



REPORT BY PRESIDENT PAUL KAGAME ON THE INSTITUTIONAL REFORM OF THE AFRICAN UNION

37th African Union Summit

Addis Ababa, 17 February 2024

In 2016, this Assembly decided to reform our Union to make it more effective and financially sound.

A great deal has been accomplished. In fact, most of the items originally included in the report which I presented in January 2017 are complete.

I thank the African Union Commission, under the leadership of Chairperson Moussa Faki, as well as the Reform Unit, led by Professor Pierre Moukoko, for their tireless work over the past eight years.

Among the achievements we can point to is the revitalization of the Peace Fund. Almost \$400 million has been mobilized. As a direct result, the United Nations Security Council recently decided to finance three-quarters of African Union peace operations for the first time.



This was only possible because the African Union today is more fit-for-purpose than it was. And we are getting better at defining our common interests, and advocating for them.

We still have a long way to go, for the African Union to be as strong as we want and need it to be.

That is why the reform journey must not end here, even though I believe the time has come, with your permission, to conclude the mandate entrusted to me in 2016.

We will of course need continued strong support from Heads of State in implementing the institutional reform, and preventing backsliding into inefficient ways of conducting our business.

On this matter, I have already raised with the Chairperson of the Commission the fact that we need another Head of State who has the understanding and the backing of their peers, the Heads of State of our continent. I have already suggested to the Chairperson a name but we have not yet contacted the person we have in mind to be able to continue this task of the reforms and their implementation.

Indeed, therefore, there are a few pending items which need to be finalized related to the restructuring of the African Union organs, and the division of labour between the Commission and Regional Economic Communities, as referred to earlier.

Responsibility for completing these steps should rest with the Commission, working in close consultation with Member States. I



understand that details of the remaining matters have been shared by the Commission with the PRC and the Executive Council, and I urge that they be completed without further delay.

May I also draw your attention to a few serious challenges, which threaten to undo some of the good progress we have made, and which we may discuss today.

First, the Assembly agenda continues to be too lengthy, with many items that do not require the consideration of Heads of State. If we want to be productive, we must prioritize the most important items, as we agreed at the outset of the institutional reform.

Second, there seems to be a need to clarify the role of the Chairperson of the African Union in relation to the Chairperson of the Commission. This has become more important as we work out how Africa will be represented at the G20 and similar gatherings.

Third, the principle of subsidiarity continues to be misinterpreted. Too often, there is an incoherence in decisions taken at the continental and regional levels.

Africa is not a monolith. Member States will always have differing views. We should not pretend these differences do not exist, but should focus on finding a middle ground.

Here, we should keep in mind the global context. The world is facing unprecedented crises, and everyone is impacted, without any exception. We therefore have to — more than ever — depend on each other.



Fourth, legislative and judicial bodies like the Pan-African Parliament and the African Court of Justice should operate with clear rules and mandates. Otherwise they act more as advisory organs and cannot fulfil their original function.

Lastly, decisions taken at the level of Heads of State continue to be revisited and revised, or even resisted, by some members of the Permanent Representatives Committee, which should really be unacceptable.

We even see parallel structures created, whose main purpose seems to be to frustrate and delay the reforms which the Heads of State have suggested and put in place. For example, the restructuring of the organs has been stalled for years in such maneuvers.

Yet, the Constitutive Act is clear on the rules of procedure and the division of labour between the PRC and the Executive Council. We should bring out clearly the concerns that Member States may have, and deal with that directly and quickly.

The Commission has introduced a draft decision on the realignment of the African Union institutions to deliver against key priorities with continental scope, and this merits our support.

We know where we want to be as a continent. Now, what seems often to be missing is the political will to implement what we ourselves have decided.



I propose to work with Chairperson Moussa Faki, as I mentioned earlier, to identify one or more amongst ourselves who may be willing to continue this role and join the effort to monitor and supervise the final stages of the reform process. We have a person in mind and we will bring that to the attention of this meeting for your endorsement.

I conclude, Excellencies, by thanking you sincerely for the trust that you placed in me during this journey. I hope that the result reflects well on all of us, and that we will continue to push ourselves to make the African Union even better in the future. I thank you very much.

DRAFT
DECISION OF THE INSTITUTIONAL REFORM OF THE AFRICAN UNION BY H.E.
PAUL KAGAME, PRESIDENT OF THE REPUBLIC OF RWANDA

The Assembly,

1. **TAKES NOTE** with satisfaction the final report of H.E Paul Kagame, President of the Republic of Rwanda and Champion of the AU Institutional Reform Process;
2. **COMMENDS** H.E President Kagame for his commitment and key achievement recorded in the implementation of the reform process and **FURTHER TAKES NOTE** his request to assign another Head of State to continue to champion the reform agenda with renewed vigor and relief him of his mandate;
3. **REAFFIRMS** the imperative to strengthen the Union and put in place a system of governance for the AU to make it fit for purpose and enable it to address the multifaceted and unprecedented challenges that Africa is facing and **UNDERScores ITS RESOLVES** on the need to finalize the remaining reform priorities of the Union, which are restructuring of remaining AU organs, institutions and offices as well as study on the division of labor between AU, RECS and member states;
4. **DECIDED TO APPOINT** H.E President William Samoei Ruto (PhD), President of the Republic of Kenya as the new AU Champion on Institutional Reform and **REQUESTS** the Chairperson of the Commission and the Reform Implementation Unit to provide the new Champion with the necessary support to ensure the successful undertaking of his mandate with the view of finalizing the remaining reform priorities by February 2025.
5. **REQUESTS** the Champion to report on the implementation of this Decision during the next ordinary session of the Assembly in February 2025.
6. **DECIDES** to remain seized of the matter.

DRAFT
**DECISION ON THE REALIGNMENT OF THE AFRICAN UNION INSTITUTIONS TO
DELIVER AGAINST KEY PRIORITIES WITH CONTINENTAL SCOPE**

The Assembly,

1. **TAKES NOTE** of the report by H.E. Paul Kagame, President of the Republic of Rwanda, on the Institutional Reform of the African Union;
2. **APPRECIATES** the work of H.E. Mr. Paul Kagame so far and his unwavering commitment to addressing the challenges facing the Union in delivering against agreed areas of priorities through the effective implementation of the Institutional Reform of the African Union;
3. **TAKES NOTE** of the progress made so far in the implementation of the Institutional reform process, including the restructuring of the African Union Commission, AUDA-NEPAD, APRM, and the African CDC, as well as the commends the progress made on Financing the African Union sustainably and with the full ownership of the Member States through the involvement of the Committee of Fifteen Ministers of Finance (F15) and the New Scale of Assessment and Contributions, as well as the Sanctions Regime;
4. **ALSO TAKES NOTE** of the challenges faced, including the challenges of ensuring proper accountability for performance and delivery against all elected and non-elected staff, as well as administrative and disciplinary measures that ensure accountability for misconduct, abuse of office, poor performance, and non-delivery of assigned responsibilities; as well as ineffective management of administrative, budgetary, and financial matters of the Commission and other AU Organs and institutions;
5. **ACCORDINGLY RECALLS** Assembly decision Assembly/AU/Dec.635(XXVIII) of 2017 on the Outcome of the Retreat of the Assembly of the African Union on the Institutional Reform of the Union, which directed the Commission to initiate a professional audit of bureaucratic bottlenecks and inefficiencies that impede service delivery and to act on the recommendations thereof, as well as decided to revise the Permanent Representatives Committee's (PRC) Rules of Procedures to be reviewed and in line with the mandate provided for in the Constitutive Act of the African Union. The PRC should facilitate communication between the African Union and national capitals, and act as an advisory body to the Executive Council, and not as a supervisory body of the Commission;
6. **EMPHASIZES** the need to adopt the best practices of comparable international intergovernmental organizations in the governance of administrative, budgetary, and financial matters of the Union. Therefore, oversight of role of administrative, budgetary, and financial matters should be handled by a competent committee

composed of senior officials from national administrations and the private sector, including ministries of finance, central banks, and financial institutions;

7. **RECALLS** the 2014 Protocol to the Constitutive Act of the African Union, which relates to the Pan-African Parliament and mandates the Organ to consider the budget of the Union and make recommendations to the relevant Policy Organs and **NOTES WITH CONCERN** the slow pace of ratification of the Protocol, ten years after its adoption;
8. **FURTHER UNDERSCORES** the critical importance of effective organizational culture through dynamic leadership and management. This is necessary to ensure accountability and performance, achieved through effective consequence management and performance management systems;
9. **ACCORDINGLY, DECIDES that,**
 - (i) The oversight role of the administrative, budgetary, and financial matters of the Commission and other AU organs **shall** be the responsibility of the Chairperson of the Commission and the heads of other AU organs through delegated authority;
 - (ii) The role of the Permanent Representatives Committee is to primarily serve as an advisory body to the Executive Council to prepare the work of the Executive Council and facilitate communication between the African Union and national capitals. It **shall** not function as a supervisory body for the Commission;
 - (iii) The following provisions of Rule 4(1) of the Rules of Procedure of the Permanent Representatives Committee **are hereby** deleted:
 - “f) Consider the Programme and Budget of the Union as well as administrative, budgetary and financial matters of the Commission, and make recommendations to the Executive Council;*
 - (g) Consider the Financial Report of the Commission and make recommendations to the Executive Council;*
 - (h) Consider the Report of the Board of External Auditors and submit written comments to the Executive Council;*
 - (i) Consider reports on the implementation of the budget of the Union;”*
 - (iv) While awaiting the Revised PAP Protocol to enter into force, all reports of the Commission concerning administrative, audit, budgetary, and financial matters **shall** be considered by the Committee of Fifteen Ministers of Finance (F15) and the African Union Board of External Auditors. These bodies will then report to the Executive Council;

- (v) The Statute of the Commission , the Financial Rules, the Staff Regulations and Rules, and all other relevant legal documents are hereby amended and aligned accordingly, to ensure immediate and effective implementation of this decision;
 - (vi) The Commission should establish effective consequence management and performance management systems to ensure an effective organizational culture, accountability, and performance.
10. **REQUESTS** the **Chairperson** of the Commission to report **directly to the Assembly** on the implementation of this decision at the next ordinary session of the Assembly in February 2025.
11. **DECIDES** to remain seized of this matter.

DRAFT
**DECISION ON OPERATIONALIZATION OF THE AFRICAN COURT OF JUSTICE OF
THE AFRICAN UNION**

The Assembly,

1. **TAKES NOTE** of the report by H.E. Paul Kagame, President of the Republic of Rwanda, on the Institutional Reform of the African Union;
2. **RECALLS** the Second Ordinary Session of the Assembly of the Union in July 2003, which adopted the Protocol of the Court of Justice of the African Union and entered into force on 11 February 2009;
3. **NOTES** that the two Protocols on the Statute of the African Court of Justice and Human Rights, adopted in July 2008, and the Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights, adopted in June 2014, seek to merge the two courts and establish a single Court, are yet to enter into force;
4. **FURTHER RECALLS** Assembly decision Ext/Assembly/AU/Dec.1(XI) of November 2018 on the Institutional Reform, specifically on enhancing performance management to ensure proper accountability for performance and delivery;
5. **ALSO RECALLS** Assembly decision Assembly/AU/Dec.757(XXXIII) on Consequence Management and the Oversight Role of the Chairperson of the AU Commission within the Union on the Functioning of the AUC and Other AU Organs, which requested the Commission to present a report on the operationalization of the Court of Justice of the Union, mandated to consider appeals from the African Union Administrative Tribunal;
6. **RECOGNIZES** the paramount importance of operationalizing the Court of Justice of the African Union to attain the objectives of the Union and ensure its effective functioning
7. **DECIDES to:**
 - (i) Operationalize the Court of Justice of the African Union to be hosted, on an interim basis, temporarily hosted within the African Court on Human and Peoples' Rights. It shall be supported by the Office of the Registrar and other facilities available to the African Court on Human and Peoples' Rights until the merger of the two Courts takes place.
 - (ii) Request the Chairperson of the Commission to initiate the election process of Judges of the Court of Justice in accordance with the requirements of the Protocol of the Court of Justice of the African Union;

- (iii) Authorize the Commission, in collaboration with the African Court on Human and Peoples' Rights, to submit an initial budget for the operationalization of the Court of Justice to the next Ordinary Session of the Executive Council in June/July 2024;
 - (iv) Delegate its authority to appoint Judges of the Court Justice to the next Ordinary Session of the Executive Council in June/July 2024;
8. **REQUESTS** the Commission to report on the implementation of this Decision at the next ordinary session of the Assembly in February 2025.

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