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**REPORT OF THE COMMISSION ON THE RESTRUCTURING
OF THE AFRICAN REHABILITATION INSTITUTE (ARI)**

ACRONYMS AND ABBREVIATIONS

ARI	African Rehabilitation Institute
AU	African Union
AUC	African Union Commission
MDGs	Millennium Development Goals
DPO	Disabled Peoples Organization
RECs	Regional Economic Communities
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
ILO	International Labour Organization
ECA	Economic Commission for Africa
UNDP	United Nations Development Programme

DEFINITIONS

Activity limitation	A difficulty encountered by an individual in executing a task or action
Disability	Any form of restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being. Disability is part of human diversity. Disabilities have been defined in many ways. In general, disabilities are characteristics of the body, mind, or senses that, to a greater or lesser extent, affect a person's ability to engage independently in some or all aspects of day-to-day life. Disabilities is an umbrella term, covering impairments, activity limitations, and participation restrictions
Impairment	A problem in body function or structure
Participation restriction	A problem experienced by an individual in involvement in life situations
Stakeholders	Any institution, organization or individual with a particular interest in promoting rights and wellbeing of persons with disabilities

Background

1. The Executive Council at its Eighteenth Ordinary Session held in Addis Ababa, Ethiopia on 31 January 2011 endorsed the recommendations of the Second Ordinary Session of the African Union Conference of Ministers of Social Development (CAMSD2) held in Khartoum, Sudan from 21-25 November 2010 on the Restructuring of the African Rehabilitation Institute (ARI). The Council in its Decision EX.CL/Dec.625 (XVIII) requested the Commission “**to assist in the restructuring process of the African Rehabilitation Institute (ARI)**”. The Council further directed that, “**The decisions of the Extra-Ordinary Session of the Governing Board of the African Rehabilitation Institute (ARI) should be implemented regarding the immediate financial and administrative management and restructuring of ARI to make it respond to the needs of Persons with Disabilities more effectively, and for the Institute to play a leading role in implementing the extended (African) Decade**”.

2. The African Rehabilitation Institute (ARI) was established in May 1988, in Harare, Zimbabwe as the central planning and coordinating unit to promote and develop regional and sub-regional training and research programmes in the field of rehabilitation (for persons with disabilities) and prevention of disability. There were clear landmark events and processes which led to the establishment of the Institute:

- The African Regional Conference on the International Year of Disabled Persons, organised by the OAU and UNECA in 1980;
- The OAU Council of Ministers’ *Resolution on the Problem of Disabled Persons* (CM/Res.834-XXXV) of March 1981; and
- An OAU Ministerial Committee of five (5) members later expanded to ten (10) members that met since 1981 with the mandate to develop the Agreement (Constitution) for the ARI.

3. Before the establishment of the ARI, OAU Member States attended to the needs and aspirations of persons with disability at national level. It was realised that more could be done for persons with disabilities if specialized facilities would be shared regionally to assist them in their socio-economic integration.

Mandate and Functions of ARI

4. Article 1 of the Agreement for the establishment of the ARI, the Mission of the Institute is stated as follows: “**ARI is dedicated to the equalisation of opportunities for persons with disabilities in Africa. ARI will promote and support the rights of persons with disabilities and full participation in their societies. ARI is committed to participatory collaboration with organisations of disabled persons to ensure the achievement of a society for all**”. The Mandate of the Institute is stated as follows in Article 3 of its Agreement:

- (i) To assist Member States to enhance disability prevention and rehabilitation services and to ensure the inclusion of persons with disabilities in all aspects of life.
 - (ii) To promote and encourage the implementation of the AU Plan of Action for the African Decade of People with Disabilities as well as the UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities among the Member States of the African Union.
 - (iii) To implement active participatory collaboration with disabled people's organisations, to ensure the understanding of disability concerns and thereby strengthen ARI's policies and programmes.
5. The core functions of the ARI, according to the ARI Agreement, are to:
- a) Develop a unified approach for promoting the development of prevention and rehabilitation services;
 - b) Create facilities to satisfy the needs of handicapped Africans who, because of their disability, find it difficult to adapt themselves to the rapidly changing world;
 - c) Promote the development of rehabilitation centres in all the countries of the African continent: to assist them to harmonise as much as possible their basic conceptual principles and work out strategies in the field of rehabilitation of the disabled persons within the African region;
 - d) Create favourable conditions for inter-African co-operation and mutual assistance as part of rehabilitation and strengthening the already existing rehabilitation institutions in various parts of Africa; and utilizing them for the training of the manpower required for the development of indigenous rehabilitation activities carried out in Africa;
 - e) Provide an appropriate framework for the establishment and launching of training and research programmes in the field of rehabilitation and other special projects to be carried out at regional level in accordance with the priorities and demands of these countries willing to participate in these regional programmes;
 - f) Create a structure which would encourage and facilitate co-ordinated actions, measures and programmes among the African countries and the various international, governmental and non-governmental donor organizations in all areas of comprehensive rehabilitation development;
 - g) Promote and ensure the exchange of information and experiences among African States and other countries of the world;

- h) Organize special projects in the field of rehabilitation and disability prevention, with a view to developing indigenous teaching and research facilities and materials.

6. Thus, the ARI mandate and structures were designed to facilitate the successful equalization of opportunities for persons with disabilities in Africa. However, due to challenges of management and resources, ARI lacked the capacity to implement development programmes and did not have efficient cooperation with continental disability organizations to really make a meaningful in serving the needs of the disabled on the Continent. ARI only focused on attending meetings with very limited evidence of the implementation of its mandate. In addition, the functioning of ARI was limited to maintaining staff and a Secretarial Office in Harare, Zimbabwe, three Regional Agencies/Offices in Nairobi, Kenya, Brazzaville, Congo, and Dakar, Senegal. The Southern Africa Regional Office has since been closed down, and its staff and asserts have been absorbed into the ARI Secretariat.

Challenges faced by ARI

7. Fundamental political, economic and social developments have taken place on the Continent since the establishment of ARI. The formation of the African Union in 2002, and its Commission, resulted in the restructuring of the OAU organs and its specialized agencies. In the Department of Social Affairs, the new AU Commission also provided for coordination of the services for persons with disability, including the implementation of the African Decade of Persons with Disability.

8. The AU Conference of Ministers of Social Development was also instituted in 2008, to provide political leadership for the harmonization and coordination of social development concerns on the Continent, including those related to persons with disability. The same Ministers serving on the Governing Boards of specialized agencies also served on the same specialized AU Conferences, which resulted in much duplication and resultant extra costs. This led to the restructuring of OAU Organs and Specialized Agencies, but not ARI. ARI continued to operate with its old structure and mandate, thereby rendering it less competitive and effective.

9. ARI finds itself in chronic financial difficulties due to non-payment of membership fees by member countries; it does not have sufficient funding for adequate personnel, programmes and dedicated projects, including Public Relations and for stimulating commercial activities. The Institute does not enjoy sufficient lobbying power to influence the implementation/adherence to decisions of its Governing Board and its Agreement by Member States. A good example is the unsuccessful appeals to Member States to pay their annual contributions to the ARI. As a result, ARI has to appeal to its higher structure, the AU, to facilitate support for its activities. The financial situation has been aggravated by the gross mismanagement and consistent pattern of violation of the administrative and financial rules of the Institute, according to the audit report. Generally the Institute's financial and strategic management leaves much to be desired.

10. Furthermore, the ever growing advocacy in the area of disability in Africa, as well as on the international scene, raised the question as to whether ARI had the requisite structure to implement the new Vision and Mission of the AU and to meet the disability challenges of the 21st century. Hence, there was need for restructuring of the ARI in order to reflect and address the new realities, particularly the mainstreaming of disability in social development.

11. Pursuant to the Executive Council Decision EX.CL/Dec.625 (XVIII), the AU Commission took the following measures:

- i) Enact austerity measures in management of ARI Finances; and collect arrears from defaulting ARI Member States;
- ii) Sent a team comprising of the of DSA, Office of the Legal Counsel, and Finance & Budget and Internal Audit to Harare and Nairobi to conduct an in-depth assessment of the legal, financial and personnel situation of the ARI;

Austerity and Administrative Measures

12. The AUC made the following recommendations which were approved for implementation by the ARI Governing Board at its 21st Session in Harare, Zimbabwe from 7 to 10 September 2011:

- (a) The contract of the Acting Executive Director was recommended for termination. He was over 60 years of age in terms of AUC employment policy;
- (b) The services of the officer seconded by the Government of Libya who was elevated to a paid position as Deputy Executive Director shall also be terminated as the position does not appear on the current approved structure for ARI and because proper appointment procedures were not followed after ARI started paying for his services;
- (c) The services of the Acting Finance and Administration Officer shall be terminated as he did not possess the requisite qualifications for the position;
- (d) Appropriate disciplinary procedures shall be instituted in terms of applicable Staff Rules and Regulations in order to recover ARI funds which were received unlawfully by the officers concerned, as well as for other inappropriate action taken by any one of them; Actions pertaining to the above-mentioned staff need to be taken strictly in accordance with applicable legal provisions and procedures;

- (e) Member States are urged to second an administrator, at the expense of Member States or cooperating partners, to authorize all operational expenses of ARI and conduct an audit of ARI Staff, including their employability in the restructured ARI Secretariat; Measures shall be taken to scale down operational expenses of the organisation;
- (f) The Government of Zimbabwe will undertake a selection process to appoint someone with the requisite experience and qualifications and the salary of the Administrator for the first 2-3 months will be paid from available ARI funding, while the AU Commission will engage the UN and Development Partners such as Finland, the EU and others in writing to cover the service contract of the Administrator for the remaining time until the ARI Secretariat is fully operational with its new staff compliment;
- (g) The signatories to the ARI account into which earmarked funds shall be paid for the liquidation of liabilities, shall be changed. The signatories will be two of the following: The Director of Finance, Ministry of Labour and Social Affairs, Zimbabwe, or the Director, Social Welfare, in the same Ministry, together with the mandatory signature of the interim Administrator;
- (h) The Administrator shall furthermore attend to the payment of annual subscriptions by ARI Member States, fund raising for the programme activities of ARI, payment of arrears owed to current, retired and deceased staff of the ARI on provision of proof of such arrears, severance packages to redundant staff, and investigate employment opportunities for redundant staff of the ARI Secretariat;
- (i) In order to clear the above-mentioned liabilities, Member States who have defaulted in their payments to ARI, are requested to pay their arrears in contributions for only the past four years (2007 – 2011); in this regard, it is recommended that the AU Commission communicates this decision by Note Verbales to the concerned Member States, specifying the amount outstanding for this period;
- (j) The Restructuring of the ARI shall be completed by December 2012, which would include recruitment for positions in accordance with the Rules and Regulations of the AU Commission;

AUC Assessment of ARI

13. The AUC sent a team comprising of the of DSA, Office of the Legal Counsel, and Finance & Budget and Internal Audit to Harare and Nairobi to conduct an in-depth assessment of the legal, financial and personnel situation of the ARI. The team recommended a restructuring package envisaged to be implemented over a 12-month period and completed by December 2012.

14. However, the report of the assessment was emphatic on the negative impact of the precarious financial situation of ARI that depends mostly on annual assessed contributions from its Member Countries, and due to non-payment by many members, a serious lack of financial resources hampered the effective functioning of the ARI since its establishment. At present, the arrears in contribution from Member States are estimated at \$8.5 million. The financial situation has been aggravated by the gross mismanagement and consistent pattern of violation of the administrative and financial rules of the Institute, according to the audit report, resulting in the erosion of the financial situation of the ARI and it not being able to deliver on its mandate.

15. Therefore, the present re-structuring over a 12-month period is only palliative. If ARI were to deliver on its mandate and vision of equalisation of opportunities for persons with disabilities in Africa, promote and support their rights and full participation in their societies, a more radical restructuring would be required. Hence the following recommendations:

- (a) The functions of ARI be integrated into the AUC, thereby, transforming ARI from a Specialized Agency into a Specialized Office of the AU Commission under the Department of Social Affairs;
- (b) A road map to ensure a smooth integration of the functions of ARI into the AUC; and
- (c) A self-financing mechanism with sufficient revenue should be developed.

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