for reasons of flexibility, the recruitment of firms and/or individual experts, depending on their availability or interest;
- (3) renew the budget of USD 680,000 allocated to the Reform Unit for the said operation, with the possibility of increasing the budget, if necessary;
- (4) order the grant of an additional budgetary allocation to the Reform Unit to pay the salaries of the officials and support staff of the said Unit for an additional year.

26. Such are the observations made and the recommendations formulated subsequent to the process of fruitful consultations and the inconclusive recruitment of independent African experts.

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