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**EXECUTIVE COUNCIL**  
**Forty first Ordinary Session**  
**20 June – 15 July 2022**  
**Lusaka, Zambia**

**EX.CL/1356(XLI)**

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**REPORT OF THE JOINT SITTING OF THE SUB-COMMITTEE ON  
STRUCTURAL REFORMS AND THE SUB-COMMITTEE ON GENERAL  
SUPERVISION AND COORDINATION ON BUDGETARY, FINANCIAL  
AND ADMINISTRATIVE MATTERS**

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**JOINT SITTINGS OF THE SUBCOMMITTEE ON GENERAL SUPERVISION &  
COORDINATION ON THE BUDGETARY, FINANCIAL AND ADMINISTRATIVE  
MATTERS, MEMBERS OF THE F15 TECHNICAL COMMITTEE OF EXPERTS &  
SUBCOMMITTEE ON STRUCTURAL REFORMS**

**Virtual Meeting**

**DRAFT REPORT**

**27 June 2022**

## **A. Introduction**

1. The Joint Sitting of PRC Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters (GSCBFAM), Joint Sitting of the Subcommittee on Structural Reforms and the Technical Experts of the Committee of Fifteen Finance Ministers (F15) was held virtually on June 27, 2022 to deliberate on a number of items pertaining to their mandate. It was presided over by the Permanent Representative to AU and UNECA, His Excellency Ambassador James Morgan on behalf of Permanent Representative to AU and UNECA, Her Excellency Ambassador Amma A. Twum-Amoah, who is also the Chairperson of the PRC Sub-Committee on GSCBFAM and co-chaired by his Excellency Ambassador H.E Daniel Owassa, the Permanent Representative of the Republic of Congo to the African Union and UNECA and Chairperson of the sub Committee on Structure and Reforms.

## **B. Attendance**

2. The following Member States and F15 Technical Experts attended the meeting:

### **Member States**

1. Algeria
2. Botswana
3. Cameroon
4. CAR
5. Comoros
6. Congo
7. Cote d'Ivoire
8. DRC
9. Djibouti
10. Egypt
11. Eritrea
12. Eswatini
13. Ethiopia
14. Gabon
15. Gambia
16. Ghana
17. Kenya
18. Lesotho
19. Liberia
20. Mauritania
21. Mauritius
22. Morocco
23. Nigeria
24. Rwanda
25. Sahrawi

26. Senegal
27. Sierra Leone
28. Somalia
29. South Africa
30. South Sudan
31. Tanzania
32. Tchad
33. Togo
34. Tunisia
35. Uganda
36. Zambia
37. Zimbabwe

### **F15**

1. Algeria
2. Cameroon
3. Egypt
4. Morocco

### **C. Adoption of the agenda**

3. The agenda was adopted as follows:
  - i. Opening Remarks by the Chairpersons of the Sub-Committees
  - ii. Organization of Work
  - iii. Adoption of the Draft agenda
  - iv. Items for Consideration:
    - a. Report on the Transition plan
    - b. Recruitment roadmap for 2022 and 2023
    - c. Operationalization of ACDC Phase 1 & 2 and Financial Sustainability
    - d. Presentation on the benefits of Judges
    - e. Establishment of special fund for Administrative Tribunal Cases
    - f. Report on the Reserve fund
    - g. Report on the Administrative Fund
    - h. Presentation of 2022 PAPS JFA list
    - i. Consideration of the reports.
  - v. Any other business

4. It was agreed that the Joint sitting will only discussed items (a) and (b) as they are related to the mandate of both Subcommittees. The remaining items were discussed by the joint sitting of PRC Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters (GSCBFAM), and the Technical Experts of the Committee of Fifteen Finance Ministers (F15).

### **D. Report on the Transition plan**

5. The report was presented by the Director for Human Resources for the attention of the joint sitting.

### **Comments by the joint sitting**

6. The joint sitting made the following comments and observations:
    - i) Emphasized the need to have the recruitment on merit base of staff to the Union. Recalled Executive Council Decision 1104 on the need to have a Recruitment Committee (RSC).
    - ii) Further emphasized the need to have a recruitment process that was predictable, transparent, and offered stability.
    - iii) Expressed concern regarding the 9 months period for the gap cap being too long. The meeting proposed that it be reduced to 6 months.
    - iv) Reminded the meeting of its decision to centralize the recruitment process within the Commission.
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- v) Sought clarification on the role of the R10 on the implementation of the Transitional Plan and requested for their exit plan.
  - vi) Reiterated the request to have monthly list of staff numbers by position and country and the same be circulated to Member States.
  - vii) Proposed to review the MBRS as it did not look like it was performing as promised.
  - viii) Raised concern that recruitment of staff was too slow as evidenced by staff shortage complaints by different departments and organs during the budget retreat.
  - ix) Commission promised to provide Member States with online platform to review their quota on continuous basis.
  - x) Expressed concern that the SACA would involve separation of 170 staff which was a huge number. Proposed to relocate such staff to other offices where there were openings.
  - xi) Observed that separation costs were huge but had to be honored in order to avoid litigations through the Administrative Tribunal.
  - xii) Commended the Director for HR for the presentation which catered for the information Member States were looking for years.
  - xiii) Wondered why the Director for HR had not recruited staff to help with recruitment. Called upon the Director for HR to prioritize recruitment of her staff as well as of the Office of the Director General.
  - xiv) Not in favor to hire a recruitment firm to assist with recruitment. Instead, it was proposed to involve Directors for HR of AfCFTA and others organs with the process.
  - xv) Reminded the meeting that the SRR was clear on separation as such it was not in favor to give incentives to short term staff.
  - xvi) Integration of short term staff to the new structure be in accordance with country quotas.
  - xvii) Supported mitigating measures and the proposed 5 decisions points presented by the Commission.
  - xviii) Sought clarification on the number of staff that were recruited so far out of the planned 130 staff.
  - xix) Sought clarification on the proposal to recruit GSA to P2 by December 2022, and reminded the meeting that the recruitment under Transitional Plan was to be in phases.
  - xx) Observed that some General Support Staff were being posted to other duty station. Proposed that there be an emphatic resolution that General Support Staff should not be posted away from AU Headquarters to any other structure. They should be recruited locally.
  - xxi) Requested for an updated quota allocation.
  - xxii) Insisted that 30-day window be maintained for regular positions to allow sufficient time for applicants to apply for new positions and Member States to circulate the information to its citizens.
  - xxiii) Wanted to know the number of employment contracts that were to be retired in 2023.
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- xxiv) Sought clarification regarding staff separation provisions as they exist in the SRR vis-a-vis those proposed under SACA.
- xxv) Sought clarification on what to do with the recommendations submitted by the Commission as to whether they would be tabled before the PRC or it would only be recommendations of the joint sitting.
- xxvi) Requested for a list of staff affected by the SACA process.

## **Responses by the Commission**

7. The Commission responded as follows:

- i) Clarified that the R10's role was not to be involved in actual recruitment. A firm would reinforce the recruitment process for programs by seconding recruiters to assist the recruitment unit.
- ii) The MBRS will be decentralized to allow organs to undertake their own recruitment under the coordination of the Commission.
- iii) Reassure the meeting that the Commission would make available the updated list of staff by position and country to all Member States.
- iv) For staff on non-regular positions who served the Union for many years, the Commission argued that it was only proper to compensate them upon separation with severance package. This was in order to avoid litigations.
- v) The separation entitlements requested was comprised of staff rights on separation as per SRR and an incentive added to have a smooth separation.
- vi) The declaration form was integrated in the decision but the wording created confusion on who is included in elements such as the quota.
- vii) Further clarified the intention of the 5 Decision points for consideration by the Executive Council to array fears by staff on the SACA process and promote transparency. This included on the need to sign the declaration form.
- viii) Agreed to maintain 30 days as period for allowing application for regular positions.
- ix) The US\$20.06 million was same as earlier approved but the distribution points had differed.
- x) With regard to the availability of a portal, the Commission will develop implement and provide the Member States tools that will reflect real time update on quota allocation and consumption.
- xi) Clarified that the quota system and the MBRS were centralized but the actual recruitment process was decentralized at organs level.
- xii) Mentioned that there would be 27 staff members to retire in 2023 and would cost around US\$2 million.

## **Recommendations**

8. The Joint Sitting recommended to PRC as follows:

- i. Commended the Director for Human Resources for the report;
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- ii. Reiterated the need to support the reforms process but it should not be a detrimental to the Union;
- iii. Called upon the Commission to prioritize the recruitment of Human Resources staff who in turn would expedite recruitment of staff under the Transitional Plan;
- iv. Further called upon the Commission, in the interim, to draw on the Human Resource experts from other AU Organs to assist with recruitment;
- v. Called upon the Commission to ensure that separation of staff was in accordance with the provisions of the SRR;
- vi. Requested that the 'gap cap' should be reduce from 9 to 6 months;
- vii. Retention of regular staff after the SACA must be within the quota of each Member State;
- viii. Non-regular Staff (Short-term) are not entitled to separation benefits as it is already captured in their contracts;
- ix. The Commission should ensure that all vacancies are advertised and that recruitment shall be based on MBRS to ensure fairness and equity;
- x. Requested the Commission to redraft its proposed decision points in line with the discussions of the joint sitting and resubmit.

#### **E. Recruitment roadmap for 2022 and 2023**

9. The report was presented by the Director for Human Resources for the attention of the joint sitting.

#### **Comments by the joint sitting**

10. The joint sitting made the following comments and observations:
    - i) Considering the number of months left in the year and the 174 planned recruitments, sought to know if these positions are still to be advertised or some have already been advertised, also seek to know the modalities to be used
    - ii) Requested that there should be regular updates from HR on the positions being recruited and when they would be advertised
    - iii) Thanked the HR Director for the information provided and stated that they are encouraged to accelerate the recruitment strategy presented and agreed that the time being proposed is reasonable
    - iv) Noted that some positions have been pushed for recruitment towards the end of the year and thus request clarity on the criteria which has given priority to certain positions being filled before others
    - v) Suggested that a table be included in the roadmap which shows clearly different departments and Organs on how many people are planned to be recruited by the end of 2022 and by the end of 2023, showing how many will be filled and the gaps and also outline key priority Departments and Organs
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- vi) Sought clarity on the 170 planned to separate for not passing the SACA and will be compensated, if they will have an opportunity to reapply for vacant positions in future
- vii) Suggested that rather than separating the 170 staff, the Commission should look at training some of them and retaining them into other positions
- viii) Enquired if the figures indicated for 2022 and 2023 for recruitment, are for AUC alone or includes all other Organs
- ix) Enquired if the implementation of the structures be extended to 2024
- x) Seek clarity if all Organs recruitment would be centralized under AUC HR
- xi) Where staff are trained in house, what structure was in place to ensure staff would not leave the Union employment after being trained
- xii) Sought to know How long does it take to respond to applicants who are not successful

## Responses by the Commission

11. The Commission responded as follows:

- i) Explained that the roadmap is about the entire Union, all organs submitted their calendar of planned recruitments and have divided the process over some months and confirmed that it's a consensual process
  - ii) The variance between the presentation today and that one in Nairobi was because of the budget cuts
  - iii) The Organs will come up with additional requirement for 2024
  - iv) Explained that the staff that have separated from the Union and are paid a separation package cannot immediately apply for a vacant position, a period has to set e.g. 3 years before they can come back and apply for a vacant position
  - v) There is a training plan in place to enable the Commission to develop skills of colleagues so that they can meet the set requirements
  - vi) Explained that from the 130 critical planned position of the Commission 9 have been filled and others are at different stages, 53 more for other Organs have been included
  - vii) The Commission is working on the platform that will give access to all Member states for updated information
  - viii) Explained that the retention policy was being developed
  - ix) Explained that, generally responses to unsuccessful candidates are sent when the position is filled to ensure confidentiality and preserve the integrity of the process to wait until the end of the recruitments process and it is sent by email through the MBRS system
  - x) OLC explained that for Short-term contract staff which is contract not exceeding 1 year but not less than 3 months, the renewal cannot be more than once after which there is a mandatory separation. Currently the decision was to allow everyone to go through the SACA process and regularize the requirements.
  - xi) Explained that for AUC HQ 28 positions are planned in 2023
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- xii) Explained that when a staff is trained, the SRRs provides a bonding agreement, the staff cannot resign within 2 years of having received training financed by the Union

## **Recommendations**

- 12. The Joint Sitting recommended to PRC as follows:
  - i. Thanked the Commission for the recruitment road map as presented and commended them highly for the work done;
  - ii. Encouraged the Commission to take into consideration the comments by Member States to expedite the recruitment process as per the timelines they have set;
  - iii. Urged that it is very important as an organization to respect the set rules.

## **F. Conclusion**

- 13. The Co-Chairs thanked the delegates for their participation and the meeting continued with the items related to the mandate of the Subcommittee on GSCBFAM.
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**DRAFT DECISION ON THE REPORT FOR THE TRANSITION PLAN****The Executive Council,**

1. **RECALLS** Executive Council Decision **EX.CL/Dec.1073(XXXVI)** of February 2020 paragraph 6 on eligibility of staff for the skills and competency audit, and requested that such audit shall be performed over the same period for all Regular and Non-regular staff of the Commission excluding Elected, Political and Special Appointee Officials;
  2. **ALSO RECALLS** Executive Council Decision **EX.CL/Dec.1097(XXXVII)** of October 2020 that approved “Phase one (1) of the Transition Plan and financing strategy including Scenario one (1) of the separation scenarios;
  3. **APPROVES** the reduction of the Gap Cap, from nine (9) to six (6) months during the implementation period of the transition plan to support the intensive recruitment drive, notwithstanding within grade Quota restrictions;
  4. **URGES** the Commission to ensure that applicants from underrepresented Member States are prioritised without prejudice to the principle of Merit Based Recruitment, transparency and fairness;
  5. **DECIDES** That all successful non-regular staff, pursuant to the SACA process will be placed on the new structure, by end of December 2022, subject to the availability of their country quota and the availability of appropriate positions;
  6. **Further DECIDES** that all staff who cannot be placed or redeployed due to abolished positions, quota restrictions or unsuccessful results after the SACA will be separated by December 2022, in line with the AU Staff Regulations and Rules;
  7. **Also DECIDES** to recognize long service of staff members and enhance career development as well as upward mobility by allowing staff to be assessed, within the principles provided under paragraph 4, as follows:
    - i. To assess the staff against positions of grades equivalent to their personal to holder grade, subject to availability of similar positions. It will be limited to P4 grade, as any grades higher are to be accessed through the recruitment process.
    - ii. Based on documented evidences, staff members performing duties at higher grade than their substantive grade can be assessed at the corresponding grade.
    - iii. Placement of the concerned staff following successful outcome of the SACA process will not incur additional cost.
  8. **ALLOWS** the Commission to mobilize the necessary funds (estimated at \$3.6million) from the Partners to cover payout as a recognition of their contributions to the organization as follows:
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- i. Additional 50% of severance pay for Fixed term contract holders who cannot be placed after successfully passing SACA
  - ii. Special pay for SSA and Short term contract holders who cannot be placed after successfully passing SACA
  - iii. Special pay for GSB staff who do not have the ability to participate in the SACA process
  - iv. Special pay shall be equivalent to one month's gross salary of the staff member for each completed year of qualifying service up to a maximum of twelve (12) years.
9. **APPROVES** the budget of \$13.4 million to be drawn from the reserve fund, to cover the cost of separation for potentially affected staff;
10. **URGES** the Commission to prioritize the recruitment of the AUC Recruitment Team, the Office of the Director General, the Office of the Legal Counsel and other essential Departments.
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2022-06-20

# Report of the Joint Sitting of the Sub-Committee on Structural Reforms and the Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters

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