

AFRICAN UNION

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**EXECUTIVE COUNCIL  
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**EX.CL/328 (X)**

**REPORT OF THE CHAIRPERSON ON STRENGTHENING THE  
AFRICAN UNION COMMISSION AND THE SPECIALIZED  
TECHNICAL COMMITTEES:**

**TOWARDS A UNION GOVERNMENT**

**REPORT OF THE CHAIRPERSON ON STRENGTHENING THE AFRICAN UNION  
COMMISSION AND THE SPECIALIZED TECHNICAL COMMITTEES:**

**TOWARDS A UNION GOVERNMENT**

1. Council will recall that at its 9<sup>th</sup> Extraordinary Session held in November 2006, convened to consider the “study on an African Union Government towards the United States of Africa”, referred to thereafter as the Base Document, I drew attention to the need to reflect seriously on Africa’s predicament, its past, present and future, and to critically examine its various institutions so as to create an appropriate framework for action on integration. I specifically stressed the necessity for clearly defined internal and external lines of responsibility of the various institutions, to extend some competencies and to demarcate boundaries, particularly between the African Union and the Regional Economic Communities. Further, I proposed that the Commission should ensure, through clearly defined respective powers and competences, that these institutions are effective regional pillars of continental integration.

2. With respect to the governance and internal structure of the Commission, I underscored the need to ensure that it could and would function as a team under the central authority of the Chairperson who should be able to have a say in the selection, assignment and reassignment of Commissioners to the Portfolios that would be established. I further called for the early establishment and functioning of the Specialized Technical Committees so as to give direction to the Commission in the implementation of its programmes. Similarly, I invited the Executive Council to address the early implementation of the Decision of the Assembly on the integration of NEPAD into the AU structures and processes, so that this programme could become a more effective operational arm of the Commission.

3. I then emphasized the need to develop a common vision at the national level that would make it possible for Member States to build constituencies that would support the African Union vision and programmes. Finally, I underlined the need to ensure that the African Union has adequate financial resources to implement its mandate and programmes and stressed the historical importance of the mandate of the 9<sup>th</sup> Extraordinary Session of the Executive Council and the necessity for it to take decisions that would foster essential development of the continent.

4. I am glad to observe that during the deliberations that followed my presentation, Council agreed that there should be stronger organs of the African Union. Further, the Council was of the view that “all Member States accept the United States of Africa as a common and desirable goal. However, differences exist over the modalities and time frame for achieving this goal and the appropriate pace of integration”. Council therefore expressed common agreement on the “need for a pragmatic and progressive approach that would not necessarily involve an amendment of the Constitutive Act.”

5. In this regard, there was also common agreement among the Council Members, on the need for an audit review of the state of the Union in order to identify the areas in which significant improvements have to be made to accelerate the process of integration and recommended that changes which could be effected through the amendment of the

Rules of Procedure or the Statutes should be undertaken. In this regard, Council stressed the need to strengthen the Commission and other organs of the African Union, as well as their interrelationships

6. Having given the report careful consideration, and in line with Article 20 (3) of the Constitutive Act, I am submitting this report which aims first, at reviewing the current situation of the Commission and its functioning, and then identifying the major constraints and impediments, as well as current and future challenges. Subsequently, proposals are made on areas where the African Union Commission needs to be strengthened and streamlined to ensure greater effectiveness, make for “significant improvements” in its work in order to accelerate the process of integration.

7. These proposals are based on the experience of my tenure as Chairperson of the Commission of the African Union. This experience has clearly illustrated the importance of enhancing the capacity of the Commission to act as a cohesive body with a team spirit and to streamline the channel of authority. It also shows the need to provide adequate and effective human resource support for the activities of the Commission. The urgency for key structural reforms in the Commission cannot be overemphasised.

8. These are changes that should be carried out immediately to set the pace for additional reforms that would give sufficient leeway for the Union to move forward. An appropriate institutional/organisational framework to enable the effective functioning of the new Commission should consequently be put in place now for effective use by July 2007. In this regard, I am guided by Assembly Decision AU/Dec.90 (V) of July 2005 in Sirte, Libya, which requested the Committee of Heads of States to submit a report on ‘the measures that should be undertaken, in the meantime, to strengthen the ability of the Commission to fulfil its mandate effectively’.

9. These proposed changes are also necessitated by their urgency in view of the fact that the mandate of the current Commission will expire in July 2007 and another is expected to be elected at that time for another 4 years. Thus, if we do not take advantage of the present opportunity to reform the present dysfunctional structure of the Commission, we will have to wait for at least four years. Furthermore, as indicated hereunder, the changes I propose will also address the concerns expressed many times by Ministers during the process of short-listing and electing Commissioners based on the fact that the current process is too cumbersome, costly and unwieldy by simplifying it.

### **CURRENT SITUATION, CONSTRAINTS AND CHALLENGES**

10. Presently, the Commission is not able to function optimally due to a number of factors, including inadequacy of financial resources, limited and ambiguous mandates, incongruity of portfolio content and inadequate human resources. In view of its increased workload, the Commission would therefore require an adequate and effective human and financial resource base to increase its efficiency and effectiveness. In spite of these limitations, the AU Commission has done very well in advocacy, image building, making the Union relevant as well as in resource mobilization. Within the confines of the above limitations, it is still possible to look into ways and means of ensuring that the Commission is able to effectively exercise its authority and to efficiently discharge its functions, particularly in the implementation of the decisions and programmes of the African Union through, *inter alia*, reconfiguration of the Portfolios/Departments and their respective Directorates.

11. It is my view that the configuration of the current portfolios results in a situation where because of the wide-ranging nature of their actions and activities falling within their competence, some of the Commissioners cannot carry out all actions and activities expected of them. To recall, the configuration as set out in Article 12 of the Statutes of the Commission is as follows:

- i. PEACE AND SECURITY (Conflict Prevention, Management and Resolution, and Combating Terrorism...);
- ii. POLITICAL AFFAIRS (Human Rights, Democracy, Good Governance, Electoral Institutions, Civil Society Organizations, Humanitarian Affairs, Refugees, Returnees and Internally Displaced Persons);
- iii. INFRASTRUCTURE AND ENERGY (Energy, Transport, Infrastructure and Tourism...);
- iv. SOCIAL AFFAIRS (Health, Children, Drug Control, Population, Migration, Labour and Employment, Sports and Culture...);
- v. HUMAN RESOURCES, SCIENCE AND TECHNOLOGY (Education, Information Technology Communication, Youth, Human Resources, Science and Technology...);
- vi. TRADE AND INDUSTRY (Trade, Industry, Customs and Immigration Matters...);
- vii. RURAL ECONOMY AND AGRICULTURE (Rural Economy, Agriculture and Food Security, Livestock, Environment, Water and Natural Resources and Desertification...);
- viii. ECONOMIC AFFAIRS (Economic Integration, Monetary Affairs, Private Sector Development, Investment and Resource Mobilization...).

12. Under this configuration, the expansive and incongruous portfolios of some departments, such as Social Affairs, Human Resources Science and Technology clearly creates difficulties for effective performance. This has led some Commissioners to request for additional directorates.

13. Furthermore, it is to be recalled that the Executive Council during its 3<sup>rd</sup> Ordinary Session held in Maputo, Mozambique in July 2003, in the light of constraints faced during the elections of Commissioners, requested the Permanent Representatives Committee (PRC) to examine, in collaboration with the Commission, the provisions relating to elections and any other proposals from Member States and to submit appropriate proposals for consideration by the Executive Council. These difficulties have been experienced at the level of the Member States, the Regions as well as the Executive Council and the Assembly, in the process of elections for members of the Commission. In particular, the process has been found to be cumbersome and time consuming. The proposals being made hereunder would also address this concern as they take into account the experience of implementing the Rules of Procedure of the Assembly, the Executive Council and the Statutes of the Commission since their adoption in Durban, South Africa in July 2002.

14. The proposals and changes that are being made would make the Commission better able to more effectively undertake and accomplish its mandate in respect of its additional and increasing responsibilities and particularly in the following areas:

- i. Better coordinate and harmonize the activities of the RECs by ensuring that the instruments and sectoral policies of the RECs are consistent among

them, and with those at Union levels, to ensure overall convergence towards continental integration;

- ii. Promote interregional integration particularly in the fields of transport, communications, infrastructures, energy, and trade as well as free movement of persons, goods, technology and capital;
- iii. Develop benchmarks and indicators to monitor and evaluate at all levels the implementation of African Union decisions and policies at the national level in collaboration with relevant national institutions in order to ensure compliance in conformity with the Strategic Plan of the AU;
- iv. Enter into agreements with third parties on behalf of the African Union in carrying out its mandate and follow up on African Union decisions, programmes and projects with external bilateral and multilateral partners to ensure coherence with the objectives of the African Union and conformity with the objective of continental integration;
- v. Work closely with the STCs by proposing subject matters for deliberations and further studies, and in the preparation of draft legislations related to decisions, programmes and projects to be implemented;

## **PROPOSALS FOR GREATER EFFECTIVENESS**

### **Introduction**

15. The Commission has been entrusted with the mandate to effect implementation of decisions, programmes and projects in specific policy areas. Such a mandate would entail a more coherent governance framework, an efficient internal structure, and stronger working relationships with the other organs of the Union, Regional Economic Communities and Member States. Accordingly, the following areas are recommended for consideration:

#### **A. The Governance Framework of the Commission**

16. There is need to review the governance framework of the Commission in order to facilitate cohesion and common purpose of action. To that end, the following proposals are made with respect to the appointment and mandate of the Members of the Commission:

##### **a) Appointment of Chairperson and Deputy Chairperson**

17. I propose that the Executive Head of the Commission and his Deputy should be appointed by the Assembly for a non-renewable fixed term of seven years. The rationale for this proposal, which is drawn from my own experience, is that the four-year term of office is too short for him/her to focus on performance and results. It is also clear that seeking re-election after a four-year mandate requires elected officials to engage in a measure of campaigns, which sometimes could detract from giving full attention to the end of their mandate. A fixed mandate eliminates any such risks. I should point out that, just as there are provisions for the removal of Commissioners for whatever reason, Article

41 of the Rules of Procedure of the Assembly allows for the Assembly to remove the Chairperson for incompetence or any other reason.

18. In conformity with the principle of gender equality, I am proposing that the offices of the Chairperson and Deputy Chairperson of the Commission should not be occupied by persons of the same gender.

19. From my experience in the last three and a half years, I strongly believe it is necessary to have a unit to liaise with the Chairperson of the Union in order to ensure effective coordination, communication and synergy between the Chairperson of the Assembly and the Chairperson of the Commission. The Commission should provide the staff for this unit, which should be located in the country of the current Chairperson of the Assembly. The Unit, which should comprise not more than three officers, will facilitate the maintenance of a permanent line of communication with the Chairperson of the Commission so as to prepare and harmonise the Union's involvement in major evolving issues on the continent. This will enable both Chairpersons to speak with one voice on behalf of the Union. If accepted, the modalities for the functioning of this unit will be worked out later on.

#### **b) Appointment of Commissioners**

20. Under the current arrangement the Chairperson does not participate in the appointment of the Commissioners and the assignment and reassignment of portfolios. This carries with it operational difficulties and attendant consequences. In the spirit of the quest for a re-invigorated Commission and the need to foster cohesion in support of unity of action, future Chairpersons should be involved in these processes.

21. I, therefore, propose that unlike the current process outlined in Article 13 of the Statutes of the Commission, the Commissioners should be elected by Council from a shortlist of candidates prepared and submitted by the Chairperson of the Commission. For each post of Commissioner, the Chairperson of the Commission should submit to Council six (6) candidates from each region from which it could elect one, taking into cognizance the need for equitable geographical distribution and gender equality. In short-listing the six (6) candidates per region the Chairperson would need to consult very widely at both national and regional levels.

22. Alternatively, Council could itself undertake the short-listing of six (6) candidates per region from which the Chairperson can select those to work with him. The process of undertaking the short-listing by Council will have to be far simpler than the current one which has been found to be rather cumbersome and unwieldy.

23. I believe that in the future there will be need to develop a mechanism that would ensure the involvement of the Pan-African Parliament (PAP) in the process of the appointment of the Commissioners.

24. In conformity with the tenure proposed for the Chairperson and Deputy Chairperson of the Commission, I recommend that the term of office of the Commissioners should also be 7 years, non renewable. The Chairperson should be responsible for assigning and reassigning portfolios to the Deputy Chairperson and the Commissioners. He/She shall be entitled to recommend the removal and replacement of

the Deputy Chairperson or a Commissioner to the Assembly and the Council respectively, on the basis of lack of competence, poor performance or gross misconduct.

**c) Office of the Chairperson**

25. It should be recalled that following an appeal made by the Chairperson of the Commission, the 3<sup>rd</sup> Ordinary Session of the Assembly held in Addis Ababa in July 2004, recognized the need for appropriate staffing in the Office of the Chairperson to assist him in his overall management of the Commission. Further, given the diverse scope of operational responsibilities within the Commission and the Union, the Office of the Chairperson requires an officer with appropriate powers and authority. In this regard, I recommend that this office be headed by a Director of Cabinet with the rank of a Commissioner, assisted by at-least three (3) competent policy officers. He/She should be appointed by the Chairperson and, in addition to his/her present functions, should be responsible for overseeing the process of policy implementation, programme coordination and resource mobilization. There is need also for the office of the Chairperson to be adequately staffed with translators/interpreters.

**d) Offices of the Deputy Chairperson and Commissioners**

26. Presently, the Deputy Chairperson is assisted in his office by a Deputy Chief of Staff and a Special Assistant while the Commissioners have only their Special Assistants. This has been found to be grossly inadequate for their responsibilities. It is, therefore, strongly recommended that the Deputy Chairperson be assisted by additional staff of 2 advisers and the Commissioners by one each. This will provide more depth for the work of these officials. The advisers whose job description and responsibilities would be defined would be appointed by the Commission.

**e) Structures and Functions of the Commission**

27. Articles 13 and 14 of the Constitutive Act have defined areas of competence of the Executive Council and the Specialized Technical Committees respectively. I recommend that the Commission should be structured so as to achieve maximum efficiency and effectiveness in carrying out activities in these areas, in close cooperation with other relevant organs of the Union, the Regional Economic Communities and Member States.

28. In addition to carrying out efficiently its activities in the political, economic, social and cultural fields, the structure of the Commission should also ensure an effective involvement of the African Union at international level through close follow up and monitoring of external partnerships and adequate representation in selected countries and Headquarters of international and other regional organizations. This would also facilitate the promotion of common positions among Member States on global issues.

29. The Commission should also make full use of its specialized institutions. The forthcoming audit should ensure that specialized institutions as well as ongoing sectoral Ministerial Conferences also closely supporting the Commission and the African Union in their respective areas of competence.

30. There is need to expedite action towards the full integration of NEPAD in the structures and processes of the Commission as decided at the third ordinary session of the Assembly in Maputo in July 2003. (To be further elaborated upon by Dr. Adisa)

31. To ensure clarity and efficiency, it is important that, in addition to ongoing activities in various areas at national, regional continental or international levels, the African Union Commission be entrusted with specific responsibilities that can be carried out most effectively at continental level. It should also be obligatory for Member States to abide by the Union's position and defend it. The Union should establish appropriate rules to ensure compliance with the policies and decisions of the Union.

**f) Reconfiguration of the Portfolios**

32. As earlier indicated, there is need to reconfigure the Commission's current Portfolios/Departments and their respective Directorates. I therefore propose the following rearrangement:

**i) Administration and Finance**

- Directorate of Administration and Human Resources;
- Directorate of Budget and Finance
- Directorate of Medical Services

**ii) Peace and Security/Defence and Security**

- Directorate of Peace Support Operations
- Directorate of Conflict Prevention, Management and Resolution

**iii) Political Affairs**

- Directorate of Governance
- Directorate of Human Rights and Humanitarian Affairs

**iv) External Relations/Foreign Affairs**

- Directorate of Partnerships
- Directorate of Representations

**v) Infrastructure**

- Directorate of Telecommunications, Post and ICT
- Directorate of Energy
- Directorate of Transport and Tourism

**vi) Trade and Industry**

- Directorate of Trade
- Directorate of Industry

**vii) Agriculture and Environment**

- Directorate of Food and Agriculture
- Directorate of Environment and Water Resources

**viii) Social and Cultural Affairs**

- Directorate of Culture, Sports & Drug Control
- Directorate of Health, Youth & Children

**ix) Employment, Urban Development and Migration**

- Directorate of Labour and Employment
- Directorate of Urban Development & Migration

**x) Education, Science and Technology**

- Directorate of Education & Capacity Building
- Directorate of Science, Technology & Research

**xi) Economic Affairs**

- Directorate of Economic Development & Integration
- Directorate of Finance & Monetary Affairs

33. The Cabinet of the Chairperson of the Commission should have the following Directorates: Gender Directorate; Legal Directorate; Directorate for Strategic Policy Planning, Monitoring and Evaluation; Communication and Information Directorate; African Citizenship and Diaspora Directorate; Directorate of Conference Services; Directorate of Protocol Services; Office of Internal Audit; Resource Mobilization Unit; and Research and Analysis Unit.

34. I recommend that the current position of the Secretary to the Commission should be renamed Secretary-General of the Commission. It should be enhanced as the main custodian of the institutional memory of the Union and placed under the supervision of the Director of Cabinet. The functions of the Secretary-General to the Commission should include:

- i Ensuring documentation of all AU Meetings and dissemination of outcomes to Member States;
- ii Coordinating the meetings of all STCs in its various configurations;
- iii Ensuring proper storage of AU Documents in a databank;
- iv Organizing meetings of the Commission
- v Liaising with and coordination of the National Commissions;
- vi Programme coordination.

35. To effect these changes there would be some consequential amendments to the Rules of Procedure of the Assembly, and the Executive Council as well as the Statutes of the Commission. These are found in **Annex 1** attached hereto.

**B. The AU Commission and the Regional Economic Communities (RECs)**

36. The Commission needs to be the focal point within the AU for forging closer and mutually reinforcing linkages with the RECs particularly with respect to policy coordination

and harmonization, in line with the vision of their (i.e. RECs) being “building blocs” of continental integration and their being mainstreamed into the governance framework of the Union. In addition to finalising the review of the 1998 Protocol on Relations between the African Economic Community and the RECs, in order to ensure that the Commission fulfils its mandate within the framework of the African Union, I recommend that, the Commission should have representational offices in various recognized Regional Economic Communities.

### **C. The AU Commission and Member States.**

37. Although, in the Constitutive Act Member States have committed themselves to accelerate the integration process at the national level, the African Union must show interest in ensuring that national development endeavours are consistent with regional and continental integration processes. Furthermore, Member States committed themselves by virtue of decision AHG/Dec.160 (XXXVII) adopted by the Assembly at its 37<sup>th</sup> Ordinary Session of the OAU held in Lusaka, Zambia in July 2001, “to take all necessary steps to popularize the African Union among its citizens at all levels so that the African Union can truly become a Community of Peoples, bearing in mind that the primary responsibility for popularizing the Union rests with all Member States”.

38. It is evident that many Member States have not done much in terms of popularising the Union in their respective countries. Thus, the Union is not known by ordinary citizens of Member States. This may also be responsible for why many of the treaties and protocols adopted by the OAU/AU are not in force many years after adoption. Examples include the Non-Aggression and Defence Pact and the Protocol on Amendments to the Constitutive Act. Furthermore, many decisions adopted by the policy organs, such as those relating to hoisting of AU flag along side those of Member States, singing of the AU anthem at official functions in Member States, have only been implemented by a small number of countries. To address these problems, I propose that each Member State establish a National Commission for Union Affairs. The Commission should function as a national coordinating and popularization mechanism. Its composition would be broad based and may include representatives of government, private sector, civil society organizations, academia, trade unions, women and youth organizations and professional associations, etc. The following membership is suggested:

- i) Ministers of Cabinet Rank;
- ii) Representatives of Ministers/Departments
- iii) PAP Representatives
- iv) ECOSOCC Representative
- v) APRM National Focal point
- vi) National NEPAD Focal Point
- vii) Representative of Organized Private Sector
- viii) Representative of Professional Associations
- ix) Representative of CSOs
- x) Representatives of labour, academia, women and youth organizations
- xi) National Focal Points of RECs

39. The composition of the Commission should promote the principle of inclusiveness and participation and also capture the critical continental initiatives being implemented at the national level.

40. The responsibilities of the National Commission for Union Affairs could include the following:

- i) Popularizing the activities of the Union in Member States and ensure that various segments of the country are well informed about the objectives and the progress of the African Union;
- ii) Collating on a regular basis and with inputs from the AU Commission, all the obligatory policy decisions of the African Union and Monitor the implementation of such decisions and programmes;
- iii) Disseminating and ensuring effective integration of such decisions to appropriate units, departments and organs of the governments for implementation;
- iv) Operating a feedback mechanism and liaison with the Commission;
- v) Preparing an annual report on the status of implementation of the policy decisions and programmes of the Union;
- vi) Mobilizing resources for the implementation of Union projects and programmes;
- vii) Performing any other functions that will lead to the realization of the objectives of the Africa Union in Member States;
- viii) Ensuring that the National Assemblies or other deliberative organs of Member States ratify, domesticate and implement treaties, agreements and protocols of the Union.

41. The office of the Secretary General to the AU Commission should serve as the focal point for this activity within the Commission, and would liaise with the NCAUA.

42. To effect these changes, a decision of the policy organs is required.

#### **D. The AU Commission and the Specialised Technical Committees (STCs)**

43. The STCs established under Article 14 of the Constitutive Act constitute important technical organs of the Union since they will substantially assist the work of Council. The report on STCs attached hereto is intended to enable Council and the Assembly take a decision that will facilitate operationalisation of the STCs. The Study and recommendation is attached hereto as **Annex 11**

#### **E. African Union Permanent Board of Auditors**

44. While a review of the assessment formula of member-states' financial contributions to the African Union does not necessarily portend a direct increase in member states' financial obligations, it is clear that additional resources have to be mobilised and made available to the various organs and institutions to enable them function effectively. In line with anticipated increase in the resources of the African Union, it is desirable to make an innovative and fundamental change in the external auditing of the Union, which hitherto

has been carried out by a board of external auditors. The existence of an African Union budget and the fact that the budget is managed by the various organs and institutions of the African Union are strong arguments in favour of the creation of an independent institution, charged with specific responsibilities for the audit of the African Union's revenues and expenditures.

45. In order to assure Member States and other contributors that Union funds will be managed in an accountable and transparent manner, I propose the establishment of the African Union Permanent Board of Auditors. The Board will be composed of independent professional auditors of proven competence, integrity and reputation. The African Union Permanent Board of Auditors, the draft instrument of which is attached hereto as **Annex III**, shall not replace the internal audit units of the Commission and other organs.

#### **F. Resource mobilization capacity of the AU Commission**

46. Given the importance of the issue of alternative sources of financing the African Union, and in the light of previous decisions of the Policy organs as well as the recommendations of ECOSOCC and civil society on this matter, it is essential that a final decision is made by the policy organs as early as possible. In order to implement the mandate given to the Commission in Article 3 (2) (o) of the Statutes of the Commission relating to sourcing for funds, the issue of financing should be part and parcel of the forthcoming audit of the organs of the African Union whose Draft Terms of reference are attached hereto as **Annex IV**.

#### **AUDIT REVIEW ON THE STATE OF THE UNION**

47. As indicated earlier in the report, the 9<sup>th</sup> Extraordinary session of the Executive Council held in November 2006, to consider the "Study on an African Union Government, towards the United States of Africa", emphasised the need for an audit review of the state of the Union in order to identify the areas in which significant improvements have to be made to accelerate the process of integration. In order to carry out this process forward, the Commission has prepared the Terms of Reference of the Audit Review for consideration by Council attached herewith as **Annex IV**. I believe that if the comprehensive audit is carried, the outcome will, without doubt, result in a stronger Union, one that is not just a union of its Member States but also of its peoples. I, therefore, strongly recommend its approval for implementation. It will of course be necessary for Member States to make available the resources required for this exercise. For this purpose, an indicative budget is provided in the Terms of Reference.

#### **CONCLUSION**

48. The above proposals, which will not require any modification of the Constitutive Act, are designed to strengthen the Commission and operationalize the STCs. The changes in the governance framework and the reconfiguration of the Portfolios of the Commission will also support this objective.

49. The proposals will also facilitate stronger links between the Regional Economic Communities and Member States. Within this framework, the National Commissions for Union Affairs will serve as the main instruments for making the African Union a Union of the African people and not merely a Union of governments.

50. Finally, following the implementation of the foregoing proposals including the operationalisation of the Specialised Technical Committees, it would be necessary to strengthen other organs, including the Pan African Parliament, the Economic Social and Cultural Council, the African Court on Justice and Human Rights as well as the African Commission on Human and Peoples' Rights.

**EX.CL.328 (X)**  
**Annex I**

## **CONSEQUENTIAL AMENDMENTS**

**CONSEQUENTIAL AMENDMENTS TO THE RULES OF PROCEDURE  
OF THE ASSEMBLY OF THE UNION**

**CHAPTER II  
THE COMMISSION**

**SECTION I  
MEMBERS OF THE COMMISSION**

**RULE 4**

**Powers and Functions**

**1. The Assembly shall:**

- a) determine the common policies of the Union, establish its priorities and adopt its annual programme;
- b) monitor the implementation of policies and decisions of the Union as well as ensure compliance by all Member States through appropriate mechanisms;
- c) accelerate the political and socio-economic integration of the continent;
- d) give directives to the Executive Council, the PSC or the Commission on the management of conflicts, wars, acts of terrorism, emergency situations and the restoration of peace;
- e) decide on intervention in a Member State in respect of grave circumstances namely, war crimes, genocide and crimes against humanity;
- f) decide on intervention in a Member State at the request of that Member State in order to restore peace and security;
- g) determine the sanctions to be imposed on any Member State for non payment of assessed contributions, violation of the principles enshrined in the Constitutive Act and these rules, non-compliance with the decisions of the Union and unconstitutional changes of government;
- h) consider and decide on requests for membership of the Union;

- i) adopt the budget of the Union, oversee and direct the financial matters of the Union in accordance with the Financial Rules and Regulations of the Union;
- j) establish any other organ of the Union;
- k) establish new Committees as it may deem necessary;
- l) establish such Specialized Agencies, *Ad hoc* Committees and Commissions, and temporary working groups, as it may deem necessary;
- m) appoint and terminate the appointment of the Chairperson of the Commission
- n) appoint and terminate the appointment of the judges of the Court;
- o) receive, consider and take decisions on reports and recommendations from the other organs of the Union;
- p) elect the Chairperson and other Office bearers;
- q) decide on the venue of its meetings;
- r) amend the Constitutive Act in conformity with the laid down procedures;
- s) interpret the Constitutive Act pending the establishment of the Court;
- t) determine the structure, functions and regulations of the Commission;
- u) determine the structure, functions, powers, composition and organization of the Council.

The Assembly may delegate any of its powers and functions to any other organ of the Union.

### **RULE 38**

#### **Election of the Chairperson and Deputy Chairperson**

1. The Assembly shall elect the Chairperson of the Commission and his/her Deputy by secret ballot and two-thirds majority of Member States eligible to vote.
2. The Chairperson of the Commission and his/her Deputy shall be competent women or men with proven experience in the relevant field,

commensurate leadership qualities and a good track record in government, parliament, international organizations or other relevant sectors of society.

3. Candidatures for the Office of the Chairperson of the Commission and his/her Deputy shall be circulated to Member States at least three (3) months before the election.

4. The Chairperson of the Commission and his/her Deputy shall not be from the same region or of the same gender.

**RULE 40**  
**Term of Office**

The term of office of the members of the Commission shall be Seven (7) years, non-renewable.

**RULE 41**  
**Termination of Appointment**

The Assembly may, by two-thirds majority and following due process conducted by the Executive Council, terminate the appointment of the Chairperson of the Commission, his/her Deputy on grounds of incompetence, gross misbehaviour or inability to perform the functions of his/her office for reason of permanent incapacity certified by a

**RULE 42**  
**Voting Procedure for the Election of the**  
**Members of the Commission**

1. The voting shall commence with the election of the Chairperson of the Commission, followed by the Deputy Chairperson,

2. In any election for the Chairperson of the Commission, or his/her Deputy, the balloting shall continue until one of the candidates obtains the two-thirds majority required. Provided that, if the third ballot remains inconclusive, the next ballot shall be restricted to the two candidates who obtained the highest number of votes in the third ballot.

3. If after three further ballots neither of the two (2) candidates obtains the majority required, the candidate with fewer votes shall withdraw.

4. Where there are only two candidates initially and neither candidate obtains the majority required after the third ballot, the candidate with fewer votes shall withdraw and the remaining candidate shall proceed to the next round.

5. If the remaining candidate, fails to obtain the two-thirds majority required in that round, the Chairperson shall suspend the election.

5. Where there is only one (1) candidate initially and he or she fails to obtain the two-thirds majority required after the third ballot the Chairperson shall suspend the election.

6. The Deputy Chairperson of the Commission shall take over the Chairmanship of the Commission on an interim basis until new elections are held. If the impasse is in respect of the Deputy Chairperson, the most senior Commissioner by length of tenure, or by age where length of tenure is the same, shall be designated to act as the Deputy Chairperson until new elections are held.

7. This voting procedure provided for in paragraphs 2, 3, 4 and 5 above shall be applicable to all elections conducted by the Assembly in respect of other Organs of the African Union

**CONSEQUENTIAL AMENDMENTS TO THE RULES OF PROCEDURE OF  
THE EXECUTIVE COUNCIL**

**RULE 5**

**Powers and Functions**

**1. The Executive Council shall:**

- a) prepare the sessions of the Assembly;
- b) determine the issues to be submitted to the Assembly for decision;
- c) coordinate and harmonize the policies, activities and initiatives of the Union in areas of common interest to Member States;
- d) monitor the implementation of the policies, decisions and Agreements adopted by the Assembly;
- e) Elect and appoint the Commissioners
- f) elect members of the African Commission on Human and Peoples' Rights, and the African Committee of Experts on the Rights and Welfare of the Child and submit to the Assembly for appointment;
- g) take appropriate action on issues referred to it by the Assembly;

- h) examine the Programme and Budget of the Union and submit them to the Assembly for consideration;
- i) promote cooperation and coordination with the Regional Economic Communities, the African Development Bank (ADB), other African Institutions and the United Nations Economic Commission for Africa (UNECA);
- j) determine policies for cooperation between the Union and Africa's partners and ensure that all activities and initiatives regarding Africa are in line with the objectives of the Union;
- k) decide on the dates and venues of its sessions on the basis of criteria adopted by the Assembly;
- l) appoint its Chairperson and the other office bearers in conformity with the Bureau of the Assembly;
- m) receive, consider and make recommendations on reports and recommendations from other Organs of the Union that do not report directly to the Assembly;
- n) set up such ad-hoc committees and working groups as it may deem necessary;
- o) consider the reports, decisions, projects and programmes of the Committees;
- p) approve the Rules of the Committees, oversee, monitor and direct their activities;
- q) consider the Staff Rules and Regulations and the Financial Rules and Regulations of the Commission and submit them to the Assembly for adoption;
- r) approve the agreements for hosting the Headquarters, other Organs and Offices of the Union;
- s) consider the structures, functions and Statutes of the Commission and make recommendations thereon to the Assembly;
- t) determine the conditions of service including salaries, allowances and pensions of the Staff of the Union;

- u) ensure the promotion of gender equality in all programmes of the Union.
- 2. The Executive Council may delegate any of its powers and functions to the Committees.
- 3. The Executive Council may give instructions to the PRC.
- 4. The Executive Council may assign tasks to the Commission.

**CHAPTER II**  
**APPOINTMENT OF THE COMMISSIONERS**

**RULE 37**  
**Commissioners**

- 1. The Executive Council shall elect eleven (11) Commissioners from a list of candidates submitted by the Chairperson of the Commission taking cognizance of the principles of geographical distribution and gender parity. In this regard, each region shall be entitled to at least two members of the Commission.
- 2. The Commissioners shall be competent women or men with demonstrable leadership qualities and a good track record in government, parliament, international organizations or other relevant sectors of society.

**RULE 38 (BIS)**

The Executive Council may on recommendation of the Chairperson of the Commission, by two-thirds majority terminate the appointment of a Commissioner on grounds of incompetence, gross misbehaviour or inability to perform the functions of his/her office for reason of permanent incapacity certified by a medical board.

**EX.CL/328 (X)**  
**Annex II**

## **REPORT ON SPECIALIZED TECHNICAL COMMITTEES**

## REPORT ON THE SPECIALISED TECHNICAL COMMITTEES

### A. INTRODUCTION

1. The Specialised Technical Committees (STCs), which constitute an important technical organ of the Union, were established under Article 25 of the African Economic Community Treaty (the Abuja Treaty). With the transformation of the OAU into the AU, the STCs were carried over by the Constitutive Act of the African Union under Articles 14 to 16.

2. The STCs are expected to work in close collaboration with the various departments of the Commission so as to provide well-informed inputs **in their areas of specialisation to the work of the Executive Council**. They should also, be involved in **monitoring programme development and implementation by the AU and RECs** on behalf of the Executive Council. Therefore, the early operationalization of the STCs becomes imperative, given the overall objective of accelerating continental integration and the importance attached to the effective implementation of programmes and projects of the Union.

### B. BACKGROUND

3. The Assembly of Heads of State and Government of the African Union adopted, at its first Ordinary Session held in Durban, South Africa in July 2002, Decision ASS/AU/DEC.1 (I) by which it requested the Commission to submit *inter alia* a comprehensive report on:

- All aspects of the functioning of the Specialized Technical Committees, including their terms of reference and modalities for programme formulation and implementation;
- The relationships between the STCs and similar organs of the regional economic communities (RECs), African governmental and non-governmental organizations and institutions;
- Streamlining of the activities and functional and programmatic relationship between the STCs and the existing ministerial sectoral conferences and commissions.

4. At the Third Ordinary Session of the Executive Council held in Maputo, in July 2003, the Commission presented the findings of a study conducted by consultants on the STCs as a follow up to the Durban Decision. In this regard, it is to be recalled that the report had made the following main recommendations:

- i) That there is a need to centralise the definition of sectoral priorities within the Union in order to enhance cost-effectiveness in focusing attention and resources on the key issues of the continent. In this regard, there is a need to have a mechanism for the assessment and the determination of sectoral priorities;
- ii) That the role of the STCs should be closely aligned with the six stages of the progressive building of the African Customs Union and the Common Market. This role should evolve in such a manner so as to enhance harmony and coordination between the African Union and the RECs. This could be done in phases beginning with the RECs themselves in the first instance, and later, promote the integration of the RECs, and through them the integration of Member States;
- iii) That a periodic mechanism for evaluation be put in place by the Executive Council to determine efficacy of the STCs, which should be monitored in line with the principles and objectives of the African Union.
- iv) That Article 5 and 16 be amended to enable for the creation of one STC to oversee the functions of STCs in the African Union

5. After deliberations on the Report, Council adopted Decision EX/CL/DEC.72 wherein the Commission was requested *inter alia* to deepen the study undertaken and to submit the report to Member States and various concerned African Sectoral Conferences.

6. Subsequently, the Executive Council meeting In Banjul, The Gambia in July 2006, considered a Progress Report on the STCs and by Decision Ex.CL/DEC.313 (IX) requested that the Commission expedite action on the study of STCs and report to the next Ordinary Session of the Executive Council in January 2007.

7. In Implementation of the Banjul Decision, the Chairperson directed that immediate action be taken to ensure finalisation of the study on STCs. To this end, an Interdepartmental Task Force Task Force was constituted with the following mandate:

- Receive and examine submissions from departments on the proposed configurations of the STCs pursuant to Article 14(2) of the Constitutive Act, taking into account the specific requests already received from sectoral ministerial conferences and, where possible, the composition or configuration of ministries in Member States;

- Make concrete recommendations on the configuration of the STCs as well as how often they should meet taking into consideration the resource constraints (human and financial);
- Determine, the financial implications of the recommendations (number of STCs and frequency of meetings);
- Consider and make recommendations on the programmatic relationship between the STCs and the RECs;
- Consider the specific problems encountered in co-organizing meetings with the United Nations System as well as the specific issue of ministerial conferences that wish to be considered as STCs but which want to retain Secretarial services provided by UN Agencies;
- Consider the programmatic and operational relationship between STCs and Specialized Agencies.

### **C. OVERVIEW ON THE CURRENT STCs AND MINISTERIAL CONFERENCES**

8. The Commission, through the Task Force and the Departments, observed that the number and configuration of the STCs in their current form are a direct transposition from the Abuja Treaty and the constitutive Act and are thus not compatible with the Portfolios of the Commission.

9. Further, there is an overlap of Ministerial functions, and as such when meetings at Ministerial level are held as STCs in this format, it often results in the need for two or more Ministers and their collaborators to be present at each of the meetings, making it administratively and financially impracticable. For Example, the current STC on Health Labour and Social Affairs would require Ministers of Labour who meet as equal partners in a tripartite arrangement with Workers and Employers Organizations to meet concurrently with Ministers of Health as well as Ministers responsible for social Development. Thus, Ministers of Health have continued to meet on their own whilst Ministers of Labour and those responsible for Social Development meet together annually. However, this state of affairs has resulted in some sectors being ignored or not fully catered for; for example the Social Policy framework was adopted predominantly by a meeting attended by Ministers of Labour rather than Ministers responsible for Social Development and consequently was referred back to the right forum by Council.

10. Additionally, the present format and scope of the STCs do not adequately cover the vision of the AUC and had inadequacies such as recurring overlap of

mandates, misplaced links, intersection of some sectors or dealing with issues that are cross cutting and therefore inter departmental in nature within the AU. This leads to duplication of work, makes it difficult to plan and results in the concerned Departments sometimes working at cross-purposes. The consequence of this is that attempts to functionalise the STCs in their current form have proved difficult.

11. It has also been argued that some of the existing Ministerial Conferences are convened by the United Nations System and or NEPAD and go on to determine African priorities and programmes without any role being assigned to the African Union Commission. It was strongly argued that all future sessions of the STCs should be convened and serviced by the AU Commission. In addition relevant UN Agencies may be involved when it is deemed appropriate.

12. To this end it was agreed that the proposal from the earlier study by consultants that the Constitutive Act be amended in order to provide for the creation of one STC was not feasible. What is practical is to invoke Article 14 (2) of the Constitutive Act in order to enable the Commission to reconfigure the STCs and address the concerns raised above. Furthermore, in reconfiguring the STCs, it would not be feasible to seek to create an STC for each sector or to create them in relation to the number of Commissions in the AUC, as this would not be cost effective. Evidently, consideration must be given to areas where there was a lacuna or were some sectors could be reconfigured to accommodate those that in their present form overlap.

13. It should be recalled that Article 14 of the Constitutive Act (The Act) as well as Article 25 of the Treaty establishing the African Economic Community (Abuja Treaty) created the following seven STCs:

- a. Rural Economy and Agricultural matters;
- b. Monetary and Financial Affairs;
- c. Trade, Customs and Immigration Matters;
- d. Industry, Science and Technology, Energy, Natural Resources and Environment;
- e. Transport, Communications and Tourism;
- f. Health, Labour and Social Affairs; and
- g. Education, Culture and Human Resources.

14. It therefore goes without saying that any proposal to modify or reconfigure the present STCs must specifically highlight their shortcomings. To this end, before making new proposals for modification or reconfiguration, it has been considered necessary to first highlight the current configuration of STCs and their shortcomings as follows:

**i) Committee on Rural Economy and Agricultural Matters**

15. This Committee can continue to meet as configured provided that it is understood that it will have a mandate to deal only with agricultural matters and that other distinct STCs should deal with water and environment issues.

**ii) Committee on Monetary and Financial Affairs**

16. It was noted that the Abuja Treaty and the Act have both adopted integration as the only viable strategic option to revitalising economic growth and development in Africa. It is thus felt that the current STC is intended to focus on monetary and financial matters and is not intended to address the critical issue of integration, which has been identified as the key tool for developing Africa and for integrating Africa into the global economy. It is thus proposed to reconfigure this STC by creating a new STC and allow Ministers responsible for integration to play their proper role in the overall continental strategy.

**iii) Committee on Trade, Customs and Immigration Matters**

17. In considering the difficulties inherent in this STC, it is argued that currently there is an AU Conference of Ministers of Trade, under which various issues are addressed including, customs, commodities, and consumer protection with little or no emphasis on immigration. Similarly, a subcommittee of Director Generals of Customs also looks at Trade, Customs and Immigration though it will be realised that Customs and Immigration are not necessarily interrelated. From a trade and industry perspective, it is obvious that the organisation of annual meetings of the Conference of Ministers of Trade is critical for the coordination of intra-African trade and for the multilateral trade system. Annual meetings of ministers of industry have been organised under the aegis of the United Nations system, but from June 2006 it was resolved that all future meetings would be organised by the African Union. To cement this decision, there is need to reconfigure the above STC.

**iv) Committee on Industry, Science and Technology, Energy, Natural Resources and Environment**

18. The above-mentioned STC has a wide-ranging mandate that cuts across the functions of different ministries in Member States as well as at least four different portfolios within the AU Commission. For instance, annual meetings of African Ministers responsible for Industry are held under the aegis of UNIDO though now there are proposals to have it held under the AU. On the other hand, Science and Technology matters are handled by different Ministers. It is thus felt that there is need to unbundle the STC in order for it to be transformed into a focused organ that deals with important programmes within the purview of

different ministries in Member States and departments within the AU Commission.

**v) Committee on Transport Communications and Tourism**

19. This committee, in its current form, incorporates a number of sectoral ministries and it is not practical to meet as one STC. It is argued that though tourism is the single most significant sector permeating the entire socio-economic environment of African societies (transport, ICT, hospitality, culture, physical environment, entertainment, etc) contributing substantively to GDP growth, income generation, employment and, hence, poverty eradication. Further, it is a fast growing sector and important revenue earner in African Countries and has immense potential in terms of contribution to micro and macro-economic growth. It is, therefore, a sector that needs special focus and should be institutionalised as an STC.

20. Furthermore, the issue of ICT as an important sector needs to be considered. There is therefore need for an STC, which will promote improved industrial performance in Africa, foster partnerships, integration and synergy. In order to do this it is proposed to desegregate transport, energy and communication from tourism to make it more practical and meet the challenges that the current STC might not be able to address.

**vi) Committee on Health, Labour and Social Affairs**

21. This Committee, in its current form, incorporates a number of sectoral ministries and it is not practical to meet as one STC. It has also been recognised that Labour and Employment on the one hand and Social Development on the other are two different issues, which need to be dealt with separately and not as a unified entity. This concern is further compounded by the fact that issues of health have been lumped together with labour and social affairs, which makes it almost impossible to operationalize this STC.

**vii) Committee on Education, Culture and Human Resources**

22. The major concern with this STC is that it is composed of activities undertaken by different Ministries in Member States as well as different departments within the Commission. The Department of Social Affairs, for instance, deals with Culture whilst the Department of Human Resources Science and Technology deals with Education and Human Resources. Further the mandate of the AU on promotion of culture, cultural integration and the African Renaissance far exceeds the scope of the cited STC hence the need to reconfigure it.

**D. CHALLENGES, CONSTRAINTS AND NEED FOR RECONFIGURATION**

23. Having looked at each STC in turn it is necessary to provide a general overview of the problems with the current configuration.

24. Though Article 14(1) of the Constitutive Act of the African Union provides for the establishment of seven (7) STCs, important functions of the Commission such as Political Affairs, Water Resources, Public Service, Defence, Legal, Women, Gender and Development affairs are not provided for even though these are important areas that are addressed by various departments within the African Union and for which the policy organs have identified as meriting consideration as STCs.

25. Bearing this in mind, it was deemed necessary to consider what the need for reconfiguration could be in order to avoid a situation were STCs are created simply to streamline them with the existing activities of the African Union.

26. In this regard, and as indicated above, it was observed from the outset that the number and configuration of the STCs in their current form are not compatible with the Portfolios of the Commission and that there is overlap in the Ministerial functions, and as such two or more Ministers and their assistants may be required to be present at each of the meetings, making it administratively and financially impracticable. Additionally, the present format and scope of the STCs do not adequately cover the vision of the AUC and had inadequacies such as recurring overlap of mandates, misplaced links, intersection of some sectors or dealing with issues that are cross cutting and therefore inter departmental in nature within the AU. This leads to duplication of work, makes it difficult to plan and pitches some Departments at cross-purposes.

27. Based on the fact that the current STCs do not cover all sectors and are imbalanced in terms of the number of sectors covered and the priorities accorded these sectors, it is pertinent to reconfigure the STCs and in the process review the areas of competence of the current STCs. The review should succeed in striking a balance in the functions of the priority sectors in certain areas of competence and lead to proposals for STCs. Any reconfiguration requires a professional approach that takes into consideration the existing constraints and challenges.

28. The configuration proposed below took into account the following considerations:

- i) The present ministerial conferences should be absorbed into the new STCs so as to ensure coherence in the follow-up process of the reports emanating from the various meetings;

- ii) The ministerial meetings should be organized in such a manner as to ensure that the composition of delegations from Union members is limited to where possible one Minister, while meetings at official level may include representatives of more than one ministry;
- iii) Given the overall objective of accelerating continental integration and the importance attached to the effective implementation of programmes and projects of the Union, the STCs should meet as often as necessary;
- iv) The STCs should be configured in such a manner as to work closely with the Commission in the identification of subject matters for deliberations and further studies, and in the preparation and implementation of decisions, programmes and projects;
- v) Allow for major sectors to meet individually and also within flexible time bands;
- vi) Ensure as much as possible that no one sector is overloaded by giving it a larger portfolio to coordinate whilst ensuring that the result is not to unwittingly neglect or fragment related sectors;
- vii) The structure of the STCs should be such that they cover all technical subject matters within the competence of the Portfolios of the Commission, but not necessarily identical;
- viii) Create fewer STCs supported by sub-committees and in the process make the meetings cost effective by reducing their frequency;
- ix) Each STC that is reconfigured must be a competent technical committee that will guide, advise and call for action from the AU Organs, Member States and all stakeholders.

**E. DECISIONS OF POLICY ORGANS, SUBMISSIONS RECEIVED FROM VARIOUS SECTORAL MINISTERIAL CONFERENCES AND DEPARTMENTS ON RECONFIGURATION**

29. It is important to note that the various submissions from departments are based largely on decisions adopted by policy organs recognizing the need to put in place STCs for identified sectors in order to crystallize and focus attention on specific development challenges. The proposals also took into account the experiences of the departments in organizing various Ministerial meetings for many years. The proposals for reconfiguration are as follows:

**i. STC on Agriculture**

30. Issues on land tenure have often led to destabilisation of Africa as nations have gone to war to claim and reclaim land. It is also an acknowledged fact that hunger resulting from under utilised or arid land has led to famines, drought and loss of life both human and animal. The need to recapture the role of Agriculture to boost Africa's economy requires sound policies and implementation plans which need to be reviewed and revised on a regular basis. This will be done by cementing the relationships between the proposed STC and bodies dealing directly with agriculture in the RECs and in Member States.

**ii. STC on the Environment**

31. This proposal is based on, amongst others, the fact that the Heads of State and Government at the Summit on the Action Plan of the Environment Initiative of New Partnership for African Development, held in Maputo invited the African Ministerial Conference on Environment to play the leading role and to regularly review the implementation of the Action Plan of the Environment Initiative of NEPAD so as to contribute to sustainable development of Africa. To this end, it adopted the Constitution of the AMCEN as the ministerial authority for environment for the Africa Region. This STC will play an invaluable role in directing environmental policy matters in Africa and address the increasing environmental threats Africa is facing.

**iii. STC on Water**

32. During the 2005 meeting of African Ministers responsible for water held in Johannesburg, in 2005, the Ministers reiterated their concern about the water situation in Africa, and recognized the need to provide adequate water supply as well as sanitation services to the people of Africa. They also recalled the Declaration adopted in Bonn, Germany on 7 December 2001 and the Abuja Declaration of 30 April 2002 on Fresh Water and resolved to set up a Ministerial Conference on Water. Its focus would be to provide political leadership, advocacy and coordination to implement the African Water Vision adopted during the 2<sup>nd</sup> World Water Forum held at The Hague in March 2000.

**iv. STC on Culture and Sports**

33. It is recognized that culture and sports can be used to promote development, integration and unity amongst the people. To this end, in the 1990s, the African Ministers of Culture began to meet on a regular basis to consider various cultural issues., The 1<sup>st</sup> Pan African Cultural Congress was convened In November 2006 during which far-reaching issues on culture in Africa were addressed. Closely linked to culture is sport. For many years sport was addressed together with Youth and it was thus quite common to have

Ministries of Youth and Sport in most Member States. The eminent problem with this construction is that Youth began to relate more to sport as a means to an end as opposed to aspiring for mentally challenging success. Culture in itself is an education and sport develops the body and mind. In 2003, in Maputo, the African Union Ministers of Sport called for a specific Ministerial Conference on Sport. However, taking into account the cost implications and the relatedness of the two, it is proposed that there should be one STC for Culture and Sports.

**v. STC on Integration**

34. The proposed Conference of Ministers in charge of Integration is based on the fact that integration has been adopted as a viable strategic option to revitalizing economic growth and development in Africa.

35. To augment this position, by Decision Assembly/AU/Dec.113 (VII) the 7<sup>th</sup> Ordinary Session of the Assembly in Banjul, The Gambia, in July 2006 decided, *inter alia*, “to institutionalise the Conference of Ministers in charge of Integration which would meet at least once a year in ordinary session and in extra-ordinary session when necessary pending the rationalization of the Specialised Technical Committees”.

**vi. STC on Trade**

36. As an organ of the AU the mandate shall be to contribute towards making Africa a significant and competitive trading partner in the global economy as well as an integrated trading bloc on the continent. The STC on Trade will give the necessary orientations to the Commission, RECs and Member States to ensure the development of means and strategies to promote and diversify trade to overcome the impediment to a higher level of intra-African Trade as well as gain access to global markets for African products. It will cover areas such as goods and services, barriers to trade including issues of investment, import and export, insurance and distribution.

**vii. STC on Tourism**

37. It has been argued that there is need for a distinct STC on tourism. This is because tourism is the single most significant sector permeating the entire socio-economic environment of African societies (transport, ICT, hospitality, culture, physical environment, entertainment, etc) contributing substantively to GDP growth, income generation, employment and, hence, poverty eradication. Further, it is a fast growing sector and important revenue earner in African Countries and has immense potential in terms of contribution to micro and macro-economic growth. It is, therefore, a sector that needs special focus and should be institutionalized as an STC.

**viii. STC on Industry**

38. This STC will ensure the diversification of African Economies through industrialization. It will focus on industrial policies, strategies and initiatives aimed at facilitating regional integration, building productive capacities and complying with national standards and requirements. It will further promote approaches that identify a workable strategy to improve industrial performance in Africa, foster partnerships, integration and synergy.

**ix. STC on Gender and Women Empowerment**

39. It is recognized that the Executive Council at its Eighth Ordinary Session held in Khartoum, The Sudan, by way of Decision EX.CL/Dec. 252(VIII), adopted the recommendation that the “Conference of AU Ministers responsible for Women and Gender be held regularly and that the Institutionalization of the Conference be carried out in line with the process of establishing the Specialized Technical Committees”. Further, the First African Union Conference of Ministers responsible for Women and Gender held in Dakar Senegal in October 2005, called upon the policy organs of the Union to ensure that the Conference of AU Ministers responsible for Women and gender is institutionalized as a monitoring mechanism for the implementation of the Solemn Declaration on Gender in Africa (SDEGEA). Against the above, the STC is intended to address the generic poor status of African Women with the attendant manifest marginalization high vulnerability and wide gender inequalities.

**x. STC on Justice and Legal Affairs**

40. This proposal is based on Council’s approval in decision EX.CL/Dec.129 (V), of 2004, of the recommendation of the Meeting of the Permanent Representatives Committee and Legal Experts on the Review of OAU/AU Treaties, for the creation of a Specialised Committee for Legal Affairs to discuss various aspects relating to legal issues in the continent as well as emerging legal issues affecting the integration process on the continent. This STC would also link seamlessly with the proposed AU Commission on International Law, and appropriately constitute the AU mechanisms for continuous review of existing treaties, identifying new areas for conclusion of new treaties as well as advise member States and the Union on important legal developments calling for a collective African response.

**xi. STC on Labour and Employment**

41. The 1980 Structural Adjustment Programmes propagated for most African Countries by the World Bank and the IMF led to wide-spread loss of formal employment in the continent. As part of the so-called reform programmes African Governments began to streamline their operations and in most instances merged

Ministry of Labour and Social Affairs. Closely aligned to this the activities previously handled by Social Affairs were then linked to the OAU labour Commission. The existing Labour and Social Affairs Commission encompasses a number of sectoral ministries and it is no longer practical to meet the aspirations of our people particularly the Youth. It has been agreed that Labour, Employment and Social Development can no longer be dealt jointly.. It is thus proposed that an STC on Labour and Employment be created to allow for more rationalised meetings.

**xi. STC on Health and Population**

42. Currently the African Union Conference of Ministers of Health, which convenes at Ministerial level once every two years, handles health matters. Two closely related bodies, namely, the African Population Commission and the Ministerial Conference on Housing and Urban Development were created in 1994 and 2005 respectively. A close study of the three bodies reveals that combining them would enhance their supportive role and lead to a process where they can be dealt with in nexus. It is thus proposed that the African Union Conference of Ministers of Health, the African Population Commission and the African Ministerial Conference of Housing and Urban Development be configured into the Health and Population STC.

**xii. STC on Migration and Development**

43. The Labour and Social Affairs Commission also currently addresses issues of migration. In 2005 the Labour and Social Affairs Commission reviewed a document on the Strategic Framework for a Migration Policy in Africa. It was later discovered that the Ministerial Conference on Migration and Development should have been the rightful organ to consider a policy document. This one incident portrays the difficulties inherent with the management and coordination of this relevant yet difficult area. For vast periods of time, migration was viewed as a security issue but with globalization and the need for integration, migration is now considered a developmental issue and as such it can no longer be viewed as a matter that can be adequately dealt with under the Labour and Social Commission. It is therefore proposed that an STC on Migration and Development be established which will, *inter alia*, follow up on the Ministerial Meetings between the European Union and the African Union on issues of Migration and Development.

**xiii. STC on Public Service**

44. It has been argued that developments on the continent over the past decade in respect of democracy, human rights issues and pressure for African States to guarantee basic rights and social services to their citizens, have led to the need for meetings to be held in a more focused manner. It was further

observed that the problems attendant in the public service including corruption, lack of transparency, accountability and failure to deliver on services have necessitated the need to reconfigure the AUC approach to these matters. Further, Paragraph 6 of Council Decision EX.CL/Dec.243 (VIII) adopted at the Eight Ordinary Session held in Khartoum, Sudan, provided amongst other things that “the institutionalisation of the Conference of Ministers of Public Service be carried out in line with the process of establishing the Specialised Technical Committees (STCs)”.

**xiv. STC on Refugees and IDPs**

45. The problem of refugees has become a common feature in Africa. People have become refugees as a result of civil conflicts, disasters, insecurity and violations of human rights. This has led to loss of life, threat to physical safety, and denial of the refugees and denied them of universal human rights to which they are entitled. The African Union has made commendable progress in developing the legal frameworks aimed at protecting and assisting refugees and IDPs in collaboration with other international bodies. However a lot still remains to be done. In recognition of this need, , the Ninth Ordinary Session of the Executive Council held in Banjul, The Gambia, by way of Decision EX.CL/Dec.289 (IX), called for the “institutionalisation of the Ministerial Conference on Refugees, Returnees and Internally Displaced Persons, to meet biannually without prejudice to the process of establishing the Specialised Technical Committees”. It is against this background that it is proposed to establish an STC to deal specifically with refugees.

**xv. STC on Social Affairs and Drug Control**

46. Social development issues that relate to children, family, people with disabilities, the aging, women and drug control were prior to 1995 dealt with by the African Ministers of Social Affairs (AMSA). With the merger of the Labour Commission with AMSA the greatest concern has become how possible it is for Ministers responsible for Labour and Employment matters to positively and meaningfully resolves social issues. At the 17<sup>th</sup> Meeting of the ARI Governing Board held in Niger in April 2006 a recommendation was made to split the LSAC to ensure that social issues are considered in a pragmatic manner. It is important to recall that whereas drug related issues were initially part of the LASC since 2002, a Ministerial Meeting dealing with drug related issues has been institutionalised and it meets every two years. It is thus proposed that an STC on Social Affairs and Drug Control be established which will allow for concerted and focused approach to social and drug related issues.

**xvi. STC on Youth**

47. The proposed STC will consider and approve policies and programmes for the development of youth in Africa who constitute about 60% of the African Population. It will also encourage and monitor the ratification and implementation of the African Youth Charter (Doc.EX.Cl/262 (IX), which was adopted by the Assembly in July 2006 in Banjul, The Gambia, by virtue of Decision Assembly/AU/Dec.121 (VII).

**xvii. STC on Transport**

48. The Assembly meeting in Banjul, The Gambia in July 2006, endorsed Council Decision, **EX.CL/Dec. 294 (IX)** relating to the recommendation by African Ministers responsible for Railway Transport calling for implementation of the decision on the regularization of the Conference of African Ministers responsible for Transport as an STC. Further, the Executive Council meeting in Sirte, Great Libyan Jamahiriya, in July 2005 by virtue of decision **EX.CL/Dec. 199 (VII)**, endorsed the ***Declaration of the African Ministers responsible for Transport and Infrastructure on Transport and the MDGs***, which called for, among other things, the recognition of the Conference of African Ministers responsible for Transport as an organ of the African Union. This STC would be responsible for coordination and harmonization of policies and programmes of the Union in all sub-sectors, modes and aspects of transport in Africa as well as providing a forum for various transport stakeholders to discuss policies and strategies and exchange experiences regarding all emerging issues in the sector.

**xviii. STC on Education**

49. This proposal is based on the Plan of Action of the Second Decade of Education which was adopted by the January 2006 Summit held in Khartoum Doc. EX.CL/224(VIII) Rev.2. The mandate of the STC will be to address all issues relating to education, including the policies, programmes and activities of the of the AU as well as the implementation of the Plan of Action.

**xix. STC on Science and Technology**

50. This STC will oversee the implementation of Africa's Consolidated Plan of Action for Science and Technology which was approved at the January 2006 Summit in Khartoum (Doc. Ex.CL.224 (VIII)). The STC will also have the mandate to oversee the promotion, co-ordination and the strengthening of science and technology programmes for the accelerated economic growth of Africa.

**xx. STC on ICT**

51. The Assembly meeting in Banjul, The Gambia, in July 2006, endorsed Council Decision, **EX.CL/Dec. 291 (IX)**, relating to the recommendation by African Ministers responsible for Information and Communication Technologies

(ICT) requesting that their Conference be recognized as an STC. This STC would be responsible for coordination and harmonization of policies and programmes of the Union in all sub-sectors and aspects of communication and ICT in Africa, as well as providing a forum for various communication and ICT stakeholders to discuss policies, strategies and exchange experiences on all emerging issues in the sector. It would also oversee the implementation of the African Regional Programme for the Knowledge Economy, which arises from the World Summit on Information Society per DOC.EX.CL/261 (IX)

## **F. CONCLUSION AND RECOMMENDATIONS**

52. Based on the foregoing, the Commission proposes reconfiguration of the STCs set out in Article 14 of the Constitutive Act from 7 to 19. In order to ensure that the financial implications are not increased substantially because of the increased number of STCs, it is proposed that the periodicity of the meetings be considered. In this regard, the financial implications are given on the basis of STCs meeting once a year or once every two years. In the event of the latter option being more preferable, a few of the STCs could meet on an exceptional basis in the alternate year in extra ordinary session.

53. The commission was of the view that if all the decisions of the policy organs and the recommendations of Ministerial Conferences and Departments were taken into account, there would be twenty two (22) STCs, which would have enormous financial implications. In addition, by taking into account related functions, the proposed STCs could be logically reduced further.

54. Accordingly, the Commission whilst drawing attention to the provisions of Article 14 (2) of the Constitutive Act, which allows restructuring of existing committees and establishment of new ones, recommends the following committees for consideration of Council and the Assembly:

- 1) Committee on Agriculture and Rural Development;
- 2) Committee on Environment
- 3) Committee on Water
- 4) Committee on Youth, Culture and Sports
- 5) Committee on Finance and Economic Planning
- 6) Committee on Integration
- 7) Committee on Trade
- 8) Committee on Transport and Tourism
- 9) Committee on Industry
- 10) Committee on Gender and Women empowerment
- 11) Committee on Justice and Legal Affairs
- 12) Committee on Labour and Employment
- 13) Committee on Health and Population
- 14) Committee on Migration and Urban Development (This Committee could also deal with Refugees and IDPs)

- 15) Committee on the Public Service, Local Government and Decentralization
- 16) Committee on Social Affairs
- 17) Committee on Education
- 18) Committee on Science and Technology
- 19) Committee on Communication and ICT
- 20) Committee on Energy

## **G. FINANCIAL IMPLICATIONS**

55. Based on the above proposals, the Commission has analysed the financial implications and prepared the budget projections on the following assumptions:

### **a. Annual Sessions**

If all the STCs hold annual sessions, the financial implications would be USD \$1,167,721 per annum based on US\$61,459 per session X number of STCs sessions planned for the year

### **b. Sessions once every two years**

If the sessions of the STCs are held in alternate years, the financial implications would be USD\$ 583,860.50 per annum. However, it should be borne in mind that there may be some exceptions, as some STCs may by the nature of their activities or previous decisions of the Assembly need to meet annually.

## **H. ROLE OF THE COMMISSION**

56. The Commission will be responsible for convening and servicing all the meetings of the STCs in order to ensure synergy with other AU organs and institutions and ultimately with the Executive Council. In doing so it may collaborate, as may be appropriate with other partners and stake holders.

## **I. COORDINATING MECHANISM**

57. In order to ensure that the various STCs take a global view of the policies, programmes and activities of the Union, it is proposed that the Bureaus of the various Ministerial Committees should meet together once every year. In addition, it is proposed that the Chairpersons of the various STCs should attend the sessions of the Executive Council and be available for consultation. The financial implications for one meeting of the Ministerial Bureaus would be USD\$ \$61,459 per session.

**EX.CL/328 (X)**  
**Annex III**

**DRAFT INSTRUMENTS FOR THE AFRICAN UNION  
PERMANENT BOARD OF AUDITORS**

**DRAFT INSTRUMENTS FOR THE AFRICAN UNION PERMANENT  
BOARD OF AUDITORS**

**Article 1  
Establishment**

There is hereby established the **African Union** Permanent Board of Auditors as an Organ of the African Union.

**Article 2  
Objectives**

The objectives shall include:

- i) Proper effective and efficient use of resources;
- ii) Development of sound financial management;
- iii) Orderly execution of administrative activities;
- iv) Transparency and accountability to authorities and to the public.

**Article 3  
Functions**

The functions of the **African Union Permanent Board of Auditors** are to:

- i) Make comments and observations on the implementation of policies, programmes and decisions;
- ii) Suggest changes that may be deemed necessary indicating where and why they should be made. The **African Union Permanent Board of Auditors** shall leave the matter to the relevant organ responsible for the management of resources to establish how its suggestions and observations shall be carried out;
- iii) Monitor the Union finances and point out areas where improvements are needed;
- iv) Assist the Commission in exercising its powers of control over the implementation of the projects;
- v) Deliver opinions at the request of one of the Union's organs or institutions;
- v) Provide the Union with a statement of assurance as to the reliability of the accounts as well as legality and regularity of the underlying

transactions and revenues received and payments to final beneficiaries;

- vi) Examine the accounts of all revenue and expenditure of the Commission. It shall also examine accounts of all revenue and expenditure of all organs and bodies set up by the Union;
- vii) Examine whether all revenue has been received and all expenditure incurred in a lawful and regular manner and if the financial management has been observed;
- viii) Draw up an annual report after the close of each financial year. It shall be forwarded to other organs and institutions of the Union and shall be published for general information, together with the replies of these organs/institutions to the observations of the Board;
- ix) Adopt its annual reports, special reports or opinions by majority of members;
- x) The audit of revenue shall be carried out on the basis both of the amounts established as due and the amount actually paid to the Union;
- xi) The audit of expenditure shall be carried out on the basis both of commitments undertaken and payments made;
- xii) These audits may be carried out before the closure of account for the financial year in question;
- xiii) Other organs and institutions of the Union may also request the Board to deliver opinions on particular question. The opinion so expressed is an obligatory requirement for the adoption of any legislation that is financial in nature e.g. legislation concerning financial regulations.

#### **Article 4 Powers of the Board**

The Board shall:

- i) organize its own work in particular plan its own auditing activities;
- ii) decide when and how to present its observations, including recommendations for sanctions;

- iii) determine the extent of publicity to be given to its report and opinion;
- iv) have access to various forms of legal redress available within the Union;
- v) organize its own audits independently and explicitly include sound financial management;
- vi) carry out its audit functions based on records and if necessary, may perform its functions on the spot where any of the Union's organ is located;
- vii) Request documents and information to carry out its duties or functions afforded to it by any organ, institution or Member State, including access to accounting and administrative documents, such as data held on the computer system of the Commission and the Member States in connection with operations under the budget of the Union.

#### **Article 5**

#### **Composition**

- i) The **Permanent Board of Auditors** shall be composed of five members appointed by the Assembly for a term of five (5) years non-renewable;
- ii) When the first appointments are made, two members of the Board chosen by lot shall be appointed for a term of three years only renewable once for a full term of five years;
- iii) The board shall be assisted by necessary support staff.

#### **Article 6**

#### **Qualifications**

- i) Members of the Board shall be independent and qualified as auditors. They shall be chosen from among persons who belong or have belonged to external audit bodies and are especially qualified for this office;
- ii) They must be completely independent as they may neither seek nor take instructions from any government or any other body;

- iii) The members of the Board may not engage in any other occupation, whether gainful or not.

**Article 7**  
**The Chairmanship of the Board**

The Chairperson of the board shall be elected by members of the Board for a term of three years, renewable.

**Article 8**  
**Internal organization of the Board**

The Board shall:

- i) enjoy organizational autonomy;
- ii) adopt its own rules of procedure;
- iii) carry out its audit functions by audit groups, dividing the various auditing sectors among its members.

**Article 9**  
**Termination of Office**

Apart from normal replacements, death or permanent incapacity, the term of office of a member of the Board shall come to an end:

- i) when he/she resigns
- ii) when he/she is removed by a decision of the Assembly.

The vacancy thus created shall be filled for the remainder of the members' term of office by another member from the same region.

Save in the case of removal as above, a member of the Board shall remain in office until he/she has been replaced by another member from the same region.

A member of the Board may be relieved of his/her office and his right to a pension or other benefits only if the Assembly based on the recommendation of the Permanent Board of Auditors decides that he/she no longer fulfills the requisite conditions or meet the obligations arising from his/her office.

**Article 10**  
**Conditions of Service**

The Assembly shall determine the conditions of the employment of the Chairperson and members of the Board and in particular their salaries,

allowances and pension. The Assembly may also determine any payment to be made to the Chairperson and members of the Board instead of remuneration.

**Article 11**  
**Privileges and Immunities**

Members of the Permanent Board of Auditors shall in the performance of their duties enjoy diplomatic privileges and immunities.

**Article 12**  
**Entry into Force**

This instrument shall enter into force upon its adoption by the Assembly of the Union upon the recommendation of the Council.

**EX.CL/328 (X)**  
**Annex IV**

**AUDIT REVIEW OF THE AFRICAN UNION**

## AUDIT REVIEW OF THE AFRICAN UNION

### (Terms of Reference for CA. Introduction and Background

1. The 36<sup>th</sup> Summit of the OAU in July 2000 in Lome, Togo adopted the Constitutive Act of the AU including its organs and institutions. Also, responding to the challenges of globalization and its implication for Africa, the fourth Ordinary Session of the Assembly of the African Union, at its meeting in Abuja in 2005 considered the proposal for rapid acceleration of political integration in Africa.
2. Specifically, Decision Assembly/AU/Dec.69 (IV) of January 2005 set up a Committee of Heads of State and Government under the chairmanship of H. E. President Yoweri Museveni of Uganda to consider the proposals in collaboration with the Chairperson of the Commission and to submit a report to the Summit of the African Union that was to hold in Sirte.
3. The Committee met in June 2005 in Kampala and reiterated the need for a Union Government, and approved the proposals on the creation of ministerial portfolios under the responsibility of Commissioners in the areas of Defence, Foreign Affairs, External Trade, Transport and Communications, Health, Environment, Scientific Research, Finance, Education (primary and secondary) and Agriculture.
4. After discussing the report of the Committee at its ordinary meeting in Sirte in July 2005, the AU Assembly established another Committee of Seven chaired by President Olusegun Obasanjo of Nigeria, the then Chairperson of the African Union. The Committee was mandated to consider the ideas discussed during the summit and submit to the next session of the Assembly in Banjul in July 2006 a report, itemising the roadmap, i.e. steps that need to be taken for the realization of this objective.
5. At the instance of the Chairman of the Committee of Seven, a broad based conference under the theme “**Desirability of a Union Government in Africa**” was convened in Abuja, Nigeria in November 2005. The conference, which brought together a wide spectrum of participants concluded that the “necessity for Union Government is not in doubt”; it must be a “Union of the African people and not merely a Union of states and governments”; its formation must be “based on a multi-layered approach” and on the principle of “gradual incrementalism”.
6. After reviewing the recommendations and conclusions of that conference, the Committee specifically requested the preparation of a framework document defining the purpose of the Union Government, the core values, steps and processes to enforce it, including a Draft Indicative Road Map. Its recommendations were approved by the Assembly of the African Union in

Decision Assembly/AU/Dec.99 (VI) at its Sixth Ordinary Session on 23-24 January 2006 in Khartoum, Sudan. The Assembly consequently directed that a “Study on an African Union Government” be undertaken. The African Union Commission facilitated the conduct of that study, whose final output is contained in a Base Document entitled ‘Study on An African Union Government: Towards The United States of Africa.’

7. The major conclusions of the study were presented to the Seventh Session of the Assembly in Banjul, in July 2006 by President Olusegun Obasanjo of Nigeria. In Decision Assembly/AU/Dec.123(vii) the Assembly reaffirmed “that the ultimate goal of the African Union is full political and economic integration leading to the United States of Africa”, and requested the Commission to convene an Extraordinary Session of the Executive Council as soon as possible to consider the Report and propose an appropriate framework of action.

8. Subsequently, the 9<sup>th</sup> Extraordinary Session of the Executive Council convened from November 17 to 18, 2006 in Addis Ababa, discussed the “Study on An African Union Government: *Towards the United States of Africa* with a view to proposing a framework of action as directed by the Assembly in Decision/AU/Dec.123(vii).

9. Noting that all member states accept the United States of Africa as a common and a desirable goal, the Executive Council agreed on the need for a pragmatic and progressive approach and recommended an audit review of the state of the Union in order to identify the areas in which significant improvement have to be made in order to accelerate the African integration process.

10. Pursuant to the above, the AU Commission seeks to engage the services of a team of consultants to be headed by a designated Lead Consultant that will undertake an audit review of the African Union with a view to examining the workings of the Union organs, institutions, technical and specialised agencies, Union programmes and activities, as well as their linkages with one another from inception till date. The final output of the review will be a policy document that, against the background of an in-depth analysis of the concerns outlined above, makes concrete recommendations on strategies and modalities for accelerating the African economic and political integration agenda.

11. In more specific terms, the review, taking into account existing findings of existing studies and relevant empirical experiences, will involve the various organs and institutions of the Union. The review will include general and specific African Union programmes, such as NEPAD, RECs, Intergovernmental Organisations (IGOs) such as the United Nations Economic Commission for Africa, and ADB, etc and their relationships and interactions with one another. It is expected that the consultants will work in collaboration with the AU commission and draw on existing documents containing decisions by the AU.

**B. Objectives of the Audit**

12. The main objectives of the audit include:
- (i) Accelerate the African economic and political integration agenda and add value to existing and on going reviews on political integration by the commission as well as other external bodies;
  - (ii) Review the operations of all the various organs and institutions of the AU as presently constituted with a view to identifying the weaknesses and strengths in their functioning and aligning them with the realities of political integration;
  - (iii) Review the structures and processes of the various organs of the African Union with a view to promoting efficiency and coherence in the functioning of the various organs;
  - (iv) Review the nature of relationship between the various organs and institutions of the African Union, and indicate the nature and character of inter-organ relationship that will help to accelerate the integration process;
  - (v) Review the global trends with respect to political and economic integration, outline the specific and general challenges confronting the African integration process and make concrete recommendations on programmes, initiatives, policies and decisions that will be required to accelerate economic and political integration;

**C. Specific Terms of Reference**

13. Specific terms of reference are the following:
- (i) Review the current state of affairs, with an in-depth analysis of the dynamics underlining the current situation and provide a factual description and assessment of the state of the Union, particularly as it relates to Africa's quest for economic and political integration and the operationalisation of the core values outlined in the Base Document of the Union Government Study;
  - (ii) Highlight the major trends with respect to political and economic integration, outline the specific and general challenges to the African integration process and make concrete proposals on the nature of programmes, initiatives, policies and decisions that will be required to facilitate the achievement of the desired goals;

- (iii) Identify the major constraints and challenges confronting the Union, highlighting specific obstacles posed by national, regional and external influences, and make concrete recommendations on the appropriate strategies for overcoming these constraints and challenges;
- (iv) Review the operations of the different organs and institutions of the AU as presently constituted and analyze their functioning and the nature of their operations and their interactions with one another, highlighting deficiency and gaps as well as modalities and strategies for overcoming the perceived deficiency and gaps;
- (v) Review NEPAD structures and programme as well as the ongoing work on its integration and incorporation into the AU structure, and make specific recommendation regarding its location within the African Union Commission;
- (vi) Review existing Union decisions and agreements with a view to identifying the challenges and constraints facing Member States with respect to the implementation of agreed decisions and agreements.
- (vii) Review Union experiences on the application of sanctions and propose recommendations on strategies for deterring non-adherence of member states to agreed union policies and decisions;
- (viii) Review the 1998 Protocol on Relations between the African Economic Community and the RECs, as well as the Draft Protocol on Relations between the African Union and RECs and against this background, examine the functioning and activities of the RECs, taking into account the conclusions of existing studies and reports, and propose concrete strategies for harmonising the instruments and organs of the RECs with those of the Union and modalities for their eventual incorporation into the Union structure;
- (ix) Review challenges and progress made in establishing pan African financial institutions as envisaged under article 19 of the Constitutive Act of the AU and make recommendations on strategies for effectuating their timely establishment and operationalization;
- (x) Provide requisite background for a multiple scenarios construction exercise and describe different possible futures for stepping up

unity at the continental level, as well as suggest programmes, initiatives, policies and decisions that will be required to facilitate the achievement of political integration;

- (xi) Review the finances of the Union and the current system of assessed contributions of member states vis-à-vis the fiscal challenges of political integration as well as the ongoing discussions on funding options, and make concrete suggestions on workable options;
  - (xii) Indicate the nature and character of the ideal relationships between the principal organs, institutions and high officials of the Union, particularly the head of the commission;
  - (xiii) Review the current symbols of the Union (flag, anthem and emblem), bearing in mind the previous decisions of the Assembly on the subject.
14. The audit is expected to provide an in-depth analysis and assessment of current state of integration. Specifically, it must also suggest programmes, initiatives, policies and decisions that will be required to facilitate the achievement of political integration.
15. It is expected that the consultants will work in collaboration with the AU commission and draw on existing documents containing decisions by the AU.

#### **D. Technical Deliverables**

16. To be delivered in one original hard copy and one soft copy on a CD
- (i) Draft Report
  - (ii) Final Report
  - (iii) List of documents examined
  - (iv) List of persons interviewed
  - (v) Number of Focussed Group Discussions and participants
  - (vi) List of contacts

#### **E. Audit Schedule**

17. The process is expected to be conducted over a period of nine (9) calendar months beginning from 1<sup>st</sup> February to 31<sup>st</sup> October 2007.

**February 1 – 28, 2007**

- (i) Appointment of the coordinating team by the Chairperson of the Commission;
- (ii) Identification and appointment of consultants for the audit;
- (iii) Preparation of the draft background documentation by the coordinating team;
- (iv) **Planning and briefing meeting;**
- (v) Preparation and Presentation of the Inception Report including the Work Plan by the consultants.

**March 1 – May 15, 2007**

- Consultants undertake research and consultation with stakeholders and submit the first draft report.

**May 15 – 31, 2007**

- Review of the first draft report by the AU Commission and the consultants.

**June 1 – 7, 2007**

- Preparation of Progress Report;
- Submission of Progress Report to June/July 2007 Summit

**July 1 – August 15, 2007**

- Preparation and Submission of draft final report.

**September 2 – 8, 2007**

- Technical Workshop to review the draft final report.

**October 15, 2007**

- Submission of final report by the consultants.

**October 15 – 31, 2007**

- Review of the final report prepared by the consultants by the AU Commission.

**November 30, 2007**

- Translation and Dissemination of report to Member States

**F. Profile**

18. The Consultants must have cognate experience in the field of African integration, and must have either worked with an African multilateral agency or undertaken extensive research on the subject. They must have an interpretative

understanding of the workings of the African Union and a high degree of analytical and report writing skills.

### G. Methodology

19. The methodology for the audit will be a combination of desk research, field study through interviews, focus group discussions and survey research. . Consultants will visit the various AU organs, representative Member States and utilise documents provided by the African Union Commission as well as other sources including (but not limited to) Regional Economic Communities (RECs), the African Development Bank (AfDB), UNECA and any other sources the consultants might find relevant for the purpose of the review.

### H. Indicative Budget Overview (To be finalised by Simon and Mamadou)

(in USD)

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Items description	Quantity	Unit rate	Total amount
Lead Consultant fee (1)	days	\$500	\$
Other Consultants fees (9)	days	\$500	\$
Research Assistants (4)	days	\$200	\$
Technical services	Lots	Lots	\$250,000
Travels and per diem	Lots	Lots	\$ 220,000
Review and Technical meetings	Lots	Lots	\$250,000
Secretariat Support services			\$ 80,000
Contingency	Lots	Lots	\$44,000
<b>Total</b>			<b>\$ 1,058,300</b>

2007

# Report of the chairperson on strengthening the African union commission and the specialized technical committees: Towards a union government

African Union

African Union

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