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EXECUTIVE COUNCIL

Forty first Ordinary Session

20 June – 15 July 2022

Lusaka, Zambia

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**REPORT OF THE 7TH ORDINARY SESSION OF THE SPECIALIZED
TECHNICAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS,
15 JUNE 2022**

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**Seventh Ordinary Session of the Specialized Technical Committee on
Justice and Legal Affairs (Ministerial Meeting)
15 June 2022
Hybrid (Addis Ababa and Video-Conference)**

**STC/Legal/Min/Report
Original: English**

REPORT

I. INTRODUCTION

1. Pursuant to the Rules of Procedure of the Specialized Technical Committee on Justice and Legal Affairs (STC-JLA), the Commission in consultation with the Bureau, convened the Seventh Ordinary Session of the STC-JLA (Ministerial Meeting) on 15 June 2022 in a hybrid format (held in Addis Ababa and via video-conference) to consider two draft legal instruments. The Ministerial Session was preceded by a virtual meeting of Government Legal Experts which took place from 26 -29 November 2021.
2. The STC-JLA comprises Ministers of Justice and Attorney Generals or Keepers of the Seals, Ministers responsible for Human Rights, Constitutionalism and the Rule of Law and other Ministers or authorities duly accredited by the Governments of the Member States.

II. ATTENDANCE

3. The following thirty-nine (39) Member States were in attendance:

Algeria, Angola, Benin, Botswana, Cameroon, Central African Republic, Côte d'Ivoire, Comoros, Congo, Djibouti, Democratic Republic of Congo, Egypt, Equatorial Guinea, Eswatini, Eritrea, Ethiopia, Gabon, The Gambia, Ghana, Kenya, Libya, Lesotho, Malawi, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sahrawi Arab Democratic Republic (SADR), Senegal, Sierra Leone, South Africa, Tanzania Togo, Tunisia, Uganda, and Zimbabwe.

III. OPENING OF THE MEETING

Statement by the Outgoing Chairperson of the STC-JLA

4. The Outgoing Chairperson, Hon. Dawda Jallow, Attorney General and Minister of Justice of the Republic of The Gambia, welcomed all the Honourable Ministers and distinguished delegates from the Member States, as well as the Acting Legal Counsel of the African Union (Ag. Legal Counsel).
5. He thanked the Office of the Legal Counsel (OLC) for arranging a hybrid meeting to circumvent the challenges presented by Covid-19. He recalled the importance of the STC-JLA in achieving the objectives of the Union. In addition, he thanked the Member States for their continuous support to The Gambia as the Chair of the STC-JLA and congratulated other members of the Bureau for work well done.
6. In conclusion, he invited all Member States to give attention to the two (2) legal instruments presented before the STC-JLA and wished the Meeting fruitful deliberations.

Statement by the Ag. Legal Counsel of the African Union

7. The Ag. Legal Counsel of the African Union, Dr. Guy-Fleury Ntwari welcomed all the Honourable Ministers and distinguished delegates.
8. He cited the legal basis for convening the Seventh Ordinary Session of the STC-JLA and informed the Meeting that the Experts met from 26 to 29 November 2021 and the Ministerial Meeting could not take place on numerous occasions due to lack of quorum.
9. He highlighted the importance of and the central role that the STC-JLA plays in the legal system of the AU.
10. The Ag. Legal Counsel gave a brief background of the Meeting of the Government Experts that took place in November 2021. He commended the experts for how they conducted their deliberations. They had worked tirelessly to reach a consensus on all the items that were on their agenda, despite the challenges associated with virtual meetings.
11. He reassured the meeting that the OLC will work tirelessly to ensure that the draft legal texts are harmonised correctly in all working languages of the Union and that, shortly, the OLC will not accept draft legal instruments that are not translated into the Spanish language for the STC-JLA to consider.
12. Dr. Ntwari concluded his remarks by assuring the continued support of the OLC in facilitating the work of the STC-JLA and wished the delegates fruitful deliberations.

IV. **CONSIDERATION AND ADOPTION OF THE AGENDA**

13. The Meeting adopted its Agenda as follows:
 1. Opening Ceremony.
 2. Consideration and adoption of the Draft Agenda.
 3. Election of the Bureau.
 4. Organization of Work.
 5. Consideration of the Report of the Meeting of Government Legal Experts.
 6. Consideration of Draft Legal Instruments:
 - i. ***Draft Rules of Procedure of the African Union Mechanism for Police Cooperation (AFRIPOL);***
 - ii. ***Draft Statute of the African Inclusive Markets Excellence Center (AIMEC).***
 7. Any Other Business.
 8. Adoption of Draft Legal Instruments and Draft Report.
 9. Closing Ceremony

V. ELECTION OF THE BUREAU

14. The Ag. Legal Counsel presented the outcome of the Government Experts' consultations on the re-composition of the Bureau, which provisionally comprise the following:

Chairperson– (Northern Region)	- (Ongoing consultations)
1st Vice Chairperson (Eastern Region)	- (Ongoing consultations)
2nd Vice Chairperson (Central Region)	- DRC
3rd Vice Chairperson (Southern Region)	- Zimbabwe
Rapporteur (Western Region)	- The Gambia

15. The Ag. Legal Counsel informed the Meeting that during the Experts' Session, the Northern and Eastern Regions were not able to reach consensus on their representation in the Bureau as Chairperson and 1st Vice-Chairperson respectively. The two regions, therefore, opted to refer the matter of nomination of the Chairperson and the 1st Vice-chairperson to the Ministerial Session.

16. The Ag. Legal Counsel proposed that the Ministers from the Northern and Eastern Regions join the breakout to further consult on their nominations for the vacant positions of the Bureau.

17. The Minister of Algeria notified the meeting of Algeria's readiness to occupy the position of Chairperson of the new Bureau and to Chair the meeting. The Minister of Morocco also notified the meeting of the readiness of Morocco to assume the role of chair of STC-JLA and the Chair of the meeting.

18. As a consequence of the foregoing, the Northern Region was encouraged to continue its consultations on the country that will represent the Region in the Bureau and to Chair the subsequent meetings of STC-JLA.

19. The election of the Bureau was subsequently finalized and the new Bureau, elected for a term of two (2) years is composed as follows:

Chairperson– (Northern Region)	- (Ongoing consultations)
1st Vice Chairperson (Eastern Region)	- (Ongoing consultations)
2nd Vice Chairperson (Central Region)	- DRC
3rd Vice Chairperson (Southern Region)	- Zimbabwe
Rapporteur (Western Region)	- The Gambia

20. The outgoing Chairperson requested guidance from OLC on the practice of the African Union in situations where there is a vacancy for position of Chairperson and 1st Vice Chairperson of the Bureau.
21. The Ag. Legal Counsel clarified that per the Rules of Procedure of the STC-JLA, in the absence of a Chairperson, the 1st Vice Chairperson, 2nd Vice-Chairperson, 3rd Vice-Chairperson or Rapporteur shall preside over the meeting.
22. The Meeting agreed that given the absence of the Chairperson and the 1st Vice Chairperson then the available Members of the Bureau should preside over the meeting in a hierarchical order and subject to representation at a Ministerial level.
23. Both the 2nd and 3rd Vice Chairpersons (DRC and Zimbabwe) notified the meeting that their respective Ministers were unavailable to preside over the Session.
24. In consideration of the foregoing, the Legal Counsel, on the request of the outgoing Chairperson, advised that following Rule 16 of the Rules of Procedure of the STC, The Gambia, as the only member of the Bureau represented at a Ministerial level, may chair the meeting.
25. The Outgoing Chairperson accepted the designation by the meeting and proceeded to preside over the meeting, urging the concerned regions to urgently finalize their consultations and present their nominees for the Chairperson and 1st Vice Chairperson positions in due course.

VI. CONSIDERATION OF THE DRAFT REPORT OF THE MEETING OF GOVERNMENT LEGAL EXPERTS

26. The Chairperson of the meeting of the Government Legal Experts Ms, Kumba Jow, Principal State Counsel and Curator of Intestate Estate of the Ministry of Justice of the Republic of The Gambia presented the Report of the meeting that took place from 26-29 November 2021.
27. The Meeting took note of the Report and endorsed the conclusions therein.

VII. CONSIDERATION OF THE DRAFT LEGAL INSTRUMENTS

28. The Meeting considered the following two legal instruments:
 - a. Draft Rules of Procedure of the African Union Mechanism for Police Cooperation (AFRIPOL)

29. The Ag. Legal Counsel presented the legal basis for the consideration of the Draft Rules of Procedure and the validation processes that have been undertaken.
30. He informed the Meeting that the Experts were able to deliberate and reach a consensus on all the issues. No outstanding issue that was referred to the Ministerial Session.
31. It was observed that some of the amendments made at the Experts' level were not reflected in the French version of the text, namely:
 - i. Rule 10(d, 1): the required majority should be two-thirds instead of a simple majority;
 - ii. Rule 13: the fifteen days timeline for circulation of agenda and working documents for extraordinary sessions must be captured; and;
 - iii. Rule 39: Reference to the Statute of AFRIPOL should be deleted.
32. The Ag. Legal Counsel assured that the concerns will be addressed accordingly.
33. Another issue was raised concerning Rule 39 to include reference to the Statute of AFRIPOL.
34. The Ag. Legal Counsel noted that the provision as presented in the Rules of Procedure is in order, considering that the mode of amendment for the AFRIPOL Statute is different from that of its Rules of Procedure.

Conclusion:

35. In the absence of any outstanding issues, the Draft Rules were adopted.
- b. Draft Statute of the African Inclusive Markets Excellence Center (AIMEC)**
36. The Ag. Legal Counsel presented the legal basis for the consideration of the Draft Statute and the validation processes that have been completed.
 37. He informed the Meeting that the Experts were able to deliberate and reach a consensus on all the issues and there are no outstanding issues referred to the Ministerial Session.
 38. A concern was raised about Article 9(4) of the Draft Statute, on whether or not to include the UN institutions listed therein, as Members of the Board, noting that AU Institutions should operate without external interference or influence.
 39. The Chairperson clarified that the said organizations are merely observers with no voting rights and are not Members of the Board. Moreover, the UN is a global body with full membership of AU Member States.

40. The Chairperson's clarification was accepted and the concern was withdrawn.

Conclusion:

41. In the absence of outstanding issues, the Draft Statute was adopted.

VIII. NEXT SESSION OF THE STC-JLA

42. The Ag. Legal Counsel highlighted the challenges in convening the STC-JLA Sessions due to a lack of quorum.
43. He recalled that during the last attempt to convene the Ministerial Session of the STC-JLA in April 2022, the Ministers agreed that the next session of the STC-JLA should be held in person. However, the budgetary provisions for 2022 are insufficient to cater for an in-person meeting and as such there is a need to submit a request for a supplementary budget, for the Ordinary Session to be held physically in October/November 2022.
44. Therefore, he sought the Meeting's authorization for the OLC to put forward a request for the said supplementary budget to address the gap.
45. It was proposed that the request should follow due process in line with the relevant rules governing the PRC Subcommittee on General Supervision, and Coordination on Budgetary, Financial and Administrative Matters.
46. The approval was granted by the STC-JLA for the OLC to proceed with the supplementary budget request.

IX. ANY OTHER BUSINESS

47. Algeria and Morocco offered to host the 8th Ordinary Session of the STC-JLA.
48. Sahrawi stressed the need to guarantee the participation of all AU Member States without exclusion from the meetings of the STC-JLA.

X. ADOPTION OF THE REPORT OF THE MINISTERIAL MEETING

49. The Ministerial Meeting adopted its Report and recommended the draft legal instruments to the Executive Council for consideration.

XI. CLOSING CEREMONY

50. The Chairperson stressed the need to continue discussions on the legal instruments that the Experts recommended for deferment for further review by the Member States.

51. He renewed the call for the Northern and Eastern regions to continue and conclude their consultations concerning the nomination of their representatives to the Bureau.
52. He emphasized the challenges being faced in the attainment of a quorum for the STC-JLA Sessions and welcomed the wisdom of the meeting in accepting the request by OLC to seek a supplementary budget to hold the Session of STC-JLA in physical format.
53. He commended the team of OLC, interpreters and other supporting staff for work well done.

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**Seventh Ordinary Session of the Specialized Technical Committee
on Justice and Legal Affairs (Ministerial Meeting)**

15 June, 2022

Addis Ababa, Ethiopia

STC/Legal/Min/Annex 1

**DRAFT RULES OF PROCEDURE FOR THE GENERAL ASSEMBLY
OF THE AFRICAN UNION MECHANISM FOR POLICE
COOPERATION (AFRIPOL)**

The Executive Council of the African Union;

Considering the AFRIPOL Statute adopted through Decision Assembly/AU/Dec.636(XXVIII) of the 28th Ordinary Session of the Assembly held in Addis Ababa, in January 2017 ;

Taking into account that the General Assembly of the African Union Mechanism for Police Cooperation (**AFRIPOL**) has approved these Rules at its first Meeting held in Algiers , Algeria from 14-16 May 2017 in conformity with Article 8 (g) of AFRIPOL Statute ;

Noting that the Rules of Procedure have been considered by the relevant Organs of the Union, in particular by the 10th Session of the STC on Defence, Safety and Security held in January 2018, and the 7th Ordinary Session of the STC on Justice and Legal Affairs held in December 2021;

HEREBY ADOPTS THESE RULES OF PROCEDURE OF THE GENERAL ASSEMBLY OF AFRIPOL:

Rule 1 Definitions

For the purposes of these Rules:

- (a) “**AFRIPOL**” means the African Union Mechanism for Police cooperation;
- (b) “**Assembly**” means the Assembly of Heads of State and Government of the African Union;
- (c) “**CAPCCO**” means Central African Police Chiefs Committee;
- (d) “**Commission**” means the Commission of the African Union;
- (e) “**Constitutive Act**” means the Constitutive Act of the African Union;
- (f) “**Director** “ means the Executive Director /the Chief Executive Officer of AFRIPOL
- (g) “**EAPCCO**” means the Eastern Africa Police Chiefs Cooperation Organization;
- (h) “**Executive Council**” means the Executive Council of Ministers of the African Union;
- (i) “**General Assembly**” means the Conference of the Police Chiefs of the African Union Member States;
- (j) “**Member States**” means Member States of the African Union;

- (k) **“President”** means the President of the Bureau of the General Assembly of AFRIPOL.
- (l) **“Secretariat”** means the Permanent Technical and Operational Office of AFRIPOL;
- (m) **“Statute”** means the Statute of the African Union Mechanism for Police Cooperation
- (n) **“Steering Committee”** means the Steering Committee of AFRIPOL;
- (o) **“STCDSS”** means the Specialized Technical Committee on Defence, Safety and Security;
- (p) **“Union or AU”** means the African Union established by the Constitutive Act;

SECTION ONE

STATUS, COMPOSITION, AND FUNCTIONS

Rule 2

Status and Composition

1. The General Assembly is the Supreme Technical Body of AFRIPOL with the responsibility to provide technical leadership and direction regarding Police in Africa.
2. The General Assembly of AFRIPOL is composed of Police Chiefs from Member States.

Rule 3

Functions

The General Assembly shall ensure compliance with the objectives for police cooperation at the strategic, operational and tactical levels between Member States police institutions in conformity with Article 8 of the Statute, In particular, the General Assembly shall:

- i. Work out the policy and set the guidelines and strategic priorities of AFRIPOL;
- ii. Ensure the supervision of the implementation of the Policy, Guidelines and strategic priorities of AFRIPOL upon their adoption by the AU Policy Organs;
- iii. Consider the draft budget and the proposed structure of AFRIPOL and submit them to the relevant AU Policy Organs in accordance with the AU Financial Rules and Regulations;

- iv. Ensure and follow up the implementation of the Statute;
- v. Appoint and terminate the appointment of the Executive Director of AFRIPOL;
- vi. Recommend the amendment of the Statute;
- vii. Adopt its Rules of Procedure subject to approval by the STCDSS;
- viii. Consider and adopt the Rules of Procedure of the Steering Committee;
- ix. Elect Members of the Bureau
- x. Review the composition and functions of the Steering Committee;
- xi. Decide on the venue of its meetings; the Steering Committee can decide on behalf of the General Assembly.
- xii. Carry out any other functions assigned to it by the African Union Policy Organs for purpose of ensuring the implementation of the Statute and other relevant instruments or policies.
- xiii. Maintain contact through the secretariat with different Liaison offices in respect of the activities of AFRIPOL.

SECTION TWO COMMITTEES AND SUBSIDIARY BODIES

Rule 4

Committees and Subsidiary Bodies of the General Assembly

1. The General Assembly may establish committees or other subsidiary bodies to perform specific tasks relevant to the Statute on its behalf, and for specified duration.
2. The General Assembly will nominate representatives of Member States to serve in those committees or subsidiary bodies without prejudice and bearing in mind regional representation.
3. The AFRIPOL Secretariat shall serve the above committees or bodies.

Rule 5

Application of these Rules to committees and other subsidiary bodies

Subject to a decision of the General Assembly, and subject to these Rules, procedures governing the conduct of business in committees and other subsidiary bodies of the General Assembly shall conform, as far as is appropriate, to the rules governing the conduct of meetings of the General Assembly.

SECTION THREE MEETINGS

Rule 6 Venue

1. The General Assembly shall hold its meetings at the Headquarters of AFRIPOL unless:
2. A Member State may offer to host the General Assembly;
3. In the event that a Member State decides to host the General Assembly, the Member State shall be responsible for all extra expenses incurred by AFRIPOL Secretariat as a result of the General Assembly being held outside the AFRIPOL Headquarters.
4. A Member State offering to host the General Assembly shall not be under sanctions and shall be required to meet pre-determined criteria for hosting of the General Assembly as per the African Union practice.
5. Where two (2) or more Member States offer to host the General Assembly, the Bureau shall decide on the venue.

Rule 7 Ordinary Session

The General Assembly shall hold an ordinary session once a year.

Rule 8 Notifications of ordinary session

The Secretariat, upon instruction by the President of the General Assembly, shall notify all Members States at least thirty (30) days in advance of each ordinary session, giving dates and venue of the meeting.

Rule 9 Provisional Agenda

1. The provisional agenda for all ordinary sessions of the General Assembly shall be drawn up by the Secretariat in consultation with the President of the General Assembly and sent to the members of the Steering Committee for endorsement in advance of the announcement of the meeting.
2. Any Member state may propose items for inclusion in the provisional agenda and shall submit to the Secretariat all relevant documents at least sixty (60) working days prior to the session.
3. The provisional agenda for each ordinary session of the General Assembly shall be considered for adoption at the opening of the meeting.

Rule 10 Extraordinary Sessions

1. The General Assembly may hold an extraordinary session, subject to availability of funds, at the request of:
 - a. The General Assembly
 - b. The Policy Organs of the Union;
 - c. The STCDSS;
 - d. Any Member State, upon the approval of a two-thirds majority of the total membership of the Union.
2. The Secretariat shall notify the Members States of the extraordinary session at least fifteen (15) days in advance, giving dates and venue of the meeting.
3. The extraordinary session shall be held in conformity with Rule 6.

Rule 11 Preparation of The Provisional Agenda of the Extra-Ordinary Session

1. The provisional agenda for all extraordinary sessions shall be drawn up by the Secretariat, in Consultation with the President of the General Assembly, and sent to the members of the Steering Committee for endorsement in advance of the announcement of the meeting.
2. The provisional agenda for an extraordinary session shall consist only of those items proposed for consideration in the request for the holding of the extraordinary sessions made by the Secretariat pursuant to Rule 10 of these Rules.
3. The provisional agenda for each extraordinary session of the General Assembly shall be considered for adoption at the opening session.

Rule 12 Other Agenda Items

Any additional agenda item which a Member State wishes to raise at a session of the General Assembly shall only be considered under the agenda item “Any Other Business”. Such agenda items shall be for information only and not subject to debate or decision.

Rule 13 Circulation of Working Documents

The Secretariat shall submit to all Member States, at least thirty (30) days before the opening date of each ordinary session of the General Assembly, and at least fifteen (15) days before the opening date of each extra-ordinary session of the General

Assembly, the draft Agenda and all working documents including the report on affairs of AFRIPOL, the Secretariat, and on any projects implemented pursuant to the programme of work, for consideration.

SECTION FOUR CONDUCT OF BUSINESS

Rule 14 Quorum

The quorum of the General Assembly meetings shall be two-thirds majority of the total Membership of the Union.

Rule 15 Nature of meetings

1. The meetings of the General Assembly shall be closed.
2. The General Assembly may invite observers or other invitees to attend the meetings.

Rule 16 Election of Members of the Bureau

1. The members of the Bureau of the General Assembly shall comprise five (5) Members as follows: 1 President, three (3) Vice Presidents and one (1) Rapporteur, representing the five (5) Regions as determined by the AU, taking into consideration the principle of rotation.
2. Members of the Bureau shall serve for a non-renewable term of two (2) years.

Rule 17 Powers of the President

1. The President shall:
 - a) preside over all the proceedings of the Ordinary and Extraordinary sessions;
 - b) open and close the sessions;
 - c) submit for approval the records of the sessions;
 - d) guide the proceedings;
 - e) submit to a vote matters under discussion and announce the results of the vote taken;
 - f) rule on points of order.
2. The President shall have complete control of the proceedings at any meeting and over the maintenance of order thereat in accordance with these Rules.

Rule 18
Acting President

1. In the absence of the President, one of the Vice Presidents or the Rapporteur, in order of their election, shall act as the President.
2. The person acting as President shall have the same powers and duties as the President.

Rule 19
Speeches

No delegate may address the General Assembly without having previously obtained the permission of the President, the President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his/her remarks are not relevant or too superfluous to the subject under discussion.

Rule 20
Precedence

The President may accord precedence to the members of the Bureau or Secretariat for the purpose of explaining a report or recommendations submitted to the General Assembly.

Rule 21
Points of order

1. During the discussion on any matter, a Member State may raise a point of order, and the point of order shall immediately be decided on by the President, in accordance with these Rules.
2. A Member State may appeal against the ruling of the President, and in such a case, the appeal shall immediately be put to a vote and the President's ruling shall stand unless overruled by a majority of the Member States present and voting. A Member State raising a point of order may not speak on the substance of the matter under discussion.

Rule 22
Time-limit on speeches

The President may limit the time to be allowed to each speaker and the number of times each delegate may speak on any question. When debate is limited and a delegate has exceeded his/her allotted time, the President shall call him/her to order without delay.

Rule 23
Closing of the list of speakers and right of reply

During the course of a debate, the President may announce the list of speakers and, with the consent of the General Assembly, declare the list closed. He or she may, however, accord the right of reply to any representative if a speech delivered after he or she has declared the list closed makes this desirable.

Rule 24
Withdrawal of proposals

Any proposal for amendment may be withdrawn by its proposer at any time before voting upon it has commenced. A proposal which has, thus, been withdrawn may be reintroduced by any other delegate.

Rule 25
Reconsideration of proposals and amendments

When a proposal or amendment has been adopted or rejected, it shall not be reconsidered at the same session unless the General Assembly, by a two-thirds majority of the Member States present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to a vote.

Rule 26
Proposals involving expenditures

A proposal carrying financial implications shall not be voted upon in the absence of a report from the Secretariat detailing its administrative and financial implications.

SECTION FIVE
DECISION-MAKING

Rule 27
Consensus and Voting Rights

1. The General Assembly of AFRIPOL shall take its decisions by consensus, failing which, by two-thirds majority of the Member States eligible to vote.
2. Member States under sanctions in accordance to the AU Rules and Regulations are not eligible to vote.
3. Each Member State shall have one vote subject to this Rule.

Rule 28
Decisions on matters of procedure

Decisions on matters of procedure shall be taken by consensus, and in the event that consensus cannot be reached, decisions shall be taken by a simple majority of the Member States eligible to vote.

Rule 29
Decisions on whether a matter is one of substance or not

When an issue arises as to whether the matter tabled is one of substance or not, that matter shall be treated as one of substance unless otherwise decided by simple majority of the General Assembly.

Rule 30
Methods of voting

Voting shall be by show of hands or by roll-call or any other means as determined by the General Assembly.

Rule 31
Conduct during voting

After voting has commenced, no Member State shall interrupt the voting except on a point of order in relation with the actual conduct of the voting.

SECTION SIX
SECRETARIAT

Rule 32
Modalities of appointment of the Director

1. The Director shall be appointed by the General Assembly upon recommendation of the Steering Committee.
2. The Director shall serve for a term of five (5) years non-renewable.
3. The Steering Committee shall elaborate modalities for nomination and appointment of the AFRIPOL Director, and submit the same modalities to the General Assembly for adoption. The Principal of Geographical rotation shall apply.

Rule 33
Duties of the Director

1. The Director shall act in that capacity in all meetings of the General Assembly and steering committee. He may designate a member of the secretariat to act in his place at those meetings.
2. The Director shall work closely and provide regular reports to the African Union Commission through the Department of Political Affairs, Peace and Security.

3. The Director is the head of the secretariat.

Rule 34
Duties of the Secretariat

Under the direction of the Director of AFRIPOL, the Secretariat shall:

- a. receive, prepare, translate, reproduce and distribute documents of the General Assembly and its subsidiary bodies;
- b. prepare and circulate summary records of meetings and sessions;
- c. maintain custody of documents of the General Assembly;
- d. publish the reports of the meetings of the General Assembly;
- e. distribute all documents of the General Assembly to the Member States; and
- f. perform all other work that the General Assembly, its committees or other subsidiary bodies may require.

SECTION SEVEN
LANGUAGES AND RECORDS

Rule 35
Official and Working Languages

The official and working languages of the General Assembly shall be those of the African Union. **Official documents shall be made available in the working languages of the General Assembly.**

Rule 36
Reports and Recommendations

The General Assembly shall submit reports and recommendations arising from its deliberations to the Specialized Technical Committee on Defence, Safety and Security “the **STCDSS**” for consideration, and for further submission to the African Union Policy Organs for consideration and adoption.

Rule 37
Records of the meetings

Records of meetings of the General Assembly, its committees and other subsidiary bodies shall be prepared by the Secretariat and distributed, as soon as possible, to all Member States.

**SECTION EIGHT
FINAL CLAUSES**

**Rule 38
Amendments and Revision**

1. Any Member State may propose amendment to these Rules.
2. The proposed amendment shall be submitted to the secretariat at least sixty (60) days before the meeting.
3. The secretariat shall submit the proposals to the Member States thirty (30) days before the meeting.
4. As a general rule, and subject to this Rule, no proposal shall be discussed or put to the vote unless its text has been distributed to the Member States in accordance with the sub-article 1, 2 and 3 above.

**Rule 39
Method of amendment**

1. These Rules may be amended by consensus, failing which, by a two-thirds majority of the Member States present and voting.
2. Any amendment to these Rules shall enter into force in accordance with Rule 41 below.

**Rule 40
Overriding authority of the Statute**

In the event of any conflict between any provision of these Rules and any provisions of the Statute, the Statute shall prevail.

**Rule 41
Entry into force**

These Rules shall enter into force provisionally after its approval by the AFRIPOL **General Assembly** and will enter into force definitively after its adoption by the Executive Council through the STCDSS.

Adopted by the 40th Ordinary Session of the Executive Council, held in February 2022.

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**Seventh Ordinary Session of the Specialized Technical Committee
on Justice and Legal Affairs (Ministerial Meeting)**

15 June, 2022

Addis Ababa, Ethiopia

STC/Legal/Min/Annex 2

**DRAFT STATUTE
AFRICAN INCLUSIVE MARKETS EXCELLENCE CENTRE
(AIMEC)**

TABLE OF CONTENTS

	<u>PAGE</u>
<i>PREAMBLE</i>	2.
<i>ARTICLE 1. Definitions</i>	3.
<i>ARTICLE 2. Establishment of Legal Status of AIMEC</i>	3.
<i>ARTICLE 3. Vision</i>	4.
<i>ARTICLE 4. Mission</i>	4.
<i>ARTICLE 5. Objectives</i>	4.
<i>ARTICLE 6. Functions</i>	4.
<i>ARTICLE 7. Management of AIMEC</i>	5.
<i>ARTICLE 8. The Governing Board</i>	5.
<i>ARTICLE 9. Composition of the Board</i>	5.
<i>ARTICLE 10. Election and Term of Office</i>	6.
<i>ARTICLE 11. Functions of the Board</i>	7.
<i>ARTICLE 12. The Steering Committee</i>	7.
<i>ARTICLE 13. The Secretariat</i>	8.
<i>ARTICLE 14. Submission of Reports</i>	9.
<i>ARTICLE 15. Working Languages</i>	9.
<i>ARTICLE 16. Financial Arrangements</i>	9.
<i>ARTICLE 17. Flag, Anthem and Logo</i>	10.
<i>ARTICLE 18. Cooperation with Member States, AU Organs and Institutions</i>	10.
<i>ARTICLE 19. Cooperation with Strategic Partners and Other Organizations</i>	10.
<i>ARTICLE 20. Terms and Conditions of Service of Staff Members</i>	10.
<i>ARTICLE 21. Headquarters</i>	10.
<i>ARTICLE 22. Privileges and Immunities</i>	11.
<i>ARTICLE 23. Transitional Arrangements</i>	11.
<i>ARTICLE 24. Role of Department of Economic Development, Trade, Industry and Mining</i>	11.
<i>ARTICLE 25. Amendments</i>	11.
<i>ARTICLE 26. Entry into Force</i>	11.

AFRICAN INCLUSIVE MARKETS EXCELLENCE CENTRE

PREAMBLE:

We, Member States of the African Union,

Guided by the objectives and principles enshrined in the Constitutive Act of the African Union;

Noting the recommendation of the Joint Committee taken during the 9th annual meeting of the African Ministers of Finance, Planning, Economic Development and Integration (Conference of African Ministers of Economy and Finance (CAMEF)) on 5 April 2016 that a feasibility study be undertaken to consider various options for the establishment of an African Inclusive Markets Centre of Excellence;

Recalling the validation workshop on the Business Plan of the African Inclusive Markets Excellence Centre (AIMEC) that took place in Nairobi from 21-23 November 2016 where delegates agreed on the proposed structure and plan for AIMEC;

Remembering the African Union's 2014–2017 Strategic Plan which, broadly, called upon member states to pursue inclusive economic development strategies;

Supporting a core tenet of the African Union's Agenda 2063 which encourages Member States to implement a variety of initiatives toward the achievement of inclusive growth and sustainable development over the course of the 50-year period between 2013 and 2063;

Further Recalling Decision EX.CL/Dec.987(XXXII) in which the Executive Council, at its 32nd Ordinary Session held in Addis Ababa, Ethiopia, from 25 to 26 January 2018, endorsed the Specialised Technical Committee on Finance, Monetary Affairs, Economic Planning and Integration recommendations for the establishment of AIMEC and requested the African Union Commission to submit the relevant structural, financial and legal implications required to establish the entity and to ensure that the selection process to identify the member state to host AIMEC be carried out in conformity with the relevant criteria;

Acknowledging that the three main activity “pillars” of AIMEC are: 1) to help member states to identify constructive inclusive business and inclusive market policies and programs to implement, 2) help facilitate the engagement and collaboration of key stakeholders, actors and resource institutions, and 3) to help to replicate and scale up successful innovative pilot initiatives and programs (in part through the administration of a “Catalytic Fund”);

Aware of prospective value of AIMEC as an important resource institution to support inclusive growth, regional integration, and economic transformation;

Committed to establishing an African Inclusive Markets Excellence Centre;

Have agreed as follows:

Article 1
Definitions

For the purpose of this Statute:

«**African Union**» or «**Union**» or «**AU**» means the African Union established by the Constitutive Act adopted on 11 July 2000 and which entered into force on 26 May 2001;

«**AIMEC**» means the African Inclusive Market Excellence Centre;

«**Assembly**» means the Assembly of Heads of State and Government of the African Union;

«**Board**» means the Governing Board of AIMEC;

«**Chairperson**» means the Chairperson of the Board;

«**Commission**» or «**AUC**» means the Commission of the African Union;

«**Constitutive Act**» means the Constitutive Act of the African Union;

«**Development Partners**» means the institutions and organizations that promote inclusive business and inclusive market development and share the strategic objectives of AIMEC;

«**Executive Council**» means the Executive Council of Ministers of the Union;

«**Member States**» means Member States of the Union;

«Policy Organs» means the Assembly and Executive Council of the Union;

«RECs» means the Regional Economic Communities;

«**Secretariat**» means the Secretariat of AIMEC;

«Statute» means the present Statute establishing AIMEC;

«STC» means the African Union Specialized Technical Committee on Finance, Monetary Affairs, Economic Planning and Integration;

«Steering Committee» means the body that provides technical advice to AIMEC.

Article 2
Establishment and Legal Status of AIMEC

1. AIMEC is hereby established as a Specialized Technical Office of the Commission.

2. AIMEC derives its juridical personality from and through the African Union and shall:

- i) Enter into agreements within the applicable Rules and Regulations of the Union;
- ii) Acquire and dispose of immovable and movable property in accordance with the said Rules and Regulations; and
- iii) Institute and defend legal proceedings.

Article 3

Vision

The vision of AIMEC is to contribute towards an Africa where all people have access to markets for goods, services and jobs and hence benefit from prosperous and sustainable economic opportunities.

Article 4

Mission

The mission of AIMEC is to become the recognised Pan-African public-private platform on inclusive business and inclusive market policy and programming, identifying, facilitating and replicating best practice in policy, programming and public-private collaboration across the entire continent.

Article 5

Objectives

The objectives of AIMEC are to:

- i) Ensure that best practices in inclusive business and inclusive market policy, programming and partnerships are available and promoted to all stakeholders on the African continent;
- ii) Provide intellectual guidance and facilitate implementation of progressive policies, programmes and partnerships by public, private and other development stakeholders in the inclusive business/ inclusive market space; and
- iii) Contribute to the relevant priorities of the AU Agenda 2063 and help accelerate progress towards inclusive growth, regional economic integration, economic transformation as well as the achievement of the Sustainable Development Goals (SDGs) of the United Nations.

Article 6

Functions

The following shall be the principal functions of AIMEC:

- i) Identify and analyse best practice policies and programmes in Inclusive Business and Inclusive Market by collecting and collating existing knowledge and evidence: conducting a detailed mapping of the policies and programmes, developing analytical products and case studies, and

disseminating information via a flagship annual publication and online information platform;

- ii) Facilitate the replication, adoption and development of this best practice by acting as a platform for coordination and collaboration between stakeholders: brokering linkages, organising dialogue forums and hosting an annual conference that brings together key players from across the continent;
- iii) Replicate best practice by providing financial incentives for the scaling of existing IB/IM programmes and for the piloting of innovative solutions where existing approaches are not effective. [This will be done through the establishment of a Catalytic Fund, which will competitively award grants aimed at policy makers, development actors and the private sector.]

Article 7 ***Management of AIMEC***

The structure of AIMEC shall consist of:

- a) *Governing Board;*
- b) *Steering Committee; and*
- c) *Secretariat.*

Article 8 ***The Governing Board***

- 1. The Board shall be the deliberative organ of AIMEC.
- 2. The Board shall direct the overall policies of AIMEC and shall be responsible to the STC.
- 3. The Board shall meet once a year in ordinary session and may, subject to availability of resources, hold extra-ordinary sessions, when the need arises.

Article 9 ***Composition of the Board***

- 1. The Board shall be composed of ten (10) members, as follow:
 - a) Five (5) Ministers responsible for Finance, Monetary Affairs, Economic Planning and Integration or any other Ministers responsible for Trade, Industry and Economic Development representing the five regions of the AU, one (1) per region;

- b) The Commissioner for Economic Development, Trade, Industry and Mining;
 - c) Two (2) representatives from RECs;
 - d) Two (2) representatives from the private sector (to be the sitting chairs of two of the RECs affiliated business bodies).
- 2. The Legal Counsel of the AU or her/his representative shall attend the Board meetings to provide legal advice as may be required.
 - 3. The Executive Director of AIMEC shall serve as the Secretary of the Board.
 - 4. One nominee each from the African Development Bank, the United Nations Development Program and United Nations Economic Commission for Africa (3) will be invited to Board Meetings as Formal Observers and be able to contribute to Board deliberations but will not have a formal vote in regard to Board affairs.
 - 5. The Board may invite such expertise as may be necessary to participate to its sessions.

Article 10
Election and Term of Office

- 1. The five (5) members of the Board representing AU Member States shall be selected by their Regions.
- 2. The term of office of the five (5) members of the Board representing AU Member States shall be two (2) years on a rotational basis within the Region and non-renewable and guided by the principle of succession based on equitable regional and gender equality.
- 3. The two (2) representatives of the RECs affiliated private sector business bodies shall serve for a non-renewable term of two (2) years and rotate such that each region is represented on the Board every six (6) years.
- 4. The two (2) other representatives on the Board representing the RECs shall be nominated by their respective institutions and shall serve for a term of two (2) years, non-renewable.
- 5. The Commissioner for Economic Development, Trade, Industry and Mining will be a standing Board member throughout his/her term in office at the AUC.
- 6. There shall be a Bureau of the Board, which shall be composed as follows: the Chairperson, three (3) Vice-Chairpersons and one (1) Rapporteur.
- 7. The Board shall elect, by a simple majority, for a two (2) years non-renewable term, its Bureau from among the regional representatives of Member States, taking into account the Union's principle of regional rotation and gender equality.

Article 11
Functions of the Board

The functions of the Board shall be to:

- i) Provide strategic guidance for the Secretariat, in accordance with AU policies and procedures, including implementation of policies, guidelines and strategic priorities of AIMEC upon their adoption by the AU Policy Organs;
- ii) Examine and consider AIMEC's Business Plan, budgets, activity and reports, and provide recommendations on the same for approval;
- iii) Examine decisions and/or proposals submitted by the Secretariat, and submit its recommendations to the STC;
- iv) Propose amendments to this Statute based on recommendations by the Secretariat;
- v) Develop AIMEC's internal guidelines and rules of procedures in line with the relevant AU legal instruments;
- vi) Assist the Secretariat in resource mobilization;
- vii) Establish strategic partnership with similar global institutions in accordance with AU rules and regulations;
- viii) Report to the Executive Council of the African Union through the Commission;
- ix) Elect its Bureau in accordance with AU Rules;
- x) Adopt its Rules of Procedure, subject to the approval by the Policy Organs;
- xi) Consider and approve the Rules of Procedure of the Steering Committee;
- xii) Decide on the venue of its meetings; and
- xiii) Carry out any other functions assigned to it by the AU Policy Organs for the purpose of ensuring the implementation of the Statute and other relevant instruments or policies.

Article 12
The Steering Committee

1. The Steering Committee of AIMEC shall be composed as follows:

- a) The five (5) Members of the Bureau of the Board;
- b) Director of Industry, Mining and Entrepreneurship;

- c) Directors of investment promotion agencies of Member States;
 - d) One (1) representative from each REC;
 - e) Two (2) representatives from Regional Organizations (African Development Bank, United Nations Economic Commission for Africa);
 - f) One (5) Representative from the REC affiliated private sector bodies of all five regions of the AUC;
 - g) Representatives from scientific and research institutions and centres, strategic partners, international organizations, other private sector business bodies/chambers of commerce/organs, civil society organizations; and
 - h) The Executive Director of AIMEC.
2. The functions, frequency of meetings and the proceedings of the Steering Committee will be provided in its Rules of Procedure.
 3. The Steering Committee may invite any State, international, regional or sub-regional organization or institution which is not a member, to attend its meetings as Observer.

Article 13
The Secretariat

1. The Secretariat shall be responsible for ensuring the implementation of the decisions of the Policy Organs of the Union, the STC and the Board of AIMEC.
2. The Executive Director shall be the Head of the Secretariat who shall be assisted by the necessary staff.
3. The staff members of the Secretariat shall be recruited and shall hold positions in accordance with the African Union Staff Regulations and Rules.
4. The structure of the Secretariat shall be determined in accordance with the rules and procedures in force in the African Union.
5. The Secretariat shall:
 - i) Provide the efficient administrative and sectorial services to AIMEC;
 - ii) Convene and servicing the meeting of the Board, the Steering Committee or other meetings of AIMEC;
 - iii) Implement the decisions of the Board and the Steering Committee;
 - iv) Draw up the annual draft program of work for the consideration and approval of the Board and subsequently by the STC and Policy Organs;

- v) Draft, circulate and file minutes of meetings and all other records of AIMEC;
- vi) Prepare and submit annual activity and financial reports to the Board;
- vii) Carry out any other functions assigned to it by the Board.

Article 14
Submission of Reports

The Secretariat shall submit yearly report to the Board on:

- i) its activities;
- ii) the financial management of AIMEC;
- iii) implementation of decisions of the Board.

Article 15
Working Languages

The working languages of AIMEC shall be the AU working languages.

Article 16
Financial Arrangements

1. The administrative budget of AIMEC shall be born from the African Union and shall be within the AU Budget.
2. For purposes of attaining its objectives, AIMEC shall have its own operational and program budget;
3. In addition to receiving core administrative cost related funding through the annual AU budget, other sources of funding for AIMEC may include:
 - i) Voluntary contributions from Member States and partners;
 - ii) Contributions from development partners of the African Union and the Commission;
 - iii) Contributions from the private sector;
 - iv) Contributions from national and regional public financial institutions and other financing institutions, including (but not limited to) foundations;
 - v) Contributions from foreign governments, non-governmental organisations and other entities willing to support the aims and programs of AIMEC;
 - vi) Any other sources of funding in accordance with AU Rules.

4. The budget calendar of AIMEC shall be that of the Commission.
5. AIMEC shall prepare and submit its budget to the relevant Policy Organs for approval.

Article 17
Flag, Anthem and Logo

1. AIMEC's flag and anthem shall be those of the Union.
2. AIMEC may adopt the AU logo or develop its own logo.

Article 18
Cooperation with Member States, AU Organs and Institutions

AIMEC shall cooperate with Member States, organs and institutions of the AU on any subject matter related to its objectives and functions.

Article 19
Cooperation with Strategic Partners and Other Organisations

1. In the fulfillment of its mandate, AIMEC shall cooperate and work closely with the strategic partners such as the United Nations Development Programme (UNDP), African Development Bank (AfDB), and any other relevant organization.
2. AIMEC may establish relations and collaborate with similarly focused intergovernmental and international organizations, private sector, NGO, academia, think-tanks and network organizations that will enhance its capacity to deliver on its mandate.

Article 20
Terms and Conditions of Service of Staff Members

The terms and conditions of service of the staff members of AIMEC shall be governed by the African Union Staff Regulations and Rules.

Article 21
Headquarters

The Headquarters of AIMEC shall be in Tunis, Republic of Tunisia.

Article 22
Privileges and Immunities

1. AIMEC and its staff shall enjoy the privileges and immunities stipulated in the OAU General Convention on Privileges and Immunities and the Vienna Convention on the Diplomatic Relations.

2. The Host Agreement concluded between the AUC and the Host Country of the AIMEC shall govern the relations between AIMEC and the Host Country.

Article 23
Transitional Arrangements

Following the adoption of the present Statute by the Assembly of the Union, the Chairperson of the Commission shall:

- i) take the necessary measures to establish an Interim Secretariat; and
- ii) appoint the required staff in order to facilitate the speedy establishment AIMEC in accordance with the present Statute and subject to the endorsement by the Policy Organs.

Article 24
Role of Department of Economic Development, Trade, Industry and Mining

The Department of Economic Development, Trade, Industry and Mining, as the policy department on the subject matter, shall ensure synergy between AIMEC and the Commission.

Article 25
Amendments

1. The present Statute may be amended upon the recommendation of the STC.
2. The amendments shall enter into force upon adoption by the Assembly.

Article 26
Entry into Force

The present Statute shall enter into force upon its adoption by the Assembly.

**DRAFT DECISION ON THE 7TH ORDINARY SESSION OF THE STC ON JUSTICE
AND LEGAL AFFAIRS**

The Executive Council,

1. **TAKES NOTE** of the Report and recommendations of the Seventh Ordinary Session of the Specialized Technical Committee on Justice and Legal Affairs held virtually from 26 to 29 November 2021 (Meeting of Government Legal Experts) and on 15 June 2022 in hybrid format (in Addis Ababa and via videoconference for the Ministerial Meeting).
2. **ALSO TAKES NOTE** of the following draft legal instrument and **DECIDES** to recommend the same to the Assembly for consideration and adoption:
 - a) Draft Statute of the African Inclusive Markets Excellence Center (AIMEC).
3. **APPROVES** the following draft legal instrument:
 - a) Draft Rules of Procedure of the African Union Mechanism for Police Cooperation (AFRIPOL).
4. **FURTHER APPROVES** in principle a supplementary budget for conducting a physical meeting of the STC on Justice and Legal Affairs and **DIRECTS** the PRC, assisted by its relevant Sub-Committee, to consider and adopt the required budget.

2022-06-20

Report of the 7th Ordinary Session of the Specialized Technical Committee on Justice and Legal Affairs, 15 June 2022

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