

**AFRICAN UNION**

**الاتحاد الأفريقي**



**UNION AFRICAINE**

**UNIÃO AFRICANA**

---

Addis Ababa, ETHIOPIA

P. O. Box 3243

Telephone: 517 700

Fax: 5130 36

website: [www.wwww.au.int](http://www.wwww.au.int)

---

**EXECUTIVE COUNCIL**

**Twenty-Eighth Ordinary Session**

**23 - 28 January 2016**

**Addis Ababa, ETHIOPIA**

**EX.CL/935(XXVIII)**

**Original: English**

**REPORT OF THE SECOND ORDINARY SESSION OF THE STC ON  
JUSTICE AND LEGAL AFFAIRS, ADDIS ABABA, ETHIOPIA,  
12-14 NOVEMBER 2015**

**REPORT OF THE SECOND ORDINARY SESSION OF THE STC ON JUSTICE AND  
LEGAL AFFAIRS, ADDIS ABABA, ETHIOPIA,  
12-14 NOVEMBER 2015**

1. The First Extra Ordinary Session of the Specialized Technical Committee (STC) on Justice and Legal Affairs was held at the Headquarters of the Union in Addis Ababa, Ethiopia on 2 to 11 November 2015 (Expert Session) and 12 to 13 November 2015 (Ministerial Session).
2. The First Extra Ordinary Session was attended by forty-two (42) Member States and three (3) AU organs.
3. The purpose of the meeting was to finalize twenty-two (22) Draft Legal Instruments prior to their submission to and adoption by the Policy Organs.
4. Consequently, the meeting adopted the following twenty (20) Draft Legal Instruments:
  - i) Draft Road Safety Charter;
  - ii) Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons;
  - iii) Draft Model Law on Medicine Regulation;
  - iv) Draft Statute of the Africa Sports Council;
  - v) Draft Statute of the African Minerals Development Centre;
  - vi) Draft Statute on the Establishment of Legal Aid Fund for the African Union Human Rights Organs;
  - vii) Draft Statute of the African CDC and its Framework of Operation;
  - viii) Draft Statute of the African Science Research and Innovation Council (ASRIC);
  - ix) Draft Statute of the African Observatory in Science Technology and Innovation (AOSTI);
  - x) Draft Statute of the Pan African Intellectual Property Organization (PAIPO);
  - xi) Draft Rules of Procedure of the Specialized Technical Committee on Health Population and Drug Control;

- xii) Draft Rules of Procedure of the Specialised Technical Committee on Public Service, Local Government, Urban Development and Decentralisation;
- xiii) Draft Rules of Procedure of the Economic, Social and Cultural Council of the African Union;
- xiv) Draft Rules of Procedure of the African Governance Platform;
- xv) Draft Rules of Procedure of the Specialized Technical Committee on Social Development, Labour and Employment;
- xvi) Draft Rules of Procedure of the Specialized Technical Committee on Youth Culture and Sport;
- xvii) Draft Rules of Procedure of the Specialized Technical Committee on Education Science and Technology;
- xviii) Draft Rules of Procedure of the Specialized Technical Committee on communication and ICT;
- xix) Draft Rules of Procedure of the African Union Commission on the International Law;
- xx) Draft amended Statute of the Pan African University

**5.** The First Extra Ordinary Session did not consider two Draft Instruments on the agenda, namely the draft Transitional Justice Framework and the draft Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty.

**6.** The Ministerial Session adopted and recommended that the twenty (20) Draft Legal Instruments above should be considered by the Executive Council and the Assembly.

**7.** Additionally, after considering the increasing volume of work for the STC on Justice and Legal Affairs as evidenced by the increasing number of instruments, the meeting agreed to recommend to the Executive Council that the STC on Justice and legal Affairs should be allowed to meet annually in ordinary sessions just like the STCs on Finance, Monetary Affairs, Economic Planning and Integration; Gender and Women Empowerment; and Defence, safety and Security.

**8.** The Report containing recommendations and the Draft Legal Instruments adopted by the STC on Justice and Legal Affairs are attached hereto as annexes.

**EX.CL/935(XXVIII)**  
**Annex 1**

**REPORT OF THE SECOND ORDINARY SESSION OF THE STC ON  
JUSTICE AND LEGAL AFFAIRS, ADDIS ABABA, ETHIOPIA,  
12-14 NOVEMBER 2015**

**AFRICAN UNION**

**الاتحاد الأفريقي**



**UNION AFRICAINE**

**UNIÃO AFRICANA**

---

Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: [www. Africa-union.org](http://www.Africa-union.org)

---

**First Extra Ordinary Ministerial Session of the Specialized Technical  
Committee on Justice and Legal Affairs  
12 and 13 November 2015  
Addis Ababa, Ethiopia**

**STC/Legal/Min/Rpt.  
Original: English**

**REPORT**

## I. INTRODUCTION

1. Pursuant to Decision Assembly/AU/Dec.365(XVII) adopted by the 17<sup>th</sup> Ordinary Session of the Assembly of the African Union held in Malabo, Equatorial Guinea, in July 2011, and the Decision EX. CL/Dec.701(XXI) adopted by the 21<sup>st</sup> Ordinary Session of Executive Council of the Africa Union held in Addis Ababa, Ethiopia, in July 2012, the African Union Commission convened the First Extra Ordinary Ministerial Session of the Specialized Technical Committee (STC) on Justice and Legal Affairs (STC) to consider various Draft Legal instruments. The STC on Justice and Legal Affairs comprises Ministers of Justice and Attorneys General or Keepers of the Seals, Ministers responsible for Human Rights, Constitutionalism and the Rule of Law or such other Ministers or authorities duly accredited by the Governments of Member States.

## II. ATTENDANCE

2. The following Member States were in attendance:

**Algeria; Benin; Botswana; Burkina Faso; Burundi; Cameroon; Chad; Comoros; Congo; Democratic Republic of Congo; Egypt; Equatorial Guinea; Eritrea; Ethiopia; Gabon; Ghana; Guinea, Kenya; Lesotho; Liberia; Libya; Malawi; Mali; Mauritania; Mozambique; Namibia; Nigeria; Rwanda; SADR; Senegal; Seychelles; Sierra Leone; South Africa; South Sudan, Sudan, Tanzania; The Gambia; Togo; Tunisia; Uganda; Zambia; Zimbabwe.**

3. The meeting was also attended by the following: The NEPAD Agency, Pan African Parliament and the African Court on Human Rights and Peoples' Rights.

## III. OPENING SESSION

### ***Statement by Minister of State, Minister of Justice and Keeper of the Seals of the Republic of Cameroon***

4. In his remarks, the Chairperson of the meeting, H.E Laurent Ezzo, Minister of State, Minister of Justice and Keeper of the Seals of the Republic of Cameroon thanked all delegations for coming to the meeting. He thanked the Government Legal Experts for their hard work and dedication in preparing for the Ministerial session of the STC.

5. He recalled that the first meeting of the STC was convened in May 2014 whereby it was agreed that the STC should hold its First Extra Ordinary Session in 2015. He pointed out that the STC on Justice and Legal Affairs has an enormous responsibility in ensuring coherence of legal texts of the African Union. He informed the meeting that the STC should always bear in mind the vision of the African Union as well as African Union Agenda 2063 in order to build an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in global arena.

6. He stated that the African Union needs a solid legal architecture that addresses the concerns of the African population. He concluded by highlighting the importance of each of the legal instruments being considered during the meeting.

***Statement by the Deputy Chairperson of the AU Commission***

7. In his opening remarks the Deputy Chairperson of the AU Commission, H.E. Mr. Erastus Mwencha, on behalf of the Chairperson, H.E. Dr. Nkosazana Dlamini Zuma, welcomed all the honourable Ministers and delegations to the capital of Ethiopia to the second session of the STC on Justice and Legal Affairs. He thanked them for the efforts made to be in attendance as this was a testimony to the importance that Member States attached to the issues that were scheduled to be discussed during this meeting essential for the achievement of the objectives of the African Union.

8. The Deputy Chairperson reminded the delegates that this second meeting was taking place as a continuation within the framework of the operationalization of the Specialized Technical Committees (STCs) of the African Union in accordance with various decisions of the Policy Organs of the Union. He noted that the STCs, which constitute the important technical organs of the Union, are expected to work in close collaboration with the various departments of the Commission so as to provide well-informed inputs to the work of the Executive Council in their areas of specialization. He further noted that STCs will be involved in monitoring the programme development and their implementation by the AU and Regional Economic Communities (RECs) on behalf of the Executive Council.

9. The Deputy Chairperson recalled that the seven (7) STCs as provided in the Abuja Treaty and the Constitutive Act were reconfigured in February 2009 by the Assembly of Heads of State and Government through Decision Assembly/AU/Dec.227 (XII). The main consequence of the reconfiguration of the STCs pursuant to Decision Assembly/AU/Dec.227(XII) was an increase in the number of STCs from seven (7) to fourteen (14) including the STC on Justice and Legal Affairs which replaced the former Conference of Ministers of Justice and Attorneys General from Member States but now includes Ministers and Experts responsible for issues such as human rights, constitutionalism and rule of law.

10. He stated that the importance of STCs in the work of our Union cannot be overemphasized. In June 2015 in Johannesburg, the Assembly in its decision on the streamlining of AU Summits and working methods (Assembly/AU/Dec.582(XXV) decided to “empower the STCs ... to take decisions on issues falling under their competence, except where there are attendant financial and structural implications. In this regard, he indicated that the STC should come up with measures on how best to manage the integration process.

11. The Deputy Chairperson took note of the large number of instruments to be considered during the meeting. He urged the Ministerial Session to consider making a recommendation of the policy organs of the Union to permit the STC on Justice and Legal Affairs to meet every year in ordinary sessions to examine legal instruments

requiring the attention of the STC and which cannot wait for two years before being considered.

12. In his concluding remarks, the Deputy Chairperson reaffirmed the commitment of the Commission to support and aid the discussions during the Ministerial session.

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

13. After some deliberations, the meeting adopted the Agenda as follows:

- 1) Opening Session;
- 2) Consideration and Adoption of the Draft Agenda of the Ministerial Meeting;
- 3) Organization of Work;
- 4) Presentation of the Report of the Second Meeting of Experts of the Specialized Technical Committee on Justice and Legal Affairs;
- 5) Consideration of the Conclusions and Recommendations of the Report of the Second Meeting of Experts;
- 6) Declaration on the International Criminal Court;
- 7) Consideration and Adoption of the Draft Legal Instruments;
- 8) Adoption of the Report of the Second Meeting of the Specialized Technical Committee on Justice and Legal Affairs;
- 9) Any Other Business
- 10) Closing Ceremony

14. The meeting agreed to include the item on the Declaration on the International Criminal Court on an exceptional basis taking into account the provisions of Rules 10 and 11 of the Rules of Procedure of the STC on Justice and Legal Affairs. The meeting reached this conclusion after considering the request made by the delegation of Kenya to include this item both at the meeting of the Government Experts and the Ministerial Session. The meeting requested the Office of the Legal Counsel to review Rules 10 and 11 of the Rules of Procedure of the STC on Justice and Legal Affairs in light of what had transpired.

#### **V. ORGANISATION OF WORK**

15. The meeting adopted its organisation of work as follows:

- Morning: 10.00 to 13.00



- Afternoon: 14.30 to 18.00

## **VI. PRESENTATION OF THE REPORT OF THE SECOND MEETING OF EXPERTS OF THE SPECIALIZED TECHNICAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

**16.** The Chairperson of the meeting of Government Experts, Mr. Charles Tchatchouang presented the Report of the meeting that took place from 2 to 11 November 2015. He informed the Ministerial session that the Experts agreed to recommend to the Ministerial session that the draft Transitional Justice Framework and the draft Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty should not be considered by the Ministerial session. He also highlighted one of the major recommendation, on the need for the STC on Justice and Legal Affairs to meet annually and to strengthen the capacity of the Office of the Legal Counsel.

**17.** Following this presentation, the following comments and observations were made:

- i) How the draft Transitional Justice Framework and the draft Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty was included on the agenda;
- ii) Whether the decision of the Assembly/AU/Dec.582 (XXV) empowering the STCs to take decisions on issues falling under their competence, except where there are attendant financial and structural implications, was taken into account during the consideration of the Rules of Procedure of the various STCs;
- iii) The delegation of Egypt reiterated its reservation on the definition of intellectual property and the harmonization and norm setting by the PAIPO provided for in Article 4 (1), 4 (2) and 4 (12);
- iv) Regarding the PAIPO Statute, there was lack of clarity on whether ARIPO and OAPI would continue to exist after the establishment of the PAIPO and that the two organizations were not consulted as indicated in the Report of the Government Experts;
- v) It was not clear if the composition of the Board of the Africa Centre for Disease Control would be maintained at ten or whether it was going to be reduced to five.
- vi) In view of the fact that the African continent was not against the abolition of the death penalty, paragraph 84 of the Report of Government Experts should be deleted.

**18.** The Legal Counsel clarified as follows:

- i) The draft Transitional Justice Framework was proposed by the Department of Political Affairs after the instrument underwent various validation processes. However, the Government Experts were not convinced of its validation process and decided to set up a working group to review the Framework. On the other hand, the draft Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty was proposed by the African Commission on Human and Peoples' Rights, the African Union organ charged with the mandate of protecting and promoting human and peoples' rights. The Government Experts agreed not to consider the matter in view of the fact that there was no common position on the matter;
- ii) The STC should review the extent to which the decision of the Assembly/AU/Dec.582 should be taken into account considering that the various STCs have different responsibilities;
- iii) Specific questions on the draft Protocol would be considered during the adoption of the draft legal instruments;
- iv) The HRST Department gave out a litany of the consultations that were undertaken with all the relevant stakeholders. In addition, the PAIPO Statute was adopted after compromises were made by delegations. In this regard, an article on entry into force after the deposit of 15 instruments of ratification was introduced to give a choice to Member States to decide on whether to join the PAIPO or not;

19. Following the observations and clarification, the Ministerial Session of the STC on Justice and Legal Affairs took note of the Report of Government Experts Meeting.

## **VII. CONSIDERATION OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE REPORT OF THE SECOND MEETING OF EXPERTS**

20. The meeting considered the main conclusions and recommendations of the Report of Government Experts and agreed as follows:

### **a) The composition of the Board of the Africa Centre for Disease Control**

21. Taking into account the financial constraints facing the African Union and the need for robust regional representation, the meeting agreed to maintain the composition of the Board at ten (10) and to remain silent on the funding mechanism as it is in the draft Statute.

### **b) Strengthening the Office of the Legal Counsel**

22. After being briefed by the Legal Counsel on the responsibilities of the Office of the Legal Counsel as well as the huge capacity deficit of the Office, the meeting

requested for the diligent implementation of the previous decision by the Executive Council that the Office of the Legal Counsel should be enhanced in order for it to effectively respond to the increase in the workload of the Office and effective servicing of the STC on Justice and Legal Affairs.

**c) Invitation of the Chairperson of the STC on Justice and Legal Affairs to the sessions of the Executive Council**

**23.** The meeting took note of Rule 17 (4) of the Rules of Procedure of the STC on Justice and Legal Affairs as well as the spirit behind decision Assembly/AU/Dec.365 (XVII) on the need for the Chairperson of the STC (as well the Chairpersons of other STCs) to attend the sessions of the Executive Council. In this regard, the Office of the Legal Counsel was requested to implement this decision.

**24.** The Legal Counsel informed the meeting that the STC Coordination Mechanism made up of all Bureaus of all STCs was also very essential as all the Chairperson of the STCs would meet to know and evaluate what is happening in the areas of competence of the other STCs.

**d) Annual Meetings of the STC on Justice and Legal Affairs**

**25.** After considering the increasing volume of work for the STC on Justice and Legal Affairs as evidenced by the increasing number of instruments, the meeting agreed to recommend to the Executive Council that the STC on Justice and legal Affairs should be allowed to meet annually in ordinary sessions just like the STCs on Finance, Monetary Affairs, Economic Planning and Integration; Gender and Women Empowerment; and Defence, safety and Security.

**26.** Some delegations expressed the view that the STC should consider the option of extraordinary sessions and also take into account of the review process on STCs considering that similar requests by other STCs had been rejected by the Executive Council. However, it was noted that extraordinary sessions cannot be planned and that it would therefore be difficult to include make budgetary provisions for such meetings.

**VIII. CONSIDERATION AND ADOPTION OF THE DRAFT LEGAL INSTRUMENTS**

**27.** During the adoption of the draft Legal Instruments, the following observations were made:

- i) Regarding the draft Pan African Intellectual Property Organization (PAIPO) Statute, there was need to ensure that all the observations by the delegations were incorporated in the Statute particularly on the link between PAIPO and African Regional Intellectual Property Organization (ARIPO) and the African Intellectual Property Organization (OAPI), the definition of intellectual property, and the functions of the PAIPO, amongst other observations;

- ii) Draft Legal instruments should be circulated on time to ensure their thorough review;
- iii) Clarification was sought as to why under Article 20 (1) of the draft PAIPO Statute, the Assembly of the Union may dissolve the PAIPO when the Conference of the State Parties of the PAIPO was the highest decision making organ of the PAIPO;
- iv) That in the Rules of Procedure of all the STCs, a new provision should be inserted incorporating the decision of the Assembly (Assembly/AU/Dec.582 (XXV)) adopted during the June 2015 Summit in Johannesburg, South Africa, empowering the STCs to take decisions on issues falling under their competence, except where there are attendant financial and structural implications.

**28.** The Legal Counsel clarified as follows:

- i) During the consideration of the PAIPO Statute, compromise was reached on all the issues and this led to the adoption of the draft Statute. In this regard, while taking cognizance of the WIPO definition on intellectual property, the Experts took into account that the WIPO definition does not take into account some of the African concerns. In addition, in the draft, ARIPO and OAPI would continue to exist after the establishment of the PAIPO. Lastly, the entry into force will now be subject to signature and ratification and not by adoption of the Assembly as was originally the case. Member States will therefore have a choice to choose on whether to join PAIPO or not;
- ii) The Conference of the State Parties should be responsible for dissolving the PAIPO and that Article 20 (1) of the draft PAIPO Statute would be amended accordingly;
- iii) Decision Assembly/AU/Dec.582 (XXV) will be reflected in the Rules of the Procedure of the STCs within its proper context.

**29.** The following legal instruments were adopted and recommended for adoption by the Executive Council and the Assembly:

- i) Draft Road Safety Charter;
- ii) Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons;
- iii) Draft Model Law on Medicine Regulation;
- iv) Draft Statute of the Africa Sports Council;
- v) Draft Statute of the African Minerals Development Centre;

- vi) Draft Statute on the Establishment of Legal Aid Fund for the African Union Human Rights Organs;
- vii) Draft Statute of the African CDC and its Framework of Operation;
- viii) Draft Statute of the African Science Research and Innovation Council (ASRIC);
- ix) Draft Statute of the African Observatory in Science Technology and Innovation (AOSTI);
- x) Draft Statute of the Pan African Intellectual Property Organization (PAIPO);
- xi) Draft Rules of Procedure of the Specialized Technical Committee on Health Population and Drug Control;
- xii) Draft Rules of Procedure of the Specialised Technical Committee on Public Service, Local Government, Urban Development and Decentralisation;
- xiii) Draft Rules of Procedure of the Economic, Social and Cultural Council of the African Union;
- xiv) Draft Rules of Procedure of the African Governance Platform;
- xv) Draft Rules of Procedure of the Specialized Technical Committee on Social Development, Labour and Employment;
- xvi) Draft Rules of Procedure of the Specialized Technical Committee on Youth Culture and Sport;
- xvii) Draft Rules of Procedure of the Specialized Technical Committee on Education Science and Technology;
- xviii) Draft Rules of Procedure of the Specialized Technical Committee on communication and ICT;
- xix) Draft Rules of Procedure of the African Union Commission on the International Law;
- xx) Draft amended Statute of the Pan African University.

## **IX. DECLARATION ON THE INTERNATIONAL CRIMINAL COURT**

**30.** The Attorney General of the Republic of Kenya in introducing this item briefed the meeting on the background to the proposed declaration and indicated that it does not purport to introduce anything new.. He stated that the proposal to introduce this agenda

item to the STC as the legal advisory organ of the African Union was to allow Ministers re-affirm the decisions of the Assembly on this matter.

**31.** The Legal Counsel in providing some background reminded the Ministers of the Extraordinary Session of the Assembly that debated Africa's relationship with the ICC and that basis was a matter of importance to the Union and should be considered by the STC. In particular, he highlighted the following issues that emanated from the various decisions of the Assembly and actions taken by the Commission:

- i) Non-cooperation with the ICC due to the non-consideration of the deferral of the proceedings against the President of Sudan, H.E Omar Al Bashir and the Deputy President of Kenya. H.E William Ruto;
- ii) Establishment of a Working Group and subsequently and Open ended Ministerial Committee to engage with the African Groups in New York and The Hague to advance the various AU positions on the ICC;
- iii) The Open ended Committee is also due to engage UN Security Council and UN Secretary General on the withdrawal requests;
- iv) The Commission attends the Assembly of State Parties to the ICC (ASP) and will use the next session as an opportunity to convey some of the concerns of the AU in addition to regular engagement with the ICC Prosecutor to see how some of the issues can be dealt with from a purely professional and legal perspective;
- v) The Assembly requested the Commission to enter an amicus curiae application (Rule 68 application) on behalf of the Union, in order to provide the Court with relevant information regarding the amendment of the ICC Rules of Procedure and Evidence on the retroactive application of prior recorded testimonies of witnesses. The application of the Commission was favourably considered by the Appeals Chamber and a final decision on the matter is being awaited;
- vi) One of the issues of concern to the AU was institution of prosecutions against some sitting Heads of State in spite of the customary international law on the issue of Immunities, which is yet to be settled in law.

**32.** He concluded by indicating that the STC was competent to consider the draft declaration, which is premised on the issues highlighted above and the various decisions of the Assembly.

**33.** Following the briefing the following comments and observations were made:

- i) The request of the AU for amendment of article 27 and 16 of the Rome Statute of the ICC should be considered in the forthcoming session of the ASP;

- ii) That in accordance with customary international law, the immunity of Head of States and Government should be reaffirmed;
- iii) That the meeting in pronouncing itself on these issues should take cognisance of the fact that some of the issues are already before the Court;
- iv) Need to emphasize the complementary role of the ICC in the exercise of its jurisdiction;
- v) The ICC is purported to be biased against African States as evidenced by the cases before it;
- vi) There was a clear and unambiguous understanding during the adoption of amendments to the ICC Rules of Procedure and Evidence - as a compromise the application of the use of prior recorded testimonies of witnesses, was subject to the fact that it will not apply to on-going cases before the Court and that the ASP will be briefed on its application. However, it is clear that the Prosecutor has reneged on this understanding by State Parties;

**34.** After extensive deliberations by the delegates, a number of amendments to the drafted Declaration was presented and adopted by the meeting.

## **X. RECOMMENDATIONS**

**35.** The Ministers adopted the following recommendations:

- i) Adoption of the Legal Instruments by the Executive Council and the Assembly;
- ii) Amendment of the Rules of Procedure of the STC on Justice and Legal Affairs in order to make provisions for this Organ to meet annually and for an appropriate budget allocation;
- iii) Support by the Commission for one delegate per State to attend the meetings of the STC on Justice and Legal Affairs subject to availability of resources;
- iv) The strengthening of the Office of the Legal Counsel to enable it to effectively respond to the increase in the workload and effective servicing of the STC;
- v) The invitation to the Chairperson of the STC to the Ordinary Sessions of the Executive Council, pursuant to Article 17 of the Rules of procedure.

**XI. ANY OTHER BUSINESS**

36. No item was considered.

**XII. ADOPTION OF THE REPORT OF THE SECOND MEETING OF THE SPECIALIZED TECHNICAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS;**

37. The Report was adopted by Ministers with amendments.

**XIII. CLOSING CEREMONY**

38. In his Closing Remarks the Chairperson of the meeting, H.E Laurent Ezzo, Minister of State, Minister of Justice and Keeper of the Seals of the Republic of Cameroon thanked the Ministers and Delegates, the Government Legal Experts, the Legal Counsel and staff of the Office of the Legal Counsel, the Representatives of various Departments, Interpreters, Translators and Technicians for their support and cooperation.



**EX.CL/935(XXVIII)**  
**Annex 2**

**LEGAL INSTRUMENTS**



# **AFRICAN ROAD SAFETY CHARTER**

# AFRICAN ROAD SAFETY CHARTER

## PREAMBLE

### **We, Member States of the African Union**

**Considering** the Constitutive Act of the African Union, adopted on 11 July 2000 in Lomé, Togo, in particular Articles 14 (e) and 15 and which entrust the African Union Commission with a coordination mission in the Transport, Communication and Tourism sectors;

**Considering** the Treaty Establishing the African Economic Community adopted in Abuja, Nigeria in June 1991, in particular Article 61, that defines the steps that member States should undertake to achieve a harmonious and integrated development of the continental transport and communications network in Africa;

**Considering** the Decision of the Assembly of Heads of State and Government adopted in July 2001 in Lusaka, Zambia, establishing the New Partnership for Africa's Development (NEPAD) as the framework for Africa's development;

**Considering** the challenges arising from economic globalization and the need for Africa to implement, in a complete and effective manner, the Almaty Programme of Action of 2003, which underscores the United Nations' programme for cooperation in transit transport for landlocked developing countries;

**Considering** the Decision of Heads of State and Government of the African Union, meeting in July 2005 in Sirte, Libya, to include in the Millennium Development Goals (MDGs) the transport targets and indicators adopted in April 2005 in Addis Ababa, Ethiopia, by African Ministers responsible for transport and infrastructure, within the framework of poverty alleviation;

**Considering** the Declaration Doc.Assembly/Au/9(XII) adopted at the XII<sup>th</sup> Assembly of Heads of State and Government of the African Union held in Addis Ababa, Ethiopia, in February 2009 on the development of transport and energy infrastructure in Africa;

**Considering** the Resolution 64/255 adopted by the UN General Assembly on 02 March, 2010 proclaiming 2011-2020 a Decade of Action for Road Safety as well as its dedicated/related Action Plan;

**Considering** the Declaration Doc.Assembly/AU/Decl.2(XVIII) adopted at the XVIII<sup>th</sup> Assembly of Heads of State and Government of the African Union held in Addis Ababa, Ethiopia, in January 2012 on the Programme for Infrastructure Development in Africa (PIDA) and its Priority Action Plan (PAP) and Institutional Architecture for Infrastructure Development in Africa (IAIDA);

**Considering** the Decision EX.CL/Dec.682(XX) adopted by the Twentieth Ordinary Session of the Executive Council on the Report of the Second Ordinary Session of the Conference of African Ministers responsible for Transport endorsing the Luanda

Declaration and Plans of Action;

**Considering** the Luanda Declaration AU/TPT/MIN/Decl. (II) and its Africa Action Plan for the Road Safety Decade 2011-2020 adopted by the Second Ordinary Session of the Conference of African Ministers responsible for Transport, in November 2011;

**Considering** the relevant international conventions in transport matters, especially in the areas of safety and security, the protection of the environment as well as facilitation of transport;

**Recognizing** the multi-sectorial dimension of road safety and the need for closer collaboration among the key stakeholders (transport, infrastructure, education, police, health, law enforcement) in improving the road safety situation on the Continent;

**Committed** to improving transport infrastructure and health services in Africa so as to prevent road crashes and fatalities;

**Recognizing** the need to speed up the development of infrastructure and associated services in Africa and to put in place safer roads for Africa's development;

**Deeply concerned** by the inordinately high rate of road crashes in Africa with most victims being pedestrians, cyclists and motorcyclists constituting largely young people and where the cost of road traffic accidents is nearly 2% of GNP: indeed, a heavy toll with a significant adverse socioeconomic impact on the Continent;

**HEREBY AGREE as follows:**

## CHAPTER I GENERAL PROVISIONS

### Article 1

#### Definitions

For the purposes of this Charter, the following definitions shall apply:

**"AU"**, means the African Union;

**"Charter"** means the African Road Safety Charter;

**"Commission"** means the African Union Commission;

**"Constitutive Act"** means the Constitutive Act of the African Union;

**"Non-motorized road users"** means a user of the road that does not require a motor to generate energy for that purpose, and includes the use of animal-drawn or human-drawn carts, a pedestrian and a cyclist;

**"Assembly"**: the Assembly of Heads of State and Government of the African Union;

**"Member State"** means State member of the African Union;

**"State Parties"** mean Member States, which have ratified or acceded to this Charter;

**"Road infrastructure"** means road facilities and equipment, including the road network, parking spaces, stopping places, draining system, cycle paths, bridges and footpaths;

**"Road Safety Decade"** means 2011-2020 as Decade of Action for Road Safety proclaimed by the UN General Assembly (Resolution 64/255) and by the 20<sup>th</sup> Ordinary Session of the AU Executive Council (Dec Ex.CL/Dec.682(XX));

**"Road Safety Impact Assessment"** means the evaluation process on Road Safety to be undertaken at all phases of design, construction and operation of road infrastructure;

**“Road Safety Lead Agency”** means the national agency in charge of Road Safety issue with cross-sectoral coordination responsibilities;

**“Road traffic crash”** means a collision or incident that may or may not lead to injury, occurring on a public road and involving at least one moving vehicle;

**“Road traffic fatality”** means a death occurring within 30 days of a road traffic crash;

**“Road User”** means a person using any part of the road system as a non-motorized or motorized transport user

**“Roadworthiness of vehicles”** means the technical process of checking all safety technical parameters to ensure the safe use of a vehicle on the road;

**“Safety audits”** mean checks that are carried out at various stages of any road project to ensure that its design and implementation are consistent with safety principles, and to determine whether further design changes are needed to prevent crashes;

**“Seat belt”** means a vehicle occupant restraint, worn to protect an occupant from injury, ejection or forward movement in the event of a crash or sudden deceleration;

**“UNECA”** means United Nations Economic Commission for Africa;

**“Vulnerable road users”** mean road users most at risk in traffic, such as pedestrians, cyclists, motorcyclists and public transport passengers. Children, older people and disabled people may also be included in this category;

## **CHAPTER II OBJECTIVES AND PRINCIPLES**

### **Article 2 Objectives**

1. The main objectives of the Charter are:

- a) To serve as a policy framework for Road Safety improvement in Africa.
  - b) To serve as an advocacy tool and instrument for Road Safety improvement on the Continent aimed at facilitating the creation of an enabling environment to drastically reduce the road traffic crashes.
2. The specific objectives are to:
- a) Facilitate the formulation of comprehensive Road Safety policies at country level;
  - b) Speed-up implementation of national, regional and continental Road Safety programs;
  - c) Contribute to the coordination of Road Safety in the Continent;
  - d) Promote better coordination of interventions by Development Partners in the Road Safety area;
  - e) Enhance Private sector, Civil Society Organisations, Non-Governmental Organisations participation in Road Safety issues;
  - f) Promote the harmonization of the collection, treatment and dissemination of Road Safety data.

### **Article 3 Principles**

State Parties shall function in accordance with the following principles in implementing the provisions of this Charter:

1. **Self-reliance and a sense of responsibility** by driving a robust and owned vision on Road Safety improvement.
2. **Solidarity and sharing** knowledge on Road Safety.
3. **Subsidiarity** between the African State Parties, African Union Commission and other regional and continental Institutions working towards the Continent's development and integration.
4. **Development partnership** between the African Stakeholders, the United Nations Agencies and other International Institutions working towards a fair human development in the world.

## **CHAPTER III ROAD SAFETY MANAGEMENT**

### **Article 4 Creation of Road Safety Lead Agencies**

1. State Parties shall establish legally mandated national road safety lead agencies, with cross-sectorial coordination responsibilities within three (3) years after the ratification or accession this Charter.
2. The responsibilities of the lead agencies shall among others include:
  - a) Policy advice to Government on matters of Road Safety across sectors;
  - b) Formulation and coordination of the implementation of road safety strategies.

### **Article 5 Institutional Strengthening of Road Safety Lead Agencies**

State Parties shall provide institutional support to Lead Agencies through financial and human resources, political support and recognition to give them the requisite clout to perform their coordination functions.

### **Article 6 Road Safety Strategies**

State Parties will, through an inclusive, collaborative and consultative process, prepare road safety strategies with clear priorities, responsibilities, ambitious and feasible targets.

### **Article 7 Road Safety Data Management System**

1. State Parties shall build capacity within Lead Agencies to enable them create and master credible road safety data management system encompassing quality data collection, storage, collation, analysis, and reporting modules.
2. Road safety data management system shall include national databases on vehicles and drivers, accidents, injuries and deaths, intermediate outcomes such as seat belt and helmet wearing rates and economic impacts of road safety injuries.
3. The data shall be robust, reliable, continentally harmonized and available for planning, research and development, monitoring and evaluation of progress made.



## **Article 8 Road Safety collaboration**

1. State Parties shall promote collaborative efforts at national, regional and continental levels, aimed at improving effectiveness of Road Safety initiatives, knowledge sharing, and monitoring and evaluation.
2. State Parties shall also engage actively in international Road Safety partnerships.
3. State Parties should create the enabling environment for Private Sector, Civil Society, Non-Governmental Organisations, Academic and Research Institutions participation in Road Safety activities.
4. State Parties shall commemorate the Africa Road Safety Day, every third Sunday of November.

## **CHAPTER IV SAFER ROAD AND MOBILITY**

### **Article 9 Functional Classifications**

1. State Parties shall technically classify roads according to the functions they serve. Road Designs must reflect the design norms and standards of their respective classification and intended functions.
2. State Parties shall ensure that infrastructure for Non-Motorised Traffic is incorporated as priority requirements within the design of all classes of roads, especially in the urban and rural roads context.

### **Article 10 Construction Traffic Management**

State Parties shall develop Road Safety Management Policies and Principles to guide consultants and contractors during the process of road construction in order to ensure road safety.

### **Article 11 Road Safety Inspection**

1. State Parties shall ensure that Road Safety Inspections are carried out as part of all maintenance processes.
2. The inspections shall take the form of a Safety Analysis and will involve, as a minimum, all road assets including; but not limited to, roadways, pavements, walkways, cycle paths, road furniture, signs, traffic signals or controls, road markings, crash barriers and streetlights.

3. The Safety Analysis shall also pay specific attention to areas considered as dangerous spots.

### **Article 12 Road Safety Audit**

1. State Parties shall introduce legislation and policies requiring Road Safety Audits in all phases of design, construction and operation of road infrastructure.
2. State Parties shall establish formal Road Safety Audit guidelines to address inter alia the credibility and independence of the Audit process.

### **Article 13 National Road Design Manual**

1. State Parties shall ensure that design manuals for roads and bridges are developed, reviewed and updated to ensure that it is fit for its purpose, caters for a safe design and reflects international best practices.
2. Road designs shall ensure that rest areas have been properly planned and incorporated in the national trunk road systems.

### **Article 14 Vulnerable Road Users**

State Parties shall ensure that the needs of vulnerable road users are adequately taken into account in the planning, design and provision of road infrastructure.

### **Article 15 Safer Vehicle**

1. State Parties shall adopt and enforce minimum standards of vehicles to ensure their roadworthiness.
2. State Parties shall formulate and enforce regulation on age limit of imported vehicles.
3. State Parties shall strengthen and enforce the mandatory periodic inspection of vehicles.
4. State Parties shall provide incentives for acquiring new vehicles that are environmentally and operationally safe. These incentives should apply also to mass transit vehicles and goods.
5. State Parties shall put in place legislation regulating the transportation of dangerous and hazardous goods.

## **Article 16 Safer Road Users**

1. State Parties shall strengthen the rules and regulations for training of drivers and issuing of driver licenses.
2. State Parties shall introduce a communication drive to educate and sensitize the population on the principal risks of road crashes.
3. State Parties shall introduce Road Safety in school curricula.
4. State Parties shall issue and enforce road safety legislation, particularly those related to speed control, control of driving while under the influence of alcohol and drugs, wearing seat belts, use of helmets and enhancing visibility and use of mobile telephone while driving.
5. State Parties shall formulate and enforce regulations on driving and rest hours for professional and all other drivers and introduce appropriate monitoring and enforcement mechanisms.

## **Article 17 Post-Crash Care**

1. State Parties shall strengthen pre-hospital and post-crash care services in order to provide timely and appropriate care to road traffic-injured patients to minimize their effects and long-term disability.
2. State Parties shall establish Emergency Medical Services (EMS) coordinating centres.
3. State Parties shall implement 3<sup>rd</sup> party motor vehicle insurance law to ensure EMS and rehabilitation of vehicle crash victims.
4. State Parties shall facilitate Training (capacity building) in injury emergency response services.
5. States Parties shall ensure the presence of emergency services at strategic locations on high ways to attend to road users injured in highway accidents.

## **CHAPTER V FINANCING, MONITORING AND EVALUATION**

### **Article 18 Financing Modalities**

1. State Parties shall recognize the socioeconomic consequences of road accidents as a guiding principle in the allocation of financial resources for road safety. The expenditures on road safety should not be considered as a cost but as an investment.
2. State Parties shall prescribe the proportion of financial resources to be allocated for road safety interventions as part of road infrastructure development and maintenance.
3. State Parties shall identify sustainable sources of funding, particularly internally, for Road Safety.

### **Article 19 Conference of the State Parties**

1. A Conference of States Parties to the Charter is hereby established as the highest political decision making body. The Conference of States Parties shall consist of Ministers responsible for Road Safety.
2. The Conference of State Parties shall adopt rules of procedures for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties to Charter.
3. The Conference of State Parties shall:
  - a) Provide strategic oversight, ensure effective implementation of the Charter and take all measures it deems necessary for the promotion of the objectives of the Charter;
  - b) Promote the harmonization of appropriate policies, strategies and measures for increasing road safety in Africa;
  - c) Consider and adopt, as appropriate, recommendations of the Secretariat;
  - d) Consider the reports and activities of the Secretariat and take appropriate action in regard thereto;
  - e) Consider and adopt amendments to this Charter;
  - f) Perform any other function consistent with the Charter or the Rules of Procedure of Conference of State Parties.
4. The Conference of State Parties shall meet every three (3) years.
5. The Commission shall serve as Secretariat of Conference of State Parties and shall coordinate the implementation of this statute at the continental level.

**Article 20**  
**Monitoring and Evaluation at National Level**

1. State Parties shall develop and implement sustainable and accurate national databases on road crashes and enforce mandatory reporting.
2. State Parties shall build national capacity for data management on road safety.
3. State Parties shall establish baseline data on road safety.
4. State Parties shall prepare annual progress reports on Road Safety.
5. The Lead Road Safety Agency in each Member State shall coordinate national road safety data collection and be the custodian of national road safety management systems.
6. State Parties shall establish an evaluation process to review the progress and draw lessons from the implementation of their Road Safety programs.

**Article 21**  
**Settlement of Disputes**

**Settlement of Disputes**

1. Any dispute or difference arising between State Parties with regard to the interpretation, application and implementation of this Charter shall be settled by mutual consent between the States concerned, including through negotiations, mediation, conciliation or other peaceful means;
2. In the event of failure by the disputing parties to settle the dispute or difference in accordance with Article 19 (1), the disputing Parties may, by mutual consent, refer the dispute to:
  - a) The African Court of Justice Human and Peoples' Rights, where applicable, or
  - b) To an Arbitration Panel of three (3) Arbitrators whose appointment shall be as follows:
    - i. The Parties to the dispute shall appoint two (2) of the Arbitrators;
    - ii. The Chairperson of the African Union Commission shall appoint the third Arbitrator who shall be President of the Panel;
3. The decision of the Panel of Arbitrators shall be binding.

## **CHAPTER VI FINAL PROVISIONS**

### **Article 22 Popularization of the Charter**

States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Charter in accordance with the relevant provisions and procedures of their respective constitutions.

### **Article 23 Safeguard Clause**

1. A provision in this Charter shall not be interpreted as derogating from the principles and values contained in other relevant instruments for the promotion of Intellectual Property development in Africa.
2. Nothing in this Charter shall be construed as preventing a Party from taking such action, compatible with the provisions of the United Nations Charter or any other international instrument and limited to the exigencies of the situation, as it considers necessary to its external or internal security.

### **Article 24 Signature, Ratification and Accession**

1. This Charter shall be open to Member State of the African Union for signature, ratification or accession.
2. The instrument of ratification or accession to the present Charter shall be deposited with the Chairperson of the African Union Commission.

### **Article 25 Entry into force**

1. This Charter shall enter into force thirty (30) days after the date of deposit of the fifteenth (15th) instrument of ratification by a Member State.
2. The Chairperson of the African Union Commission shall inform all Members States of the African Union of the entry into force of the present Statute.

For any Member State of the African Union acceding to the present Charter, the Statute shall come into force in respect of that State on the date of the deposit of its instrument of accession.

## **Article 26 Reservations**

1. A State Party may, when signing, ratifying or acceding to this Charter, formulate a reservation with respect to any of the provisions of this Charter, unless such a reservation is incompatible with the object and purpose of this Charter.
2. Unless otherwise provided, a reservation may be withdrawn at any time.
3. The withdrawal of a reservation must be formulated in writing to the Chairperson of the African Union Commission who shall notify other States Parties of the withdrawal accordingly.

## **Article 27 Depositary**

This Charter shall be deposited with the Chairperson of the African Union Commission, who shall transmit a certified true copy of the Charter to the Government of each signatory State and notify them of the dates of the deposit of the instruments of ratification or accession.

## **Article 28 Registration**

The Chairperson of the African Union Commission upon the entry into force of this Charter shall register this Charter with the United Nations Secretary General in conformity with Article 102 of the Charter of the United Nations.

## **Article 29 Withdrawal**

1. At any time after three years from the date on which this Charter has entered into force a State Party may withdraw from this Charter by giving written notification to the Depositary.
2. Withdrawal shall be effective one year after receipt of notification by the Depositary, or on such later date as may be specified in the notification.
3. Withdrawal shall not exempt the withdrawing State Party from fulfilling any obligations it might have incurred under this Charter.

## **Article 30 Amendment and Revision**

1. Any State Party may submit proposals for the amendment or revision of this Charter. Such amendments shall be adopted at a meeting of the Conference of State Parties

2. Proposals for amendment or revision shall be submitted to the Chairperson of the African Union Commission who shall transmit such proposals to the Conference of State Parties at least six months before the meeting at which it shall be considered for adoption;
3. The Conference of States Parties, upon the advice of the Africa Union Commission, shall examine these proposals within a period of one year from the date of receipt of such proposals;
4. Amendments or revisions shall be adopted by the Conference of State Parties by consensus or, failing which, by a two-thirds majority and submitted by State Parties in accordance with their respective constitutional procedures.
5. The amendment or revision shall come into force thirty (30) days after adoption by the Conference of State Parties and ratification of it in accordance with the respective constitutional procedures of State Parties.

**Article 31**  
**Authentic Texts**

This Charter is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.

**IN WITNESS WHEREOF** the undersigned, being duly authorized to that effect, has signed this Charter.

**ADOPTED BY THE ..... ORDINARY SESSION OF THE ASSEMBLY OF THE UNION**  
**HELD IN ....., ....., ....., .....**



AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

---

Addis Ababa, ETHIOPIA, P. O. Box 3243 Telephone 115517 700 Fax : 115517844  
[www.afica-union.org](http://www.afica-union.org)

---

**DRAFT PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND  
PEOPLES' RIGHTS ON THE RIGHTS OF OLDER PERSONS IN AFRICA**

**WE, MEMBER STATES OF THE AFRICAN UNION**

**CONSIDERING** that **Article 66** of the African Charter provides for special protocols or agreements, if necessary, to supplement the provisions of that Charter;

**CONSIDERING** that the African Charter makes specific provisions for the protection of the rights of Older Persons, under **Article 18(4)** which stipulates that, "Older Persons and people with disabilities shall also have the right to special measures of protection in keeping with their physical or moral needs";

**NOTING Article 2** of the African Charter which states that, "Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status";

**RECALLING Article 22** of the Protocol to the African Charter on the Rights of Women in Africa which provides for the special protection of elderly women;

**CONSIDERING** recommendation (1) contained in paragraph 4.1 of the African Union Policy Framework and Plan of Action on Ageing (2002) which states that "*Member States recognise the fundamental rights of Older Persons and commit themselves to abolish all forms of discrimination based on age; that they undertake to ensure that the rights of Older Persons are protected by appropriate legislation; including the right to organise themselves in groups and to representation in order to advance their interests*";

**CONSIDERING** recommendation (1) (a) contained in paragraph 4.1 of the same Policy Framework and Plan of Action which calls for the elaboration and adoption of "an additional Protocol to the African Charter on Human and Peoples' Rights relating to the rights of Older Persons";

**CONSIDERING FURTHER** paragraph 20 of the Kigali Declaration on Human Rights (2003), which "*calls upon States Parties to develop a Protocol on the protection of the rights of the elderly and persons with disabilities*";

**RECALLING** section 2.2.11 of the African Union Social Policy Framework (2009) which calls for the implementation of all the tenets of the AU Policy Framework and Plan of Action on Ageing (2002), other international instruments that deal with the issues of ageing and Older Persons, the 1991 UN Principles for Older Persons, the 1992 UN Proclamation on Ageing, and the 2002 Madrid International Plan of Action on Ageing and which promotes the rights of Older Persons;

**CONSIDERING ALSO** the World Population Plan of Action (1974), the Declaration of Principles of the United Nations Conference on Human Settlements (HABITAT) of 1996 and 1999, the International Labour Organization (ILO) Convention No. 102 of 1952

concerning Minimum Standards of Social Security, Convention No. 128 and Recommendations 131 of 1967 on Invalidity, Old Age and Survivors' Benefits, Recommendation No. 162 of 1980 concerning Older Workers, and Convention No. 157 concerning Maintenance of Social Security Rights of 1982;

**CONSIDERING** the various international declarations, conventions and instruments including but not limited to: Convention on the Elimination of Racial Discrimination (CERD) of 1965; International Covenant on Civil and Political Rights (ICCPR) of 1966; International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966; The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) of 1979; United Nations Plan of Action on Ageing of 1982; The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) of 1984; UN Declaration on the Right to Development of 1986; United Nations Principles for Older Persons of 1991; United Nations Proclamation on Ageing of 1992; Madrid Plan of Action on Ageing (MIPAA) of 2002;

**TAKING** into consideration the virtues of African traditions, values and practices which should inspire and characterize the provision of mutual social and communal care and support; respect for Older members of society and the passing of knowledge to younger population groups;

**NOTING** that the increase in the number and needs of Older Persons in Africa calls for African Governments to institute urgent measures aimed at addressing these needs such as access to regular incomes, equitable distribution of resources, employment opportunities; access to appropriate health services; access to basic social services such as food, water, clothing and shelter; access to good care and support from the family, the state, civil society and private organizations; recognition of their contribution towards the care of persons with AIDS and orphans; respect and recognition of the role and contribution that Older Persons make to society; and a recognition of their special needs in emergency situations.

**HAVE AGREED AS FOLLOWS:**

## Article 1

### Definitions

For purposes of this Protocol:

**"African Commission"** means the African Commission on Human and Peoples' Rights;

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

**"States Parties"** means any Member States of the African Union that has ratified or acceded to this Protocol and deposited the instruments of ratification or accession with the Chairperson of the Commission of the African Union;

**"AU"** means the African Union;

**"Member States"** The Member States of the African Union;

**"African Charter"** means the African Charter on Human and Peoples' Rights;

**"Ageing"** means the process of getting old from birth to death and in this Protocol, it shall also refer to issues concerned with Older Persons;

**"Commission"** means the Commission of the African Union;

**"Constitutive Act"** means the Constitutive Act of the African Union;

**"Harmful traditional practices"** means traditional beliefs, attitudes and practice which violates the fundamental rights of Older persons such as their right to life, dignity and physical integrity;

**"ICT"** means Information Communication and Technology

**"Older Persons"** means those persons aged sixty (60) years and above, as defined by the United Nations (1982) and the AU Policy Framework and Plan of Action on Ageing (2002);

The words "the aged", "Older Persons", "Seniors", "Senior Citizens" and "the elderly" shall be construed to have the same meaning as "Older Persons");

**"Residential care"** Residential care means long-term care, including geriatric care, given to Older Persons in a residential setting rather than their home.

**“The Advisory Council on Ageing”** means an organ of the African Union Commission established in accordance with the AU Policy Framework and Plan of Action on Ageing (2002)

## **Article 2**

### **Obligations of State Parties**

1. States Parties shall recognize the rights and freedoms enshrined in this Protocol and shall undertake to adopt legislative or other measures to give effect to them.
2. States Parties shall ensure that the 1991 UN Principles of Independence, Dignity, Self-fulfilment, Participation and Care of Older Persons are included in their national laws and are legally binding as the basis for ensuring their rights.

## **Article 3**

### **Elimination of Discrimination Against Older Persons**

#### **States Parties shall:**

1. Prohibit all forms of discrimination against Older persons and encourage the elimination of social and cultural stereotypes which marginalise Older Persons;
2. Take corrective measures in those areas where discrimination and all forms of stigmatisation against Older Persons continue to exist in law and in fact;
3. Support and enforce local, national, regional, continental and international customs, traditions and initiatives directed at eradicating all forms of discrimination against Older Persons.

## **Article 4**

### **Access to Justice and Equal protection before the law**

#### **States Parties shall:**

1. Develop and review existing legislation to ensure that Older Persons receive equal treatment and protection;
2. Ensure the provision of legal assistance to Older Persons in order to protect their rights;
3. Ensure that law enforcement organs at all levels are trained to effectively interpret and enforce policies and legislation to protect the rights of Older Persons.

## Article 5

### Right to Make Decisions

#### States Parties shall:

1. Ensure that appropriate legislation exists that recognises the rights of Older Persons to make decisions regarding their own well-being without undue interference from any person or entity, and that Older Persons have the right to appoint a party of their choice to carry out their wishes and instructions;
2. Ensure that, in the event of incapacity, Older Persons shall be provided with legal and social assistance in order to make decisions that are in their best interest and wellbeing; and
3. Enact legislation and take other measures that protect the right of Older Persons to express opinions and participate in social and political life.

## Article 6

### Protection Against Discrimination in Employment

#### States Parties shall:

1. Take measures to eliminate work place discrimination against Older Persons with regard to access to employment taking into consideration occupational requirements;
2. Ensure appropriate work opportunities for Older persons taking into account to their medical and physical abilities, skills and experience;

## Article 7

### Social Protection

#### States Parties shall:

1. Develop policies and legislation that ensure that Older persons that retire from their employment are provided with adequate pensions and other forms of social security;
2. Ensure that universal social protection mechanisms exist to provide income security for those Older persons that did not have the opportunity to contribute to any social security provisions;
3. Ensure that the processes and procedures of accessing the pensions are decentralised, simple and dignified;

4. Take legislative and other measures to enable individuals to prepare for income security in old age;
5. Take legislative and other measures that facilitate the rights of Older Persons to access services from state service providers.

### **Article 8**

#### **Protection from Abuse and harmful traditional practices**

##### **States Parties shall:-**

Prohibit and criminalise harmful traditional practices targeted at Older Persons

### **Article 9**

#### **Protection of Older Women**

##### **States Parties shall**

1. Ensure the protection of the rights of Older Women to freedom from violence, sexual abuse and discrimination based on gender;
2. Take all necessary measures to eliminate harmful traditional practices including witchcraft accusations, which affect the welfare, health, life and dignity of Older women;
3. Put in place legislation and other measures that guarantees protection of Older Women against abuses related to property and land rights;
4. Adopt appropriate legislation to protect the right of inheritance of Older Women.

### **Article 10**

#### **Care and Support**

##### **States Parties shall:**

1. Adopt policies and legislation that provide incentives to family members that provide home care for Older Persons;
2. Identify, promote and strengthen traditional support systems to enhance the ability of families and communities to care of Older family members;
3. Ensure the provision of preferential treatment in service delivery for Older persons.

**Article 11**  
**Residential Care**

**States Parties shall:**

1. Enact or existing review legislation that ensures that residential care is optional and affordable for Older Persons;
2. Ensure that Older Persons in residential care facilities are provided with care that meets the National Minimum Standards provided that such standard comply with regional and international Standards;
3. Ensure that Older persons in palliative care receive adequate care and pain management medication

**Article 12**  
**Support for Older Persons Taking Care of Vulnerable Children**

**States Parties shall:**

1. Adopt measures to ensure that Older Persons in need, caring for orphans and vulnerable children are provided with financial, material and other support;
2. Ensure that when children are left in the care of Older Persons, any social or other benefits designed for the children, are remitted to the Older Persons.

**Article 13**  
**Protection of Older Persons with Disabilities**

**States Parties shall:**

1. Adopt legislation and other measures to protect the rights of Older Persons with disabilities;
2. Ensure that such legislation and measures comply with regional and international standards;
3. Ensure that Older Persons with disabilities have access to assistive devices and specialised care, which respond to their needs within their communities.

**Article 14**  
**Protection of Older Persons in Conflict and Disaster Situations**

**States Parties shall:**



1. Ensure that, in situations of risk, including natural calamities, conflict situations, during civil strife or wars, Older Persons shall be among those to enjoy access, on a priority basis, to assistance during rescue efforts, settlement, repatriation and other interventions;
2. Ensure that Older Persons receive humane treatment, protection and respect at all times and are not left without needed medical assistance and care.

### **Article 15**

#### **Access to Health Services**

#### **States Parties shall:**

1. Guarantee the rights of Older Persons to access health services that meet their specific needs;
2. Take reasonable measures to facilitate access to health services and medical insurance cover for Older Persons within available resources;
3. Ensure the inclusion of geriatrics and gerontology in the training of health care personnel

### **Article 16**

#### **Access to Education**

#### **States Parties shall**

1. Provide opportunities for Older Persons to have access to education and to acquire ICT skills;
2. The initial draft had two separate articles but these were brought into 1 and the wording refined with the title: "Access to Education and Life Skills". The Ministers of Social Development changed the title to "Access to Education and Information".

### **Article 17**

#### **Participation in Programmes and Recreational Activities**

States Parties shall develop policies that ensure the rights of Older Persons to enjoy all aspects of life, including active participation in socio – economic development, cultural programmes, leisure and sports.

### **Article 18**

#### **Accessibility**

States Parties shall take measures to ensure that Older Persons have access to infrastructure, including buildings, public transport and are accorded priority as seated passengers.

**Article 19**  
**Awareness on Ageing and preparation for old age**

**States Parties shall**

1. Adopt measures to encourage the development of awareness raising programmes targeting younger population groups on ageing and Older Persons, especially to combat negative attitudes against Older Persons;
2. Adopt measures to develop training programmes that prepare Older Persons for the challenges faced in old age, including retirement.

**Article 20**  
**Duties of Older Persons**

Older Persons have responsibilities towards their families, communities, the wider society, the state and the international community. In this regard they shall:

1. Mentor and pass on knowledge and experience to the younger generations;
2. Foster and facilitate inter-generational dialogue and solidarity within their families and communities;
3. Play a role in mediation and conflict resolution.

**Article 21**  
**Coordination and Data Collection**

**States Parties shall:-**

1. Ensure the systematic collection and analysis of national data on Older Persons;
2. Develop a national mechanism on ageing with responsibility to assess, monitor, evaluate and coordinate the integration and implementation of Older Persons' rights in national policies, strategies and legislation;
3. Support the Advisory Council on Ageing, as a continental mechanism of the African Union Commission, to facilitate the implementation and follow up of the continental policies and plans on ageing.

**Article 22**  
**Interpretation and Implementation**

1. States Parties shall ensure the implementation of this Protocol, and shall indicate in their periodic reports submitted to the African Commission on Human and People's

Rights in accordance with Article 62 of the African Charter, the legislative and other measures undertaken for the full realisation of the rights recognized in the Protocol;

2. The African Commission on Human and Peoples' Rights shall be seized with any matters of interpretation or any dispute arising from the application or implementation of this Protocol;
3. In the event that the Commission deems it necessary it may refer any matter of interpretation and enforcement or any dispute arising from the application or implementation of this Protocol to the African Court on Human and Peoples' Rights.

**Article 23**  
**Interpretation and Settlement of Disputes**

The African Court on Human and Peoples' Rights where applicable shall be seized with any matters of interpretation or any dispute arising from the application or implementation of this Protocol.

**Article 24**  
**Popularization of the Protocol**

States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Protocol in accordance with the relevant provisions and procedures of their respective constitutions.

**Article 25**  
**Safeguard Clause**

1. A provision in this Statute shall not be interpreted as derogating from the principles and values contained in other relevant instruments for the realisation of the rights of Older Persons in Africa.

.....

2. In the event of a contradiction between two or more provisions of this Protocol, the interpretation that shall prevail is that which favours the rights of Older Persons and legitimate interests of Human and Peoples' Rights.

**Article 26**  
**Signature, Ratification and Accession**

1. This Statute shall be open to Member States of the African Union for signature, ratification or accession.
2. The instrument of ratification or accession to the present Statute shall be deposited with the Chairperson of the African Union Commission.

**Article 27**  
**Entry into force**

3. This Statute shall enter into force thirty (30) days after the date of deposit of the fifteenth (15th) instrument of ratification by a Member State.
4. The Chairperson of the African Union Commission shall inform all Members States of the African Union of the entry into force of the present Statute.

For any Member State of the African Union acceding to the present Statute, the Statute shall come into force in respect of that State on the date of the deposit of its instrument of accession.

**Article 28**  
**Reservations**

1. A State Party may, when signing, ratifying or acceding to this Protocol, formulate a reservation with respect to any of the provisions of this Protocol, unless such a reservation is incompatible with the object and purpose of this Protocol.
2. Unless otherwise provided, a reservation may be withdrawn at any time.
3. The withdrawal of a reservation must be formulated in writing to the Chairperson of the African Union Commission who shall notify other States Parties of the withdrawal accordingly.

**Article 29**  
**Depository**

This Protocol shall be deposited with the Chairperson of the African Union Commission, who shall transmit a certified true copy of the Protocol to the Government of each signatory State and notify them of the dates of the deposit of the instruments of ratification or accession.

**Article 30**  
**Registration**

The Chairperson of the African Union Commission upon the entry into force of this Protocol shall register this Protocol with the United Nations Secretary General in conformity with Article 102 of the Protocol of the United Nations.

**Article 31**  
**Withdrawal**

1. At any time after three years from the date on which this Protocol has entered into force a State Party may withdraw from this Protocol by giving written notification to the Depository.

2. Withdrawal shall be effective one year after receipt of notification by the Depository, or on such later date as may be specified in the notification.
3. Withdrawal shall not exempt the withdrawing State Party from fulfilling any obligations it might have incurred under this Protocol.

**Article 32  
Amendment and Revision**

1. Any Member State may submit proposals for the amendment or revision of this Protocol. Such amendments shall be adopted at a meeting of the Assembly;
2. Proposals for amendment or revision shall be submitted to the Chairperson of the African Union Commission who shall transmit such proposals to the Assembly at least six months before the meeting at which it shall be considered for adoption;
3. The Assembly, upon the advice of the Africa Union Commission, shall examine these proposals within a period of one year from the date of receipt of such proposals;
4. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority and submitted by State Parties in accordance with their respective constitutional procedures;
5. The amendment or revision shall come into force thirty (30) days after adoption by the Assembly and ratification of it in accordance with the respective constitutional procedures of State Parties.

**Article 33  
Authentic Texts**

This Protocol is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.

**IN WITNESS WHEREOF** the undersigned, being duly authorized to that effect, has signed this Protocol.

**ADOPTED BY THE ..... ORDINARY SESSION OF THE ASSEMBLY OF THE UNION  
HELD IN ....., ....., ....., .....**

**AFRICAN UNION MODEL LAW ON MEDICAL PRODUCTS REGULATION**

## Preamble

### **We Member States of the African Union:**

**RECOGNISING** that the right to health is an international human right as expressed in Article 25 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Civil and Political Rights;

**REAFFIRMING** the right to health guaranteed by Article 16 of the African Charter;

**CONSCIOUS** of the obligation of states to protect the health of their people towards the attainment of the highest possible physical and mental wellbeing of all;

**BEARING IN MIND** that it is the duty of the State to regulate medical products and to provide adequate mechanisms for guaranteeing their quality, safety, and efficacy;

**MINDFUL** of the need to promote and protect the public health of citizens by developing regulatory systems that satisfy minimum regulatory capacity;

**FURTHER MINDFUL** of the need to implement the policies, legislation, guidelines and related standards as recommended by the World Health Organization (WHO);

**REITERATING** Assembly Decision {Assembly/AU/Dec.55(IV)} taken during the Abuja Summit in January 2005 which requested the AU Commission to develop a Pharmaceutical Manufacturing Plan for Africa (PMPA) within the framework of the New Partnership for Africa's Development-NEPAD;

**FURTHER REITERATING** the 19<sup>th</sup> African Union Assembly decision {Assembly AU/Dec.442(XIX)} on Roadmap for Shared Responsibility and Global solidarity for the AIDS, TB and malaria response in Africa which among others, emphasises the need to accelerate and strengthen regional medicines regulatory harmonization initiatives and lay foundations for a single African regulatory agency;

**RECALLING** Executive Council Decision, {EX.CL/Dec.857 (XXVI)} which endorsed the milestones for the establishment of a single medicines regulatory agency in Africa within the context of the African Medicines Regulatory Harmonization (AMRH) Programme, which is part of the framework of the PMPA, and contributes to the development of a healthy human capital for the fulfilment of the African Union's human and social development as enshrined in the agenda 2063;

**CONCERNED** that the proliferation of Substandard/Spurious/Falsified/Falsely-labelled/Counterfeit (SSFFC) medical products on the continent poses a major public health threat and **NOTES** that despite the importance of health legislation and medical product regulation in ensuring national public health, regulatory systems of many African countries remain inadequate;

**RECOGNIZING** the importance of harmonization of policies, legislation and legal frameworks relating to medical products through Regional Economic Communities RECs) and the African

Union as an effective way of ensuring access to medical products that are safe, efficacious, and of assured quality to the African population;

**CONVINCED** that the adoption and domestication of a Model Law on medical products regulation in Africa is essential for the creation of a harmonized regulatory environment on the continent;

**HAVE AGREED**

**To adopt the following African Model Law African Union Model Law on Medical Products Regulation**



# **African Union Model Law on Medical Products Regulation**

**Draft**

**CONTENTS**

PART I: GENERAL PROVISIONS .....	3
Article 1: Short Title.....	3
Article 2: Scope of Application and other laws .....	3
Article 3: Purpose .....	3
Article 4: Definitions .....	3
PART II: ADMINISTRATION AND GOVERNANCE .....	8
Article 5: Establishment of the Agency/Authority .....	8
Article 6: Powers of the Agency/Authority .....	8
Article 7: Functions of the Agency/Authority .....	8
Article 8: Establishment of the Board.....	9
Article 9: Functions of the Board.....	10
Article 10: Management of the Agency/Authority .....	10
Article 11: Technical Committees .....	11
Article 12: Funding of the Agency/Authority .....	11
PART III: NATIONAL REGULATORY SYSTEM .....	11
Article 13: Marketing Authorisation.....	11
Article 14: Consideration of Applications for Marketing Authorisation .....	12
Article 15: Licensing Manufacturers, Importers, Exporters, Wholesalers and Distributors.....	13
Article 16: Post-Marketing Surveillance and Safety Monitoring .....	13
Article 17: Regulatory Inspection and Enforcement.....	14
Article 18: Control of Clinical Trials of Medical Products .....	16
Article 19: Control of Promotion and Advertisement of Medical Products.....	16
Article 20: Quality Control Laboratory .....	16
Article 21: Scheduling, Classification and Control of medical products.....	17
Article 22: Prohibition of Substandard/Spurious/Falsified/Falsely-labelled/Counterfeit (SSFFC) medical products .....	18
PART IV: OFFENCES AND LEGAL PROCEEDINGS .....	18
Article 23: Offences.....	18
Article 24: Penalties .....	19
PART V: ADMINISTRATIVE APPEALS PROCEDURES .....	19
Article 25: Establishment of an Administrative Appeals Committee.....	19
Article 26: Administrative Appeals Procedures.....	19
PART VI: INTERNATIONAL COOPERATION AND HARMONISATION OF REGULATION OF MEDICAL PRODUCTS.....	19

---

Article 27: International Cooperation.....	19
Article 28: Regulatory Harmonisation Initiatives.....	20
Article 29: Monitoring and Evaluation of National Regulatory System.....	20
PART VIII: REGULATIONS AND GUIDELINES.....	21
Article 30: Regulations.....	21
Article 31: Guidelines.....	21
PART IX: MISCELLANEOUS PROVISIONS.....	21
Article 32: Declaration and Conflict of interests.....	21
Article 33: Restriction of liability.....	21
Article 34: Protection of and access to information.....	21
Article 35: Regulation of other related products.....	22
PART X: COMMENCEMENT.....	22
Article 36 Entry into force.....	<b>Error! Bookmark not defined.</b>

## **PART I: GENERAL PROVISIONS**

### **Article 1: Short Title**

- 1) The Short Title of this Model shall be "Law on Medical Products Regulation"

### **Article 2: Scope of Application and other laws**

- 1) This law shall apply to all medical products alongside existing laws related to regulation of medical products.
- 2) In the event of any conflict with any other law on medical products the provisions of this law shall prevail.
- 3) Provisions of any existing law in conflict with this law shall to the extent of the inconsistency stand repealed or amended.

### **Article 3: Purpose**

The purpose of this Law is to establish an effective and efficient system of medical products regulation and control and ensure that such products meet required standards of safety, efficacy and quality.

### **Article 4: Definitions**

In this Law, unless the context requires otherwise requires:

**"advertisement"** in relation to a medical product, means any pictorial, visual or otherwise descriptive matter or verbal statements or references:-

- a) appearing in a print or electronic publication or medium;
- b) broadcast on television or radio; or
- c) brought to the notice of members of the public in any manner whatsoever, which is intended to directly or indirectly advise of the existence and benefits of a medical product, and "advertise" has a corresponding meaning;

**"agency/authority"** means the National Regulatory Agency/Authority as stated in this law;

**"appointing authority"** means the governmental body, minister or official to which the [National] Medical Products Regulatory Agency/Authority is accountable;

**"board"** means the Board of the National Regulatory Agency/Authority as constituted under this law;

**"clinical trial"** means any systematic study on pharmaceutical products in human subjects, whether in patients or other volunteers, in order to discover or verify the effects of, and/or identify any adverse reaction to, investigational products, and/or to study the absorption, distribution, metabolism and excretion of the products with the object of ascertaining their efficacy and safety;

“**code of conduct**” means an official document of the Agency/Authority describing the behaviour expected of staff, members of the Board and Technical Committees, and contractors;

“**compassionate use**” means access to unregistered medical products in special or emergency situations. In general, either the patient has a severe or life-threatening illness and existing therapy has failed, or the disease is a rare one for which specialist medicines do not have a local marketing authorization. The medical products are still experimental, or at any rate unproven, and the government is not obliged to fund their supply;

“**dispense**” means to prepare and supply to a patient a course of therapy on the basis of a prescription;

“**dispenser**” means anyone who dispenses medicines. It is specifically used to mean anyone who is not a graduate pharmacist but is trained to dispense medications, maintain stock records and assist in procurement activities;

“**distribution**” means division and movement of medical products from the premises of the manufacturer of such products, or another central point, to the end user thereof, or to an intermediate point by means of various transport methods, via various storage and/or health establishments;

“**ethics committee/institutional review board**” means a multidisciplinary body responsible for reviewing biomedical research for safeguarding the dignity, rights, safety, and well-being of all actual or potential research participants;

“**export**” includes to deliver or supply within the country for dispatch to a destination outside of the country;

“**harmonisation**” means alignment or adjustment of differences and inconsistencies among different laws, regulations, methods, procedures, schedules, specifications, or systems of National Medical Products Regulatory Agencies/Authorities;

“**import**” means bringing into the national territory whether on one’s body, by land, sea or air with the intent to distribute, dispense and retail and consume;

“**information management system**” means database and transaction management system that is designed to facilitate the storage, organization, and retrieval of information within the Agency/Authority;

“**inspection**” means an officially conducted examination (i.e. review of the conduct of the trial, including quality assurance, personnel involved, any delegation of authority and audit) by relevant authorities at the site of investigation and/or at the site of the sponsor in order to verify adherence to Good Clinical Practice (GCP) and Good Laboratory Practice (GLP) as set out in this document;

“**inspector**” means a person authorized to perform inspection activities by the [National] Medical Products Regulatory Agency, pursuant to this Law;

“**interchangeable pharmaceutical product**” means a pharmaceutical product which is therapeutically equivalent to a reference product;

**“manufacture”** means all operations of purchase of materials and starting materials, preparation of the active pharmaceutical ingredient (API) and of the pharmaceutical product, including packaging and repackaging, labelling and re-labelling, quality control, release, storage and distribution and the related controls.

**“market”** includes a variety of systems, institutions, procedures, social relations and infrastructures for medical products sale, and barter or exchange or supply or dispose of to a person;

**“marketing authorization”** means a legal document issued by the competent Agency/Authority for the purpose of marketing or free distribution of a product after evaluation for safety, efficacy and quality.

**“medical device”** means any instrument, apparatus, implement, machine, appliance, implant, in vitro reagent or calibrator, software, material or other similar or related article:-

- a) intended by the manufacturer to be used, alone or in combination, for humans or animals for:-
  - (i) diagnosis, prevention, monitoring, treatment or alleviation of disease;
  - (ii) diagnosis, monitoring, treatment, alleviation of or compensation for an injury;
  - (iii) investigation, replacement, modification or support of the anatomy or of a physiological process;
  - (iv) supporting or sustaining life;
  - (v) control of conception;
  - (vi) disinfection of medical devices; or
  - (vii) providing information for medical or diagnostic purposes by means of *in vitro* examination of specimens derived from the human body; and
- b) which does not achieve its primary intended action in or on the human or animal body by pharmacological, immunological or metabolic means, but which may be assisted in its intended function by such means;

**“medical products”** include medicines, vaccines, diagnostics and medical devices.

**“medicine”** means any substance or mixture of substances used or purporting to be suitable for use or manufactured or sold for use in:-

- a) the diagnosis, treatment, mitigation, modification or prevention of disease, abnormal physical or mental state or the symptoms thereof in humans; or
- b) restoring, correcting or modifying any somatic or psychic or organic function in humans, and includes any veterinary medicine;

“**minister**” means the Minister responsible for health matters;

“**mutual recognition**” means the acceptance of one National Medical Products Regulatory Agency’s certification of standards and procedures for medical product regulation by another National Medical Products Regulatory Agency;

“**other regulated products**” may include complementary medicines, cosmetics, food and related products;

“**pharmacist**” means a holder of a degree or diploma in pharmacy from a recognized higher institution of learning and is registered or licensed to practise pharmacy;

“**pharmacovigilance**” means the science and activities relating to the detection, assessment, understanding and prevention of adverse effects or any other drug-related problem;

“**pharmacy**” means a science and technique of producing and dispensing medical products that links health science with chemical science and aims to ensure the safe and effective use of medical products;

“**prescribe**” means issue an instruction in writing a certain kind of medical treatment ,or a particular medicine only upon prescription, for a specific patient or animal by a licensed medical practitioner, a dentist or a veterinary Surgeon for the collection of a drug or treatment from a dispensing unit;

“**prohibited medical product**” means medical products with toxicity or side-effects that outweigh their therapeutic usefulness, so that public health and welfare are protected by prohibiting their production, manufacture, export, import, trade, distribution, supply, possession or use, except in amounts required for medical or scientific research. Prohibited drugs will be determined by the national or supranational registration/licensing authority;

“**promotion**” means all informational and persuasive activities by manufacturers and distributors, the effect of which is to induce the prescription, supply, purchase, and/or use of medicinal products (For the purposes of this law, promotion includes advertising);

“**qualified technical person**” means a person responsible for the release of batches of finished product for sale. In certain countries the batch documentation of a batch of finished product must be signed by an authorized person from the production department and the batch test results by an authorized person from the quality control department for batch release;

“**Quality Management System**” means a set of policies, processes and procedures required for planning and execution of the core business area of an Agency/Authority;

“**scheduled substance**” means any medicine or other substance prescribed under Article 21;

“**sell**” means to sell by wholesale or retail, and includes to import, offer, advertise, keep, expose, transmit, consign, convey or deliver for sale or authorise, direct or allow a sale, or prepare or possess for purposes of sale, and barter or exchange or supply or dispose

of to a person, whether for a consideration or otherwise, and also includes offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or allowing to be sold, offered or exposed for sale, and “sale” and “sold” have a corresponding meaning;

“**storage**” means storing of medical products up to their point of use;

“**substandard/spurious/falsified/falsely-labelled/counterfeit medical product**” means

“**supervising authority**” means the governmental body, minister or official to which the [National] Medical Products Regulatory Agency/Authority is accountable

“**supply**” means having in possession for the purpose of supply;

“**wholesaler**” means sale of goods in large quantities, as for resale by a retailer



## **PART II: ADMINISTRATION AND GOVERNANCE**

### **Article 5: Establishment of the Agency/Authority**

- 1) The [National] Medical Products Regulatory Agency/Authority hereafter 'the Agency/Authority' is hereby established as a juristic person.
- 2) The national Agency/Authority shall be an autonomous body.
- 3) The national Agency/Authority shall be functionally/financially accountable to the line ministry.
- 4) The Agency/Authority shall be composed of:-
  - a) The Board of the Agency/Authority
  - b) The Head of the Agency/Authority
  - c) The Technical committees of the Agency/Authority

### **Article 6: Powers of the Agency/Authority**

The Agency/Authority shall have the powers to:

- 1) formulate regulations and guidelines for regulating the manufacture, import and export, distribution, sale and use of medical products;
- 2) grant or withdraw authorisation for conducting clinical trials of medical products;
- 3) grant or withdraw marketing authorisation for medical products subject to appropriate conditions and revise such conditions for marketing authorisation as necessary;
- 4) recall medical products from the market;
- 5) grant or withdraw licenses to manufacturers, wholesalers, retailers, importers, exporters and distributors;
- 6) investigate conduct related to the manufacture, import, export storage, distribution, sale and use of medical products;
- 7) levy, collect and utilize fees for services rendered;
- 8) prescribe the standards appropriate for new medical products; new uses, dosages, and formulations of existing medical products; and such other categories as may be appropriate;
- 9) institute administrative, civil and/or criminal proceedings;
- 10) exercise such other powers as necessary for the performance of its functions.

### **Article 7: Functions of the Agency/Authority**

The Agency/Authority shall have among others, the following functions to:-

- 1) regulate the manufacture, import and export, storage, distribution, sale and use of medical products;
- 2) regulate, monitor and inspect personnel and premises that are involved in the manufacture, import and export, storage, distribution, sale, use and disposal of medical products;
- 3) maintain a register of medical products for which marketing authorisation has been granted;
- 4) regulate clinical trials of medical products;
- 5) test medical products regulated under this law;
- 6) conduct post-marketing surveillance of safety and quality of medical products;
- 7) regulate the promotion, advertising and marketing of medical products;
- 8) regulate the use of unregistered medical products for trial purposes or for compassionate use;
- 9) disseminate information on the quality and safety of medical products to health professionals and the public;
- 10) disseminate information on medical products to health professionals and to the public in order to promote their responsible use;
- 11) collaborate with other national, regional and international institutions on medical products regulation;
- 12) perform such functions as may be assigned by the Board.

#### **Article 8: Establishment of the Board**

- 1) The Board of the Agency/Authority is hereby established.
- 2) The Board of the Agency/Authority and its Chairperson shall be appointed by the appointing authority, under terms to be determined by regulation.
- 3) The Board shall consist of at least nine but not more than eleven members, appointed as follows:-
  - a) five members who each have expertise in at least one of the following:- medicine, pharmacy, nursing, veterinary medicine and public health;
  - b) one member appointed on account of his or her knowledge of the law;
  - c) one member appointed on account of his or her knowledge of financial matters and/ or accounting;
  - d) one representative from the pharmaceutical industry association
  - e) one representative from civil society or the community.

**Article 9: Functions of the Board**

- 1) The Board shall have the functions to:-
  - a) provide strategic guidance to the Agency/Authority in the discharge of its functions.
  - b) approve the strategic and annual work plan and budget of the Agency/Authority;
  - c) review the annual reports presented by the Agency/Authority;
  - d) monitor and evaluate activities of the Agency/Authority;
  - e) establish such committees as it deems necessary for the functioning of the Board;
  - f) recommend persons for appointment as the head of the Agency/Authority to the appointing authority;
  - g) approve the appointment or removal of senior management officers of the Agency/Authority;
  - h) perform such functions as maybe assigned by the supervising authority.
- 2) The Board shall provide the appointing authority with an annual report to be tabled in Parliament.

**Article 10: Management of the Agency/Authority****1) Appointment of officers of the Agency/Authority**

- a) The Head of the Agency/Authority shall be appointed by the appointing authority on recommendation of the Board and shall hold a suitable qualification in medicine, pharmacy, nursing, veterinary medicine or public health.
- b) The Head of the Agency/Authority shall be the chief executive officer and shall be accountable to the Board for the management of the business and affairs of the Agency/Authority.
- c) The senior officers of the Agency/Authority shall be appointed by the Board on the recommendation of the Head of the Agency/Authority;

**2) Duties and Responsibilities of the Head of the Agency/Authority**

The Head of the Agency/Authority shall be responsible for:-

- a) management of the business and affairs of the Agency/Authority;
- b) implementation of this law governing the activities of the Agency/Authority and report to the appointing authority through the Board;
- c) execution of the decisions and directives of the Board and making periodic reports to the Board.

**3) Directorates of the Agency/Authority**

The Agency/Authority shall have directorates to facilitate execution of its operations and functions as it may deem fit, which may include:

- a. Planning, Monitoring and Evaluation; Research and Statistics.
- b. Product Evaluation and Registration.
- c. Inspectorate and Law Enforcement.
- d. Post-marketing Surveillance.
- e. Quality Control.
- f. Harmonisation and International Cooperation.
- g. Human Resources, Administration and Finance.

#### **Article 11: Technical Committees**

- 1) The Head of Agency/Authority shall, with the approval of the Board, set up Technical Committees to facilitate the work of the Agency/Authority as may be deemed appropriate.
- 2) The reports of Technical Committees shall form the basis for decision-making by the Agency/Authority.

#### **Article 12: Funding of the Agency/Authority**

- 1) The funding of the Agency/Authority shall consist of:-
  - a) funds appropriated by the State;
  - b) fees received for services rendered;
  - c) income that the Agency/Authority may receive from investments;
  - d) grants and donations.
- 2) The Agency/Authority may, subject to the provisions of any other written law and the approval of the Minister responsible for finance raise by way of loans from any source in or outside the country, such money as it may require for the discharge of its functions.
- 3) The receipt of funds by the Agency/Authority shall at all times be subject to the objectives of this law and shall be free from conflict of interest.

### **PART III: NATIONAL REGULATORY SYSTEM**

#### **Article 13: Marketing Authorisation**

- 1) All medical products, circulating in the area of jurisdiction of this law must be registered and have a valid marketing authorisation and certificate of conformity unless otherwise exempted.
- 2) The Agency/Authority may from time to time determine that a medical product or category of medical products or part of any class or category of medical products shall be subject to exemption from marketing authorisation in terms of this law.
- 3) Any such determination shall be published in official government publication by the head of the Agency/Authority and shall come into operation on the date stipulated in the notice.
- 4) In the case of a medical product which was available for sale in the area of jurisdiction of this law immediately prior to the date of publication by which it is

subject to marketing authorisation in terms of this law, the provisions of Art. 13 (1) shall come into operation if no application for marketing authorisation of such medical product is made within the period of twelve months immediately succeeding that date, on the expiration of that period.

- 5) The provisions of Art. 13 (1) shall not apply in respect of the sale of any medical product compounded by a pharmacist for a particular patient in the course of carrying professional activities in a quantity not greater than the quantity required for treatment as determined by an authorised prescriber or the pharmacist if:-
  - a) such medical product does not contain any component the sale of which is prohibited by any law or any component in respect of which an application for marketing authorisation has been rejected; and
  - b) the active component of such medical product appears in another medical product which has been authorised in terms of this law.

#### **Article 14: Consideration of Applications for Marketing Authorisation**

- 1) Every application for marketing authorisation of medical products shall be submitted to the head of the Agency/Authority in a prescribed form and shall be accompanied by the prescribed particulars, samples of the relevant medical products, particulars of a qualified technical person and the prescribed application fee.
- 2) The Agency/Authority shall prescribe the standards appropriate for new medical products; new uses, dosages, and formulations of existing medical products; interchangeable multi-source medicines (otherwise known as generic equivalents); and such other categories as may be appropriate.
- 3) The Agency/Authority may prescribe standards and procedures for referencing, relying upon or otherwise weighing, the marketing assessments and approvals of other medical product regulatory authorities or assessment mechanisms.
- 4) The Agency/Authority shall approve a medical product if it is satisfied;
  - a. that it is suitable for the intended purpose in respect of its quality, safety and efficacy; and
  - b. that marketing authorisation is in the public interest.
- 5) If the Agency/Authority is not so satisfied it shall notify the applicant in writing of the reasons why it is not so satisfied and the applicant shall furnish the Agency/Authority with a response within one month of notification.
- 6) If no such response is submitted by the applicant within the said period, or if after consideration of any comments so submitted, the Agency/Authority is still not satisfied, it shall reject the application.
- 7) The Agency/Authority shall publish the medicines register in the official government publication and the official website of the Agency/Authority.

**Article 15: Licensing of Manufacturers, Importers, Exporters, Wholesalers and Distributors**

- 1) No person shall manufacture, import, export, supply, store, distribute or sell at wholesale level any medical product, unless the person has been issued with a licence by the Agency/Authority.
- 2) The conditions of a licence for the manufacture, import, export, wholesale, and distribution of medical products shall be stipulated in guidelines issued by the Agency/Authority which shall provide for the issuance, renewal, suspension, exemptions or exceptions, cancellation and revocation of such licences.
- 3) Provisions shall be made for all manufacturers, importers, exporters, wholesalers and distributors to comply with Good Manufacturing Practice (GMP) and Good Distribution Practice (GDP) and any other good practices as stipulated in the guidelines.
- 4) The supervising authority shall designate ports of entry for medical products imported into the jurisdiction.
- 5) The Agency/Authority shall maintain a register of all licensed premises and shall publish same in the official government publication and the official website of the Agency/Authority.

**Article 16: Post-Marketing Surveillance and Safety Monitoring**

The Agency/Authority shall undertake following functions:-

**1) Pharmacovigilance**

- a. There shall be established a national Pharmacovigilance Programme as a function of the Agency/Authority to monitor and report on the safety of medical products.
- b. The Programme shall undertake:-
  - i) monitoring and analysis of adverse effects or events relating to products regulated under the Law;
  - ii) identifying and reporting adverse events relating to clinical trials;
  - iii) establishing causality, taking remedial actions, and reporting to international safety monitoring systems;
  - iv) appropriate regulatory action when necessary, including but not limited to revising the marketing authorisation or labelling/warning requirements of the medical product.
- c. The Agency/Authority shall issue guidelines to provide for mandatory reporting and submission of periodic safety updates by the manufacturers and distributors, and voluntary reporting by health care professionals and the public.

## 2) Quality Monitoring

The Agency/Authority may institute a risk-based testing scheme consisting of sampling of medical products throughout the supply chain, to identify the products most at risk or likely to be falsified or sub-standard, and shall take appropriate action to protect public health, including enforcement measures under this Law.

## 3) Recall and Withdrawal of Medical Products

- a. Whenever the Head of the Agency/Authority finds that any medical product does not conform with the standards of identity, strength, quality and purity, or any other requirement specified in the documentation for registration, the Head of the Agency/Authority shall:-
  - i) instruct the licensee to discontinue the sale of the remainder of the batch and, so far as is practicable;
  - ii) recall any portion of the batch already sold.
- b. The Agency/Authority shall by order, published in the official government publication, withdraw and strike off a medical product from the register which on the latest available scientific evidence are shown to be hazardous to public health and welfare, or are unsafe, inefficacious or of unacceptable quality.
- c. Upon the occurrence of the event in Art. 16(3)(b) above the Agency/Authority shall issue notices to the public on medical products withdrawn from the market.
- d. The information shall be disseminated as widely as possible, including through use of electronic media.

## 4) Disposal of Medical Products

If the Agency/Authority is of the opinion that it is not in the public interest that a medical product be made available to the public, the Agency/Authority may direct that such products be withdrawn from the market and disposed of in accordance with relevant laws and in the manner stipulated in the regulation.

## Article 17: Regulatory Inspection and Enforcement

### 1) Appointment, Authorisation and Recognition of Inspectors

- a) The Agency/Authority shall:-
  - i. recommend to the appointing authority the appointment of inspectors with relevant qualifications in pharmacy or related sciences, and with knowledge and experience in the inspection of medical products and facilities for the manufacture, storage, and transportation of medical products; and
  - ii. authorise such inspectors to perform such functions as are stipulated under this Law.

- b) All inspectors appointed under this Law shall have a valid identification during the performance of their duties.
- c) All inspectors appointed under this Law shall be bound by a code of conduct.
- d) Inspectors exercising any powers conferred upon them by this Law shall produce, on demand, a duly authenticated document confirming their authority to exercise the power so conferred upon them.

## **2) Powers of Inspectors**

- a) Inspectors appointed under this Law may at all reasonable times, enter any;
  - i. premises which is on the register of premises;
  - ii. other premises in respect of any person who is licensed under this Law;
  - iii. premises used in the manufacture, marketing, or distribution of a medical product that is the subject of a marketing authorisation or licensing request;
  - iv. premises suspected of or dealing in products regulated in terms of this Law.
- b) Inspectors may, at all reasonable times:
  - i. examine or inspect any certificate of marketing authorisation, licence, book, electronic information storage system or other document on the premises and, for that purpose, may do such other things, including the taking of extracts from documents in the possession of the person as may be necessary to effect the examination or inspection; and
  - ii. take samples for analysis, or for other examination of any medical products or of any substance capable of being used in the manufacture of medical products.
- c) Inspectors may:-
  - i. seize and detain any medical products, substances or articles consisting of, or containing any prohibited substances which they have reasonable cause to suspect is liable to forfeiture under this Law;
  - ii. seize and detain any medical products, articles, records or other items which appear to them to constitute or contain evidence of a contravention of any provisions under this law;
  - iii. close the premises found to be in contravention of this Law; and
  - iv. recommend the institution of administrative, civil and/or criminal proceedings.

## **3) Search and seizure**

- a) Notwithstanding anything to the contrary contained in any other law, if any inspectors have reasonable grounds for believing that any person is in unlawful possession of any prohibited medical product, they may, in terms of a search warrant: -
  - i. Enter upon any premises on which such person is believed to be present; or
  - ii. Search such premises or person; provided that the search is conducted with regard to decency and decorum.
- b) Any prohibited medical product in the possession of such person shall be seized, and legal proceedings instituted as stipulated in terms of this Law



**Article 18: Control of Clinical Trials of Medical Products**

- 1) No person shall conduct clinical trials of medical products in humans without the relevant clearance from the National Ethics Committee/Institutional Review Board and authorisation of the Agency/Authority
- 2) All clinical trials shall be conducted in accordance with guidelines issued by the Agency/Authority, including provisions for Good Clinical Practice (GCP) and Good Laboratory Practice (GLP).
- 3) A person shall not sell, dispense, supply, assemble or manufacture medical products for the purpose of clinical trial or medical research on a medical product unless the person is authorised to do so or has been granted an exemption by the Agency/Authority.
- 4) The Agency/Authority shall maintain a register of all clinical trials conducted in its jurisdiction.

**Article 19: Control of Promotion and Advertisement of Medical Products**

- 1) All promotion and advertisement of medical products shall be approved by the Agency/Authority.
- 2) The Agency/Authority shall issue guidelines relating to the promotion and advertising of medical products and for an enforceable Code of Marketing Practice.

**Article 20: Quality Control Laboratory**

- 2) There shall be established a National Quality Control Laboratory as part of the Agency/Authority.
- 3) The Laboratory shall perform all functions relating to the quality of products regulated under this Law and shall in particular perform the following:-
  - a. analyse medical products and any other regulated products that may be deemed to constitute a medical product for the purpose of this Law;
  - b. conduct research and training; and
  - c. undertake such other function as shall be determined by the Agency/Authority.
- 4) In performing its functions, the Agency/Authority may utilise any accredited Laboratory within or outside the country for analysis of medical products and attendant functions.
- 5) The Agency/Authority shall appoint Analysts with relevant qualifications, knowledge and experience in the analysis of medical products and authorise such analyst to perform such functions as stipulated under this law.

**Article 21: Scheduling, Classification and Control of Medical Products**

- 1) The scheduling and classification of any medical product or substance shall be determined by the Agency/Authority and published in the official government publication.
- 2) Control of medical products shall be based on the scheduling status of substances, as allocated by the Agency/Authority, as follows:-
  - a) Scheduled substances that will be available for general sales, in any retail outlet;
  - b) Scheduled substances that will be available on the professional advice of a pharmacist, without a prescription from an authorised prescriber, and available only in licensed pharmacies;
  - c) Scheduled substances that will be available only on the prescription of an authorised prescriber, and dispensed by a pharmacist or licensed dispenser;
  - d) Scheduled substances that will be available only on the prescription of an authorised prescriber, and dispensed by a pharmacist or licensed dispenser, subject to the control measures prescribed in accordance with either the Single Convention on Narcotic Drugs of 1961, the Convention on Psychotropic Substances 1971, and the UN Convention against Illicit Traffic Drug and Psychotropic Substances, 1988;
  - e) Scheduled substances that may not be sold, except in accordance with a permit for the purposes of education, analysis or research, or for individual patient purposes.
- 3) Regulations shall be issued by the Minister, after consultation with the Agency/Authority, dealing with:-
  - a. the requirements for a legal prescription for a scheduled substance;
  - b. the recognition of categories of authorised prescribers;
  - c. the licensing of dispensers other than pharmacists;
  - d. the records to be kept in relation to scheduled substances sold on the professional advice of a pharmacist or on prescription of an authorised prescriber;
  - e. the control measures to be implemented in relation to substances scheduled as psychotropic or narcotic substances;
  - f. the process of obtaining permits for access to scheduled substances, for purposes of education, analysis or research or for individual patients' purposes;
  - g. the licensing of importers, exporters and manufacturers of psychotropic or narcotic substances and the reporting requirements for such substances.
- 4) No person shall import, export or manufacture any substances scheduled as a psychotropic or narcotic substance unless in possession of a specific licence issued by the Agency/Authority for this purpose.

- 5) The Agency/Authority shall collect such data as are necessary on the importation, exportation and manufacture of psychotropic or narcotic substances as are required for reporting to the International Narcotics Control Board, as outlined in regulations.

**Article 22: Prohibition of Substandard/Spurious/Falsified/Falsely-labelled/Counterfeit (SSFFC) Medical Products**

- 1) No person shall manufacture, import, export, supply, store, distribute or sell any SSFFC medical products.
- 2) The Agency/Authority shall issue guidelines stipulating procedures for handling SSFFC medical products in collaboration with other relevant institutions.

**PART IV: OFFENCES AND LEGAL PROCEEDINGS**

**Article 23: Offences**

Any person who:-

- 1) Obstructs or hinders any inspector in the exercise of his or her powers or the performance of his or her duties under this law; or
- 2) With fraudulent intent, tampers with any sample taken in terms of this law; or
- 3) Makes any false or misleading statement in connection with any medical product or scheduled substance: -
  - a) In an application for marketing authorization thereof; or
  - b) In the course of an application for a manufacturing, importing, exporting, storage, sale or distribution license thereof; or
  - c) In the course of the sale thereof; or
- 4) Sells any medical product or scheduled substance upon the container of which a false or misleading statement in connection with the contents is written; or
- 5) Generally with regard to medical products and scheduled substances, contravenes any provision of the following sections, or fails to comply with any condition imposed thereunder, namely;
  - a) Art. 13;
  - b) Art. 15;
  - c) Art. 16 (3) and 16 (4);
  - d) Art. 18;
  - e) Art. 19;
  - f) Art. 21;
  - g) Art. 22; or

- 6) In any other manner, contravenes the provisions of this Law, shall be guilty of an offence.

#### **Article 24: Penalties**

- 1) Any person who is convicted of an offence referred to in Art. 23 shall be liable to a fine and/or imprisonment.
- 2) The court convicting any person of an offence under this Law may, upon the application of the prosecutor, declare any medicine or scheduled substance in respect of which the offence has been committed to be forfeited to the State.
- 3) In addition to any civil and/or criminal penalties imposed on a person in respect of any contravention in terms of this Law, further administrative penalties may be imposed as stipulated in Regulations.

### **PART V: ADMINISTRATIVE APPEALS PROCEDURES**

#### **Article 25: Establishment of an Administrative Appeals Committee**

- 1) An Administrative Appeals Committee shall be established by the appointing authority to hear and determine appeals lodged by persons aggrieved by the decisions of the Agency/Authority.
- 2) The Administrative Appeals Committee shall consist of:-
  - a) a judge or a legal practitioner who has practiced as such for a period of at least seven years, and shall be the chairperson of the committee;
  - b) practitioners who are registered as specialists in the area of medicine, pharmacy, nursing, veterinary medicine and public health, one of whom may be called upon depending on the nature of the complaint;
  - c) any other specialist in the area of the appeals.

#### **Article 26: Administrative Appeals Procedures**

- 1) Any person who is aggrieved by a decision of the Agency/Authority may appeal in the manner, and within the period, prescribed, against such decision, to an Administrative Appeals Committee.
- 2) The decision of the Administrative Appeals Committee is final.

### **PART VI: INTERNATIONAL COOPERATION AND HARMONISATION OF REGULATION OF MEDICAL PRODUCTS**

#### **Article 27: International Cooperation**

- 1) The Agency/Authority shall cooperate with other national, regional and continental medical products regulatory agencies.
- 2) The Agency/Authority shall share pharmaceutical intelligence on products that pose public health risk with other agencies at the regional, continental and global level.

- 3) The supervising authority shall take appropriate measures to ensure effective bilateral, regional and international co-operation to combat the production, circulation and use of SSFFC medical products, illicit drugs, narcotics and psychotropic substances.

#### **Article 28: Regulatory Harmonisation Initiatives**

- 1) The Agency/Authority shall participate in regional and continental medical products regulatory harmonization initiatives.
- 2) The appointing authority and/or the Agency/Authority, as the case may be, shall take such measures to ensure effective co-operation with their counterparts in other countries to:-
  - a) harmonise registration of medical products, inspections, quality management system, information management system, joint evaluations, joint inspections and any other regulatory activities as may be appropriate;
  - b) provide for the use of accredited quality control laboratories within the harmonisation framework;
  - c) provide for the recognition of regional, continental and other international technical guidelines;
  - d) provide for harmonisation of the data requirements for evidence of quality, safety, and efficacy of medical products and the grounds on which authorisation for distribution shall be granted within the region;
  - e) provide for mutual recognition of marketing authorisation decisions;
  - f) share summary evaluation and inspection reports;
  - g) participate in common post-marketing surveillance conducted in accordance with nationally and internationally recognised standards;
  - h) provide for cooperation with other regulatory agencies/authorities for the purpose of strengthening national regulatory capacity;
  - i) establish networks with other regulatory agencies/authorities and collaborate in protecting public health through enforcement activities;
  - j) establish exchange programmes with other medical products regulatory agencies/authorities so as to keep abreast of evolving scientific development in the field of medical products; and
  - k) provide for any necessary legal mechanisms for regulatory harmonisation.
  - l) Provide for transparency and information sharing through:-
    - i. Establishment of a quality management system based on common regional and continental requirements to ensure efficiency;
    - ii. The creation a national information management system which allows for sharing information at regional and continental levels in accordance with national laws, bilateral and multilateral agreements

### **PART VII: MONITORING AND EVALUATION**

#### **Article 29: Monitoring and Evaluation of National Regulatory System**

- 1) The Agency/Authority shall create a monitoring and evaluation system charged with reviewing and assessing the performance of the Agency/Authority.
- 2) The Agency/Authority shall prepare periodic reports and present to the supervising authority through the Board of the Agency/Authority.

- 3) The supervisory authority shall report on the performance of the Agency/Authority to relevant governing bodies at regional and continental levels.

## **PART VIII: REGULATIONS AND GUIDELINES**

### **Article 30: Regulations**

- 1) The appointing authority shall have the power to make regulations necessary for the efficient carrying out of the objectives of this Law, in consultation with the Agency/Authority.
- 2) The Agency/Authority shall, within a reasonable time before any regulation is made under Art. 30 (1), cause the text of the regulation, together with a notice declaring the intention to make the regulation to be officially published, inviting stakeholders to furnish any comments or representations thereon.

### **Article 31: Guidelines**

- 1) The Agency/Authority shall have the power to issue guidelines necessary for the carrying out of the objects and purposes of this Law.
- 2) The Agency/Authority shall, within a reasonable time before any guideline are made under Art. 31 (1), cause the text of the guideline, together with a notice declaring the intention to make the guideline to be officially published, inviting stakeholders to furnish any comments or representations thereon.

## **PART IX: MISCELLANEOUS PROVISIONS**

### **Article 32: Declaration and Conflict of Interests**

- 1) A member of staff of the Agency/Authority, of the Board or of a committee shall declare any interests related to any medical products, or which may be relevant to any decision-making.
- 2) Identified conflicts of interest shall be appropriately managed in accordance with published guidelines.

### **Article 33: Restriction of Liability**

- 1) The Agency/Authority, the Board, a committee member or a member of staff of the Agency/Authority is not liable for any loss or damage arising from any decision made or act carried out in good faith in the exercise of powers or performance of functions under this Law and other applicable laws.
- 2) The Agency/Authority, the Board, a committee member or a member of staff of the Agency/Authority shall however be liable for any loss or damage if the loss or damage is due to wilful misconduct, gross negligence or failure to comply with this Law and other applicable laws.

### **Article 34: Protection of and Access to Information**

- 1) No person shall disclose to any other person/institution any information acquired by him in the exercise of his powers or the performance of his functions under

this Law and relating to the business or affairs of any person, or use such information for self-gain or for the benefit of his employer;

- 2) A person may be permitted to disclose information:-
- a) for the purpose of the exercise of his powers or the performance of his functions under this Law with the written authority of the Agency/Authority;
  - b) when required to do so by any competent court or under any law; or
  - c) if it is in the public interest.

### **Article 35: Regulation of Other Related Products**

The Agency/Authority may regulate other related products, not covered by this Law. The appointing authority shall issue regulations for such related products to ensure that they comply with prescribed standards.

### **PART X: COMMENCEMENT**

The law shall commence in accordance with the legislative procedures of each state.

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

## STATUTE OF THE AFRICAN UNION SPORT COUNCIL



## PREAMBLE

*WE*, Member States of the African Union;

**RECALLING** the objectives and principles enshrined in the Constitutive Act of the African Union;

**RECALLING** further the Executive Council decision EX.CL/Dec 680(XX) of January 2012 which dissolved the Supreme Council and established African Union Sport Council;

**WHERE AS** Sport, as an element of Culture and a major phenomenon in contemporary civilization, plays a powerful role in human upbringing, the strengthening of national cohesion and the rapprochement of peoples;

**WHEREAS** Member States have, in this respect, increased their efforts to integrate sport and Sport for Development and physical activities in their respective development plans;

**WHEREAS** Member States are concerned over the need to actively contribute toward the establishment of a New International Sports Order that is balanced and democratic;

**WHEREAS** Member States are resolute to pursue and intensify the campaign against all forms of racial, religious and political discrimination in sports;

**WHEREAS** in order to safeguard and ensure the gradual triumph of these values as well as to foster sports development in Africa, there is strong need for unity, close and dynamic co-operation between African States;

**WHEREAS** Member States are further convinced that in order to achieve that goal, it is necessary to establish a Specialized Technical Office to direct, co-ordinate and superintend activities of the entire African Sport Movement;

**NOW HEREBY AGREE AS FOLLOWS:**

## CHAPTER I: GENERAL PROVISIONS

### Article 1 Definitions

For the purpose of the present Statutes:

- “**AASC**” means Association of African Sports Confederations;
- “**Africa Sports Movement**” means a forum comprised of the African Union, the Association of African Sports Confederations and Association of National Olympic Committees of Africa and other Stakeholders;
- “**African Games**” means The Multi-Sport discipline event held after four (4) years;
- “**African Union Sport Development Regions**” means the African Union Sport Development Regions;
- “**AGTC**” means African Games Technical Committee
- “**ANOCA**” means Association of National Olympic Committees of Africa;
- “**Assembly**” means the Assembly of Heads of State and Government of the Union;
- “**AUSC**” means African Union Sports Council;
- “**Chairperson**” means the Chairperson of the AU Commission unless otherwise specified;
- “**Commission**” means the Commission of the African Union;
- “**Committee**” means a Technical Committee of the AUSC;
- “**Constitutive Act**” means the Constitutive Act of the African Union;
- “**Executive Council**” means the Executive Council of the Union;
- “**Executive Secretary**” means the Executive Secretary of AUSC;
- “**Member State**” means a Member State of the African Union;
- “**Member**” means African Sport Movement (Member of AUSC);
- “**Regions**” means African Union Sport Development Regions.
- “**Representative**” means the duly accredited representative of a member of AUSC;
- “**STC**” means a Specialized Technical Committee as established under Article 14 of the Constitutive Act;
- “**Union**” means the African Union established by the Constitutive Act;

### Article 2 Establishment and Headquarters

1. The African Union Sports Council is hereby established as a Specialized Technical Office of the African Union.

2. The headquarters of the AUSC shall be in Yaoundé, Republic of Cameroun, unless otherwise decided in accordance with the decision of the Assembly. .
3. A headquarters Agreement shall govern the relations between African Union and the Host country.

## **CHAPTER II: FUNCTIONS OF THE AFRICAN UNION SPORT COUNCIL**

### **Article 3**

#### **Purpose**

The AUSC shall be responsible for the co-ordination of the African Sports Movement and the forum for concerted action between Member States for the promotion and development of Sports and development through Sport in Africa.

### **Article 4**

#### **Composition**

The AUSC shall be composed of African Union Member States, the African Union Sport Development Regions, the Association of National Olympic Committees of Africa (ANOCA), The Association of African Sports Confederations (AASC), and other continental sports bodies recognized by AUSC.

### **Article 5**

#### **Functions**

The AUSC shall:

1. Service the policy development needs of the AU in so far as sports matters are concerned;
2. Promote sport as a fundamental human right to be enjoyed by all;
3. Promote and defend sport development and development through sport;
4. Grant membership of the African Union Sports Council subject to approval by the STC on Youth, Culture and Sports;
5. Ensure that Member States fund sport development;
6. Ensure that Member States develop sports policies, programmes, systems and structures;
7. Facilitate the development of relevant sport structures in Member States and the alignment of national sport policies and strategies to the AU Sport Policy Framework and other continental sport policies to achieve harmonization and coordination of sports development;

8. Facilitate sport development on the African continent in terms of skills development, social interaction, and communication of relevant information on programmes in combating HIV and AIDS and anti-doping programmes, as well as to promote person-to-person development programmes;
9. Enhance the profile and status of the African Games to attract high profile athletes ensure that it becomes a qualifier for the Olympic Games and other international events;
- 10.
11. Increase the revenue of the African Games and institute transparent mechanisms regarding the proceeds raised from the marketing and sponsorship of the African Games;
12. Promote cooperation with international sports organizations with a view to solicit sponsorship, funding and training of sportsmen and women;
13. Ensure that ANOCA and AASC play their assigned roles within the new African Union Sports Council;
14. Promote and defend a culture of good governance, democratic principles and institutions, popular participation, human rights and freedoms as well as social justice in the domain of sport;
15. Promote, advocate and defend culture of gender equality in the domain of sport;
16. Promote and strengthen the institutional, human and operational capacities of the African civil society.

#### **Article 6** **Working languages**

The working languages of AUSC shall be the same as those of the Union.

#### **Article 7** **Emblem - flag**

1. The Emblem of the AUSC shall represent the outline of African Union Emblem with eight rings and a flame superimposed on it.
2. The Flag of the AUSC shall be that of the African Union stamped with the AUSC Emblem.

## CHAPTER III: ORGANS OF THE AFRICAN UNION SPORT COUNCIL

### Article 8

The Governance mechanisms of the AUSC shall comprise of:  
The AUSC shall be governed by the following bodies:

1. The AU Specialized Technical Committee on Youth , Culture and Sports as provided for in its rules of Procedure
2. The Sport Advisory Board;
3. The Technical Committees;
4. The African Union Sport Development Regions;
5. The Secretariat of the AUSC.

### Article 9

#### Composition of the Sports Advisory Board

The Sport Advisory Board shall be composed as follows:

1. Chairpersons of the five (5) AU Sports Development Regions at the expert level;
2. Africa Union Commission represented by the Department of Social Affairs;
3. Executive Secretary of the AUSC;
4. Two (2) representatives from ANOCA;
5. Two (2) Representatives from AASC;
6. Chairpersons of the Technical Committees.

## Article 10

### 3. of the Sports Advisory Board

The Sport Advisory Board shall:

1. Consider different aspects of sports on the continent;
2. Recommend strategic/activity plans for the AU Commission and Regional Economic Communities;
3. Advise the AU STC on Youth, Culture and Sports on emerging issues and other matters related to sport;
4. Advise the Commission on the implementation of decisions by Member States;
5. Make appropriate recommendations on the host country of the African Games for consideration by the AU STC on Youth, Culture and Sport;
6. Recommend members of the Technical Committees to the AU STC on Youth, Culture and Sport for consideration;
7. Carry out any other functions assigned to it by the STC on Youth, Culture and Sport.

## Article 11 Meetings

1. **The Sport Advisory Board shall meet at the headquarters of AUSC** or in any other Member State, upon invitation twice a year in ordinary session.
2. In the event the session is held outside the Headquarters of the AUSC, the host Member State shall be responsible for all extra expenses incurred by the AUSC as a result of holding the session outside the Headquarters.
3. At the request of two-thirds of its members, the Chairperson of the Sport Advisory Board shall convene an extraordinary session on a specific agenda communicated to all members at least fifteen (15) days in advance.
4. Each Member of the Sport Advisory Board shall bear the cost of his/her participation in all meetings of the Board.

## Article 12 Quorums

5. A simple majority of members of the Sport Advisory Board shall be required to constitute a quorum for any ordinary or extraordinary session.

**Article 13**  
**Decision Making**

6. Decisions of the Sport Advisory Board shall be taken by a simple majority of members present.
7. Each member shall have one vote;
8. In the event of a tied vote, the Chairperson of the Sport Advisory Board shall have the casting vote.
9. The Sport Advisory Board shall meet at the Headquarters of the AUSC.

**Article 14**  
**Bureau**

1. The Sport Advisory Board shall, on the basis of rotation and geographical distribution, elect, after due consultations, a Chairperson a (1) Vice-Chairperson and a Rapporteur.
2. The Chairperson and other members of the Bureau of the Sport Advisory Board shall be elected by a simple majority.
3. T  
The Chairperson shall be elected on a rotational basis.
4. The Members of the Bureau shall hold office for a period of two (2) years renewable once.

**Article 15**  
**Duties of the Chairperson**

1. The Chairperson shall:
  - a) Preside over all the proceedings of the Ordinary and Extraordinary sessions;
  - b) open and close the sessions;
  - c) submit for approval the records of the sessions;
  - d) guide the proceedings;
  - e) submit to a vote matters under discussion and announce the results of the vote taken;
  - f) Rule on points of order.
1. g) ensure order and decorum during the proceedings of the sessions.
2. In the absence of the Chairperson or in case of a vacancy, the vice-Chairperson or the Rapporteur shall act as the Chairperson.

3. The provisions of the present Article are applicable to the Chair of the Bureau of the Technical Committees and ad hoc working group which may be set up by the Board and the Technical Committees.

## **SECTION II: TECHNICAL COMMITTEES**

### **Article 16**

#### **Technical Committee on Sport for Development**

1. The Technical Committee on Sport for Development shall comprise of the following members:
  - (a) A Representative from each AU Sport Development region;
  - (b) A Representative from ANOCA;
  - (c) A Representative from AASC;
  - (d) A Representative from AUSC Secretariat
  - (e) A Representative from Women in Sports Associations;
  - (f) A Representative from Sport for Development and Peace Organization;
  - (g) A Representative from School and Tertiary Sport Association;
  - (h) A Representative from Association of African Paralympic;
  - (i) A Representative from African Region Anti-Doping;
  - (j) A Representative from Sport for All ;
  - (k) A Representative from Military Sport (OSMA).
2. Without prejudice to paragraph1 of the present Article, the Sport Advisory Board may review the composition of this Technical Committee upon recommendation by the Sport Advisory Board or the Committee itself.
3. The Technical Committee on Sport for Development shall be chaired by a Representative of the AU Sport Development regions to be elected for a term of two (2) years on the basis of rotation and geographical distribution. The Chairperson of the Committee shall be assisted by a Vice-Chair and a Rapporteur elected among other members of the Committee.
4. The Technical Committee on Sport for Development shall carry out the following functions:
  - a) Facilitate training of professionals in Sports medicine and anti-doping;
  - b) Facilitate training of professionals in sports science and related fields of study;
  - c) Advocate and promote anti-doping programmes on and off fields of play;
  - d) Conduct education and awareness campaigns on communicable/ transmittable diseases and anti- doping;
  - e) Ensure and monitor inclusivity and equity in sports including promoting the involvement of women and girls, not only as athletes but also as



- technical officials, administrators and in other sports structures;
- k) Design and ensure the implementation of sports awareness and education programmes for women and the girl child;
  - l) Lobby for local manufacturing of sports equipment;
  - m) Enhance the development and implementation of sport development programmes for sport for people with Disabilities;
  - n) Ensure the establishment of structures for People with Disabilities in all Member States in the 5 AU Regions;
  - o) Ensure and monitor inclusivity and equity in Sports including promoting the involvement of People with Disabilities in Sport not only as athletes but also as officials, administrators and other forms of involvement;
  - p) Lobby for the manufacture, provision of and education/ awareness campaign on products required by People with Disabilities;
  - q) Design programmes for sport and development through sport and ensure that these are implemented;
  - r) Develop sports education and accreditation criteria and systems to be implemented in the 5 Regions;
  - s) Focus on crisis areas affected by man-made or natural calamities in Africa and to produce strategic plans for the introduction of Sport and Recreation for victims in these areas; and
  - t) Aim at the achievement of Agenda 2063 through Sport.
  - u) Develop Sports law and Policy;
  - v) Mainstreaming Research on Sport and Sport for development, coach education and all aspects of sport;
  - w) Carry out any other functions assigned to it by the Sport Advisory Board or the STC on Youth, Culture and Sport.

### **Article 17**

#### **Technical Committee for Finance**

1. The Technical Committee for Finance shall be composed as follows:
  - a) One (1) Representative from each of the five (5) AU Sport Development Regions;
  - b) AUSC Executive Secretary;
  - c) ANOCA representative;
  - d) AASC representative;
  - e) One (1) AUSC Finance Officer.
  
2. Without prejudice to paragraph 1 of the present Article, the Sport Advisory Board may review the composition of this Technical Committee upon recommendation by the Sport Advisory Board or the Committee itself.
  
3. The Technical Committee on Finance shall be chaired by a Representative of the AU Sport Development regions to be elected for a term of two (2) years on the basis of rotation and geographical distribution. The Chairperson of the Committee shall be assisted by a Vice-Chair and a Rapporteur elected among other members

of the Committee.

4. The functions of the Finance Technical Committee shall be to:

- a) Consider financial matters for the AUSC, including income from the African Games to be paid to the AUSC Office;
- b) Receive and consider statements from the AU Sports Council Office;
- c) Consider the Operational and Programmes budgets of the AU Sports Council Secretariat;
- d) mobilize Resource;
- e) Carry out any other functions assigned to it by the Sport Advisory Board or the STC on Youth, Culture and Sport.

### **Article 18**

#### **Technical Committee for the African Games**

1. The African Games technical committee shall be composed as follows:
  - a) AUSC Executive Secretary
  - b) ANOCA Representative
  - c) Representative of the African Union Commission Department for Social Affairs;
  - d) AASC Representative;
  - e) One (1) Representative of each of the 5 regions at Expert level;
  - f) Seven (7) Experts recommended by the Executive Secretary of AUSC and appointed by the Sport Advisory Board.
2. Without prejudice to paragraph 1 of the present Article, the Sport Advisory Board may review the composition of this Technical Committee upon recommendation by the Sport Advisory Board or the Committee itself.
3. The Technical Committee for the African Games and Marketing shall, on the basis of rotation and geographical distribution, elect, after due consultations, a Chairperson and other members of the Bureau, namely, one (1) Vice-Chairperson as well as a Rapporteur.
4. The functions of the African Games Technical Committee shall be to:
  - a) Propose objective criteria for the evaluation of bidding files pertaining to the organization of the African Games;
  - b) Establish a standing follow up /evaluation mechanism for the preparations of the Games;
  - c) Update the Technical Regulations and ensure their consistency with the General Regulations of the African Games and Consider and approve the Games manuals;
  - d) Establish and implement effective systems to generate adequate revenue for the successful hosting of the African Games

- e) Recommend guidelines for bidding and hosting of the African Games;
- f) Report on the preparation, organization and hosting of the African Games by the local Organizing Committee (COJA);
- g) Review and consider the Memorandum of Understanding (MOU) between AUC, ANOCA and AASC on the organization and management of the African Games;
- h) To approve the required technical, administrative and operational rules, policies, structures, plans, manuals and programmes as well as provide technical advice on their execution, for the successful hosting of the African Games in line with international standards;
- i) Ensure that the African Games are organized and hosted in accordance with the African Games Protocols;
- j) In collaboration with the Sports Confederations, approve equipment and materials, upon recommendation by competent Confederations;
- k) Oversee coordination meetings during the African Games;
- l) Provide strategic leadership on all aspects of the African Games and provide interface to ANOCA, AASC other sports confederations and agencies;
- m) Work closely with ANOCA and AASC to ensure successful preparation and hosting of the African Games;
- n) Promote the African Games as the pinnacle and the most visible African Sport event of African Sport Architecture (ASA) and motivation for Africa's elite athletes;
- o) Ensure that the African Games brand is consistent with the expectations of stakeholders inclusive of Continental and International Federations, Africa Union Commission, Member States, sponsors, and Members of the African Sport Movement;
- p) Develop and implement strategies, policies and best practices for the African Games in line with international sporting standards;
- q) Develop and implement a comprehensive Marketing plan to ensure growth of the African Games brand in the continent and beyond;
- r) Define benchmarks of the African Games legacy and work together with Local Organizing Committee (COJA), host cities, governments and relevant authorities to identify appropriate legacy objectives and desired impacts;
- s) Define athlete and officials' qualifying and performance standards for the African Games in line with International Federations trends and standards;
- t) Ensure a professional coordinated and management process from the bidding phase, through planning and delivery of the African Games contributing to enhancing the profile of the Architecture for Sport in Africa;
- u) Promote and encourage best practices, build on the success of the Games, creative solutions and facilitate knowledge transfer to future host countries of the African Games;
- v) Manage and supervise broadcasting and media rights and ensure maximum coverage of the Games in Africa and beyond, execute

- international marketing of the Games, monitor and assist COJA in planning and executing its Games Marketing Programme
- w) To stipulate Games participating fees and all the stipends within the COJA system
  - x) To ensure the Games trademarks and or copyrights are registered and liaise with host government and host city authorities for adequate and legal protection of the trademarks and of the Games sites
  - y) To appoint the technical Disciplinary Committee per each sport code and be the final Board of Appeal
  - z) To be the disciplinary committee of the Games with the Secretariat being the Ultimate Board of Appeal.
  - aa)Oversee Games Committees and provide proper guidance and assistance to ensure effective execution of the committees' duties;
  - bb)To ensure that the closure of the Games is properly done within the stipulated timeframe as provided for in the Protocol Agreement;
  - cc) Recommend deposit fee to be paid by the African Games host country;
  - dd)Carry out any other functions assigned to it by the Sport Advisory Board or the STC on Youth, Culture and Sport.

## **Article 19**

### **Meetings of the Technical Committees**

1. The Technical Committees shall meet at the Headquarters of AUSC or in any other Member State, upon invitation, once in a year in ordinary session.
2. In the event the session is held outside the Headquarters of the AUSC, the host Member State shall be responsible for all extra expenses incurred by the AUSC as a result of holding the session outside the Headquarters.
3. At the request of two-thirds of its members, the Chairperson of a Technical Committee shall convene an extraordinary session on a specific agenda communicated to all members at least fifteen (15) days in advance.
4. Each Member of the Technical Committees shall bear the cost of his/her participation in all meetings of the Committee.

## **Article 20**

### **Quorums for the Technical Committee**

A simple majority of members of a technical committee shall be required to constitute a quorum for any ordinary or extraordinary session.

**Article 21**  
**Decisions of the Technical Committees**

1. Decisions of a Technical Committee shall be taken by a simple majority of the members present;
2. Each member shall have one vote;
3. In the event of a tied vote, the Chairperson of a Technical Committee shall have the casting vote.

**SECTION IV: THE AUSC SECRETARIAT**

**Article 22**  
**Structure of the AUSC Secretariat**

1. The Secretariat shall consist of an Executive Secretary who shall be assisted by the necessary administrative, professional and technical officials.
2. The Staff Members of the Secretariat shall hold permanent positions in accordance with the AU Staff Rules and Regulations of African Union.
3. The structure of the Secretariat shall be determined in accordance with the rules and procedures in force in the African Union.
4. The Executive Secretary shall be appointed by the Chairperson of the African Union Commission upon recommendation of the Sport Advisory Board.
5. His/her term of office shall be governed by the AU Staff Rules and Regulations.

**Article 23**  
**Powers and Duties of the Executive Secretary**

1. The Executive Secretary shall, under the authority of the Chairperson, run the Secretariat General of the AUSC.
2. The Executive Secretary of AUSC shall attend all meetings of the Sport Advisory Board and STC on Youth, Culture and Sport. He shall be responsible for drafting, circulating and filing Minutes of meetings and all other records.
3. The Executive Secretary shall perform his duties within the scope of jurisdiction of the governing bodies of AUSC and upon instructions of the Chairperson as well as on behalf of AUSC which he represents in correspondence exchanges or in activities that devolve upon his office at both African and international levels. He/she shall regularly, at least once per year, submit report to the Chairperson on the AUSC activities.

4. He/she shall submit a progress report and financial report to the Sport Advisory Board and STC on Youth, Culture and Sport;
5. He/she shall be answerable to the Department for Social Affairs in respect of the management of the budget of the AUSC.

## **CHAPTER IV: AFRICAN UNION SPORT DEVELOPMENT REGIONS**

### **Article 24 Composition**

1. The African Union Sport Development Regions shall be aligned on the geographical distribution of the African Union as approved by the Executive Council and endorsed by the Assembly of the Union.
2. There shall be five (5) African Union Sport Development Regions, namely, Northern, Western, Central, Eastern, and Southern.
3. The geographical distribution of the five (5) Regions is as follows:
  - a) **REGION 1 (Northern Africa)**: Algeria, Egypt, Libya, Mauritania, Tunisia and Saharawi Arab Democratic Republic.
  - b) **REGION 2 (West Africa)**: Benin, Burkina Faso, Capo Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.
  - c) **REGION 3 (Central Africa)**: Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon and Sao Tome & Principe
  - d) **REGION 4 (Eastern Africa)**: Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mauritius, Rwanda, Seychelles, Somalia, South Sudan, Sudan, Tanzania and Uganda.
  - e) **REGION 5 (Southern Africa)**: Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe.

### **Article 25 Organs of the Union Sports Development Regions**

1. Each African Union Sport Development Region shall have the following organs:
  - a) The Conference of Ministers of Sport of the Region;

- b) Executive Committee of Experts from Member States of the Region; and
  - c) The Secretariat of the AU Sport Development Regions (Regional Secretariat).
- .
2. Each Region shall develop its own Strategies, structures, programmes and resource mobilization mechanisms within the objectives and mandate of the AUSC.
  3. The Representatives of AUSC Secretariat, ANOCA, Sport Confederations and Associate Sports Bodies will attend the meetings and activities of the Organs of the AU Sport Development Regions as members in an advisory capacity.
  4. The Regional Secretariat shall be the administrative structure of the Region responsible for carrying out the tasks inherent in the missions assigned to the Regions and shall submit annual report to the AUSC. Each Region will decide on the Host Country of the Permanent Regional Secretariat.

## **CHAPTER V: AFRICAN GAMES AND THE RELATIONS BETWEEN AUSC – ANOCA – AASC**

### **Article 26 African Games**

1. For purposes of promoting high performance African Sports Elite and enhancing sporting and cultural exchanges between Member States, a multi-discipline sports competition known as the "AFRICAN GAMES" is hereby instituted under the ownership and patronage of the African Union.
2. The African Games shall also be organized under the patronage of the International Olympic Committee (IOC) which recognizes the said Games as CONTINENTAL GAMES for African Continent.
3. The African Games shall be the exclusive property of African Union through AUSC who shall hold all rights relating to their organization, exploitation, broadcast and reproduction by any means whatsoever.
4. The African Games shall be celebrated once every four (4) years and one (1) year before the Olympic Games.
5. The maximum duration of the Games shall be fifteen (15) days.
6. The organization of the African Games shall be governed by rules and regulations enacted by the STC on Youth, Culture and Sport and in conformity with the Olympic Charter.
7. The AUSC shall associate the Association of National Olympic Committees of Africa (ANOCA) and the Association of African Sports Confederations (AASC) in the organization and management of the -African Games.

8. The STC on Youth, Culture and Sport shall recommend for designation by the Assembly of the Union of a Member State to host the African Games.
9. An Agreement to lay down the organization modalities for each edition of the African Games shall be concluded between AUSC and the Host Country.

**Article 27**  
**Relations between AUSC – ANOCA – AASC**

1. For purposes of enhancing the development of sports and Olympism in Africa and consolidating cohesion among the various structures of the African Sports Movement, the AUSC may recognize as a confederation or a continental association, organizations that either administer one or several sports disciplines in Africa or whose statutes and activities are in conformity with either the AUSC Statutes or the Olympic Charter. In such a case, AUSC may establish co-operation relations with them.
2. Within the framework of the aforementioned provisions, ANOCA and AASC shall be technical and advisory Organs of AUSC.
3. AUSC may grant ANOCA and African Sports Confederations political support and material assistance necessary for the development of their activities.
4. ANOCA, AASC and associations under their jurisdiction shall recognize the authority and primacy of AUSC over the entire African Sports and Olympic Movement.

**CHAPTER VI: FINANCIAL PROVISIONS**

**Article 28**  
**Budget of the AUSC**

1. The operational budget of AUSC shall constitute an integral part of the regular budget of the Union.
2. AUSC may mobilize resources from extra-budgetary sources in accordance with the AU Financial Rules and Regulations.
3. For purposes of attaining its objectives, AUSC shall have an own budget broken down as follows:
  - a) Operational budget;
  - d) Programme budget; and



e) African Sports Development Funds (ASDF).

4. The budget of AUSC shall be submitted for approval to the Policy Organs of the Union in accordance with the relevant provisions of the AU Financial Rules and Regulations.

### **Article 29** **African Sports Development Funds**

The African Sports Development Funds (ASDF) is hereby established and it shall be funded by:

1. Voluntary contributions from Member States;
2. Sundry commissions and fees accruing from sports events;
3. Grants in cash or kind from Governments, national or international institutions desirous to contribute toward sports development in Africa;
4. Revenue from the African Games Deposit Fee and marketing and sponsorship of the Games;

### **Article 30** **Expenditure-Accounting**

1. Revenue of AUSC shall cover:
  - a) Expenses incurred from all AUSC activities;
  - b) Recurrent expenses of the Secretariat;
  - c) Assistance that AUSC may grant under varied forms and more especially as subsidies to AU Sports Development Regions, ANOCA, African Sports Confederations and to any other organization that contribute toward the enhancement of sport in Africa;
  - d) Training, study and research grants awarded to nationals of Member States.
2. Revenue and expenditure shall be recorded in one or several accounts opened on behalf of the AUSC in one or several banks established in the Host Country of the Organization's Headquarters.
3. The Revenue and expenditure of the AUSC shall be governed by the Financial Rules and Regulations of the Union.

### **Article 31 Transitional Arrangements**

Following the adoption of this Statute by the Assembly of the Union, the Chairperson of the AU Commission, in close collaboration and in consultation with the host country and the Members of the Bureau of the STC on Youth, Culture and Sport shall take the necessary measures to establish an Interim Structure and appoint the required staff in order to facilitate the speedy establishment of AUSC in accordance with the present Statutes.

### **CHAPTER VII: FINAL PROVISIONS Article 32 Amendments**

1. The present Statutes may be amended by the Assembly of the Union. Any Member State proposing an amendment shall address a written notification to the Chairperson of the Commission who shall notify all Member States three (3) months before the Assembly's session to decide on the proposed amendment.
2. The amendment shall only take effect when it is approved by Assembly of the Union.

### **Article 33 Entry into Force**

1. This Statute shall enter into force upon its adoption by the Assembly of the Union.
2. This Statute, of which the Arabic, French, English and Portuguese texts are equally authentic, shall be deposited with the chairperson of the AU Commission and copies thereof shall be transmitted to the Executive Secretary and all Member States.

**Adopted by the.....Ordinary Session of the Assembly, held...**

---

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

---

1/FINAL DRAFT

AU/DTI/CAMRMRD-EXTRAORD-

ORIGINAL: ENGLISH

**DRAFT**  
**STATUTE OF THE AFRICAN MINERALS DEVELOPMENT CENTRE**

## PREAMBLE

### **We, Member states of the African Union**

**BEARING IN MIND** the importance of Minerals and other Natural Resources, notably their contribution towards inclusive growth and sustainable development through; job creation especially for the youth and women, wealth creation and poverty eradication thus leading to socio-economic structural transformation of African Economies;

**DEEPLY CONCERNED** about the fact that Africa's abundant mineral resources are not yet contributing equitably and effectively towards improving the living conditions of its populations;

**ALSO CONCERNED** about the increasing competition and demand for Africa's raw mineral resources and the imposition of trade conditionalities, both of which are likely to reduce the continent's policy space to pursue local beneficiation, value addition and resource-based industrialisation;

**AWARE** of the enormous potential that the appropriate development of mineral resources offers to propel Africa towards broad-based socio-economic development and to the achievement of the African Union Agenda 2063;

**RECALLING** the commitment made by African Union Heads of State and Government in their Solemn Declaration on the occasion of the 50<sup>th</sup> Anniversary of the OAU/AU to take ownership of, use and develop the natural resources endowments and mineral resources, through value addition as the basis for industrialization of the continent;

**ALSO RECALLING** Decision AU/MIN/CAMRMRD/4(I) taken during the 1st Ordinary Session of 13-17 October 2008 of the AU Conference of Ministers responsible for Mineral Resources Development, calling upon AU Member States to work together to ensure that international agreements that they enter into enhance rather than undermine Africa's policy space for integrating mineral resources development into their economies;

**FURTHER RECALLING** Decision Assembly/AU/Dec.175 (X) adopted by the Assembly of the Union in Addis Ababa, ETHIOPIA on 31st January 2008 that adopted the Action Plan for Accelerated Industrial Development of Africa – Doc. EX.CL/378 (XII)

**MINDFUL of the** Decision EX.CL/Dec.471 (XIV) of the Executive Council held in Addis Ababa, Ethiopia in February 2009 that adopted the Africa Mining Vision, as well as Decision EX.CL/ Dec.714 (XXI) of the Executive Council held in Addis Ababa, Ethiopia in July 2012 that endorsed the Addis Ababa Declaration on Building a Sustainable Future for Africa's Extractive Industry – From Vision To Action and called for the establishment of a Minerals Development Centre;

**CONVINCED** that the time is now for Africa's Renaissance, for the continent to regain ownership of its natural resources and to implement the Africa Mining Vision, with sound, prudent management and good governance, with a view to maximizing the benefits derivable from mineral resources exploitation for present and future generations while limiting negative environmental and macroeconomic impacts;

**RECOGNISING** that the implementation of the Africa Mining Vision is a joint responsibility of state and non-state actors, including the private sector, community based organisations, specialized institutions, and organised labour among other stakeholders;

**DETERMINED** to seize the opportunities offered by historically high commodity prices and increased competition for Africa's mineral resources, in order to change the continent's development paradigm and move from a mere reliance on extracting and exporting raw minerals to a more transformational growth trajectory;

**RE-AFFIRMING** the commitment for efficient implementation of the Action Plan of the Africa Mining Vision in order to achieve the goals of the Accelerated Industrial Development of Africa (AIDA), Boosting of Intra-African Trade (BIAT) as well as of the African Union Agenda 2063 for the transformation of the lives of Africa's populations and the integration of Africa into the global economy;

**INSPIRED BY** the Bahir Dar Ministerial decision calling for an effective management, governance and beneficiation of African resources to effect transformation, inclusive growth and industrialisation;

**URGING** that Minerals should play their transformative role in order to contribute to solving the pressing problems of development in the African Continent;

**BEING AWARE** of the need for co-operation in this field, particularly in research, development and training

**EMPHASIZING** the urgency of strengthening the mineral beneficiation capabilities of African countries;

**RECOGNISING** the important role that the African Minerals Development Centre will play in supporting African Union Member States towards harnessing effectively their mineral resources in order to improve the living conditions of Africans;

**APPRECIATING** the efforts taken by our key partners African Development Bank, United Nations Development Programme and the United Nations Economic Commission for Africa for the promotion and preparation of the establishment of such a centre;

**HAVE AGREED AS FOLLOWS:**

## Article 1

### Definitions

For the purpose of this Statute:

- “Act”** means the Constitutive Act of the African Union;
- “Annex”** means annex to this Statute
- “Assembly”** means the Assembly of Heads of State and Government of the African Union;
- “Affiliated Institutions”** means established institutions with the capacity to execute specialized functions in fulfilment of the objectives of the Centre.
- “Advisory Board”** means the Minerals Advisory Board of the Centre;
- “AMV”** means Africa Mining Vision;
- “AU”** means the African Union;
- “Centre”** means the African Minerals Development Centre;
- “Collaborating Institutions”** means any entities or organizations that will cooperate with the Centre on issues of mutual interest;
- “Commission”** means the Commission of the African Union;
- “Continent”** means the Continent of Africa;
- “Conference of State Parties”** means the highest executive decision-making body of the Centre
- “Court”** means the African Court of Justice and Human and Peoples’ Rights;
- “Director General”** means the Chief Executive of the Centre and the Head of the Secretariat;
- “Executive Council”** means the Executive Council of Ministers of the African Union;
- “General Convention”** means the General Convention on Privileges and Immunities of the Organization of African Unity;
- “Members”** means the States Parties;

<b>“Member State”</b>	means a Member State of the African Union;
<b>“Obligation”</b>	means the commitments of States Parties to the Centre;
<b>“REC”</b>	means the Regional Economic Communities recognised by the African Union
<b>“Region”</b>	means any of the regions of the African Union as provided for by Resolution CM/Res.464 (XXVI) of the Council of Ministers of the Organization of African Unity on the division of Africa into five (5) regions, namely: Northern, Western, Central, Eastern and Southern Africa;
<b>“Senior Officials”</b>	means the category of staff other than executives as defined by the Centre;
<b>“Special Operations”</b>	means any other operation that is different from ordinary operations;
<b>“State Party”</b>	means the Member State which has ratified or acceded to the Statute of the Centre;
<b>“Statute”</b>	means the present Statute of the Centre;
<b>“Subsidiary institutions”</b>	means such institutions that are partly or wholly owned and controlled by the Centre to implement specific activities within the objectives of the Centre;
<b>“Supervisory Bodies”</b>	means the Conference of State Parties and the Advisory Board which oversees the activities of the Centre;
<b>“UNECA”</b>	United Nations Economic Commission for Africa
<b>“Union”</b>	means the African Union established by the Constitutive Act;

**Article 2**  
**Establishment of the Centre**

1. The African Minerals Development Centre (hereafter referred to as “the centre”) is hereby established as a Specialised Agency of the Union.
2. The Centre shall be responsible for Mineral resources Development in Africa.

**Article 3**  
**Objectives**

1. The main objective of the Centre shall be to coordinate and oversee the implementation of the AMV and its Action plan to enable the mineral resource sector to play its role in the social and economic transformation, inclusive growth and sustainable development of African economies in conjunction with Member States, RECs, the private sector, civil society organizations including women and youth organisations, collaborating institutions and other key stakeholders.
2. The specific objectives of the Centre shall be to:-
  - a. ensure that there are coherent policies and robust regulatory and legal frameworks on exploration, exploitation, licensing, contracting, taxation, exporting, mineral processing and handling at the national level which are harmonized at the regional and continental levels;
  - b. develop a diversified and globally competitive African mineral industry which contributes to broad economic and social growth through the creation of economic linkages;
  - c. contribute to the regional integration agenda and the boosting of intra-african trade;
  - d. promote good governance in mineral resources development for the betterment of local communities in Africa;
  - e. foster sustainable development principles based on environmentally and socially responsible mining, which respects human rights, health and safety of the local communities, workers and other stakeholders; and
  - f. contribute to the Plan of Action for Accelerating Industrial Development of Africa (AIDA) through promotion of beneficiation, value addition, industrial linkages, responsible investments, innovation and diversification.

**Article 4**  
**Functions of the Centre**

The Centre shall:



1. Support Member States in the formulation, harmonization and implementation of coherent policies, legal and fiscal regimes which are geared towards development of the mineral sector;
2. Support the acceleration of regional mapping and exploration activities to improve the quality of geological information and geodata management systems on the continent;
3. Facilitate and nurture human resources and skills development in line with the AMV Action Plan;
  - a) Facilitate and undertake research and development, and the building of knowledge networks and niches involving the academia, private sector, government, think tanks, and other players;
  - b) Encourage the establishment of industry/professional associations, Chambers of Mines, cluster councils, and incubator/technology parks;
  - c) Foster learning processes by the establishment of a critical mass of industry players that share information and best practices, collaborate and compete to enhance competitiveness;
  - d) Promote local beneficiation and value addition for the local production of consumer and industrial goods;
  - e) Encourage and support Artisanal and Small Scale Mining and medium-scale enterprises to be integrated in the regional and global value chains;
  - f) Harness the potential of Public Private Partnerships in supporting infrastructure and capacity development;
  - g) Promote advocacy and communication in the mineral resources sector in order to strengthen transparency and access to information and knowledge at all levels that may enhance informed decision-making;
  - h) Promote and apply science, technology and innovation in awareness raising;
  - i) Promote the mineral sector development that is environmental friendly, socially responsible and gender responsive and benefits all the communities; and
  - j) Carry out any other functions that may enable the Center achieve its objectives as may be approved by the Conference of State Parties

## **Article 5 Membership**

1. Membership of the Centre shall be open to all Member States of the African Union.
2. Member States that have signed the Statute before its entry into force are Founding Members of the Centre.

## **Article 6 Legal Capacity**

For the fulfilment of its objectives the Centre shall, in particular, have legal capacity to:

1. Enter into agreements
2. Acquire and dispose of moveable and immovable property
3. Institute legal proceedings

## **Article 7 Privileges and Immunities**

The Centre, its representatives and Staff shall enjoy in the territory of each Member State, the privilege and immunities stipulated in the 1964 General Convention on the Privileges and Immunities of the OAU/AU and the Additional Protocol to the OAU General Convention on Privileges and Immunities, and such facilities and courtesies as are necessary for the exercise of its functions in connection with the Centre.

## **Article 8 Headquarters**

The headquarters of the Centre shall be situated in such a location as the Conference of State Parties shall determine based on criteria for hosting AU organs and institutions.

## **Article 9 Organs of the Centre**

The Centre shall have the following organs:

1. The Conference of State Parties;
2. The Minerals Advisory Board ; and
3. The Secretariat.

## **Article 10 The Conference of State Parties**

The Conference of the State Parties shall consist of:

1. State Parties shall be represented by the Minister responsible for Mineral resources development or a duly authorised representative of that Minister.
2. State Parties shall, in nominating a representative to the Conference of State Parties shall pay due regard to their administrative capability and minerals policy and development background.
3. The following shall participate in the conference of state parties:
  - a. the AU Commissioner of Trade and Industry;
  - b. the Chairperson of the Advisory Board; and
  - c. the Director General of the Centre
4. The Conference of State Parties shall meet in:
  - a. ordinary session at least once every two years; and
  - b. extraordinary session at the request of the Chairperson of the Conference of State Parties or any State Party and upon approval of two-thirds of all the State Parties.
5. The Conference of State Parties shall elect a Bureau which shall be comprised of a Chairperson, two Vice-Chairpersons and a rapporteur from among its representatives taking into account the principle of geographical rotation;
6. The members of the Bureau shall hold office for two years renewable once for a further term of two years;
7. The quorum for the Conference of State Parties shall be two-thirds of the total membership of the Centre;
8. Decisions of the Conference of State Parties shall be taken by a two-thirds majority of the State Parties present and having a right to vote;
9. The Conference of State Parties shall have the right to invite Member States and stakeholders as observers to attend its meetings without the right to vote.

**Article 11**  
**Functions of the Conference of State Parties**

The Conference of the State Parties shall:

1. issue policy guidelines through resolutions and recommendations;

2. adopt the Rules of Procedure for the Conference of the State Parties;
3. determine the criteria and the scale of assessment for membership fees for State Parties;
4. appoint and dismiss the Director General of the Centre;
5. appoint external auditors and decide on their mandate and remuneration;
6. elect and dismiss for cause the Members of the Advisory Board;
7. dissolve the Advisory Board if necessary;
8. decide on the necessity of establishing or causing to be established, or dissolving or causing to be dissolved any subsidiary institution as provided for in Article 15 of this statute;
9. decide on the location of any subsidiary institution of the Centre;
10. propose a sustainable financial mechanism and the annual contribution of members of the centre to the Conference of State Parties decide and prioritise the activities of the Centre relating to critical issues affecting minerals development in different parts of the continent;

**Article 12**  
**The Minerals Advisory Board**

1. The Advisory Board shall consist of the following:
  - a) The AU Director of Trade and Industry;
  - b) A representative from each region in the Bureau of the African Union Specialized Technical Committee on Trade, Industry and Mineral Resources;
  - c) One Representative from each REC;

- d) The representatives of the Collaborating Institutions;
  - e) The Director General of the Centre; and
  - f) An expert in the area of minerals resources development.
2. Members of the Advisory Board shall possess relevant professional experience in the field of mineral resources development and participate actively in carrying out AMDC's activities.
  3. Members of the Advisory Board other than the Director General and the AU Director of Trade and Industry, shall be appointed for a term of two years renewable once..
  4. The Advisory Board Members shall serve as representatives of the Centre and shall serve on a part-time basis as required by their functions.
  5. The Advisory Board shall meet:
    - a. in regular session twice a year one of which is to immediately precede the Conference of State Parties, and
    - b. as often as necessary in extraordinary session at the request of the Chairperson of the Advisory Board or as otherwise requested by the Secretariat subject to the availability of resources.
    - c. at the seat of the Centre, unless otherwise determined by the Conference of State Parties.
  6. The quorum for meetings of the Advisory Board shall be a two-thirds majority of the members of the Advisory Board.
  7. The decisions of the Advisory Board shall be taken by consensus. However, if all attempts to reach a consensus fail, decisions may be taken by a two-thirds majority of the members of the Advisory Board.
  8. The Board shall elect annually from among its members, a Chairperson, Vice Chairperson and a rapporteur on regional rotational basis.

A Member State may participate in a meeting of the Advisory Board to consider any issue that affects that Member provided that Member shall not vote on the matter under consideration.

9. The members of the Advisory Board shall not be remunerated but shall be reimbursed for any costs incurred as a result of attending Board meetings
10. Pending the definitive entry into force of this Statute the Chairperson of the AU Commission shall appoint members of the Advisory Board to undertake the functions of the Advisory Board. Such members appointed by the Chairperson of the AU Commission shall serve only on an interim basis.

**Article 13**  
**The Functions of the Minerals Advisory Board**

The functions of the Advisory Board shall be to:

1. Prepare its own rules of procedure and submit to Conference of State Parties for approval;
2. Convene the ordinary and extraordinary sessions of the Conference of State Parties, subject to the relevant provisions of Article 10, and determine the provisional agenda;
3. Ensure the implementation of the work programme and other resolutions of the Conference of State Parties ;
4. Supervise and coordinate the activities of the Secretariat and committees or working groups;
5. Assist the State Parties in implementing the resolutions, directives and decisions of the Conference of State Parties and discharge the duties and obligations which are conferred upon it under the Statute.
6. Submit to the Conference of State Parties nominations for the post of Director General in accordance with guidelines set by the Conference of State Parties;
7. Supervise the administrative and financial management of the Secretariat;
8. Submit periodic reports of its activities to the Conference of State Parties; and
9. Carry out any other functions that may be assigned to it by the Conference of State Parties.

**Article 14**  
**The Secretariat**

1. The Secretariat shall be headed by a Director General who shall be assisted by the necessary and competent staff for the smooth functioning of the Centre.
2. The Conference of State Parties shall on the recommendation of the Advisory Board appoint the Director General.

3. In the appointment of the Director General and other staff, consideration shall be made to ensure competence, gender balance, qualification, experience, high integrity and geographical distribution of posts.

The Director General shall serve in office for a term of four (4) years renewable only once

4. The Director General shall:
  - a. follow up and ensure the implementation of the resolutions, directives and decisions of the Conference of State Parties and the Advisory Board in accordance with the rules and regulations of the Centre;
  - b. represent the Centre and defend its interest under the guidance and approval of the Advisory Board and the Conference of State Parties;
  - c. promote the development of the programmes, projects and initiatives of the Centre;
  - d. prepare and submit proposals relating to the work programmes, business plans, strategic objectives, projects, activities and budgets of the Centre and ensure their implementation;
  - e. oversee the administrative and financial management of the Centre by appropriately managing the budgetary and financial resources including collecting the approved revenue from various sources;
  - f. prepare financial reports and budgets to be submitted to the Conference of State Parties for approval in accordance with the Centre's rules and regulations;
  - g. submit reports on the activities of the Centre to the Conference of State Parties and Advisory Board;
  - h. appoint staff and terminate contracts of appointments in accordance with the Centre's Staff Rules and Regulations;
  - i. prepare and service meetings of the Conference of State Parties, the Advisory Board and Committees of the Centre;
  - j. organize meetings and undertake studies as necessary and maintain relevant records in relation thereto;
  - k. submit to the Conference of State Parties and the Advisory Board annual reports on the operations of the Centre;
  - l. keep in custody the seal, documents, files and other data relating or relevant to the work of the Centre; and
  - m. make recommendations to improve the Centre's operational efficiency.



**Article 15**  
**Subsidiary or Affiliated Institutions of the Centre**

There shall be such subsidiary or affiliated institutions of the Centre as the Conference of State Parties may decide for the purposes of carrying out the functions of the Centre.

**Article 16**  
**Cooperation with other organizations**

The Centre shall work in close cooperation with the different AU Organs, RECs, national organizations, including government ministries, universities, industrial research and training institutes, mineral development and policymaking bodies as well as the private sector, civil society organisations and international agencies.

**Article 17**  
**Financial Resources of the Centre**

1. The regular budget of the Centre shall be funded by contributions of State Parties in accordance with the scale of assessment determined by the Conference of State Parties;
2. Supplemental budgets of the Centre shall be made available, where necessary to meet the extra and/or special budgetary expenditure of the Centre. The Conference of State Parties shall determine the contributions of State Parties to the special budgets of the Centre; and
3. In addition the Centre may receive grants, donations and proceeds for its activities as approved by the Advisory Board.

**Article 18**  
**Expenses**

1. The Secretariat may incur expenses for administrative, operational and investment purposes in accordance with the approved Programme of Work, Budget and Financial Regulations and Rules of the Centre as adopted by the Conference of State Parties.
2. Expenses incurred by representatives of State Parties in attending meetings of the Conference of State Parties shall be borne by their respective governments.
3. Expenses incurred by Members of the Advisory Board in the course of their official duties for the Centre shall be borne by the Centre.

**Article 19**  
**Sanctions**

1. Any State Party that fails to honour its financial obligations to the Centre for a period of two (2) years or more shall, as long as it is in such arrears, forfeit the right to vote in the Conference of State Parties or to present candidates for any elective or other post with the Centre.
2. Any violation of any provisions of this Statute by a State Party shall result in sanctions as may be determined by the Conference of State Parties.

**Article 20**  
**Settlement of Disputes**

1. Any dispute or difference arising between State Parties with regard to the interpretation, application and implementation of this Statute shall be settled by mutual consent between the States concerned, including through negotiations, mediation, conciliation or other peaceful means;
2. In the event of failure by the disputing parties to settle the dispute or difference in accordance with Article 20 (1), the disputing Parties may, by mutual consent, refer the dispute to:
  - a) The African Court of Justice Human and Peoples' Rights, where applicable, or
  - b) To an Arbitration Panel of three (3) Arbitrators whose appointment shall be as follows:
    - i. The Parties to the dispute shall appoint two (2) of the Arbitrators;
    - ii. The Chairperson of the African Union Commission shall appoint the third Arbitrator who shall be President of the Panel;
3. The decision of the Panel of Arbitrators shall be binding.

**Article 21**  
**Popularization of the Statute**

States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Statute in accordance with the relevant provisions and procedures of their respective constitutions.

**Article 22**  
**Safeguard Clause**

1. A provision in this Statute shall not be interpreted as derogating from the principles and values contained in other relevant instruments for the promotion of Minerals development in Africa.
2. Nothing in this Statute shall be construed as preventing a Party from taking such action, compatible with the provisions of the United Nations Charter or any other international instrument and limited to the exigencies of the situation, as it considers necessary to its external or internal security.

**Article 23**  
**Signature, Ratification and Accession**

1. This Statute shall be open to Member States of the African Union for signature, ratification or accession.
2. The instrument of ratification or accession to the present Statute shall be deposited with the Chairperson of the African Union Commission.

**Article 24**  
**Entry into force**

1. This Statute shall enter into force thirty (30) days after the deposit of instruments of ratification by fifteen(15) member states.
2. The Chairperson of the African Union Commission shall inform all Members States of the African Union of the entry into force of the present Statute.
3. For any Member State of the African Union acceding to the present Statute, the Statute shall come into force in respect of that State on the date of the deposit of its instrument of accession.

**Article 25**  
**Reservations**

1. A State Party may, when signing, ratifying or acceding to this Statute, formulate a reservation with respect to any of the provisions of this Statute, unless such a reservation is incompatible with the object and purpose of this Statute.
2. Unless otherwise provided, a reservation may be withdrawn at any time.

3. The withdrawal of a reservation must be formulated in writing to the Chairperson of the African Union Commission who shall notify other States Parties of the withdrawal accordingly.

### **Article 26 Depository**

This Statute shall be deposited with the Chairperson of the African Union Commission, who shall transmit a certified true copy of the Statute to the Government of each signatory State and notify them of the dates of the deposit of the instruments of ratification or accession.

### **Article 27 Registration**

The Chairperson of the African Union Commission upon the entry into force of this Statute shall register this Statute with the United Nations Secretary General in conformity with Article 102 of the Statute of the United Nations.

### **Article 28 Withdrawal**

1. At any time after three years from the date on which this Statute has entered into force a State Party may withdraw from this Statute by giving written notification to the Depository.
2. Withdrawal shall be effective one year after receipt of notification by the Depository, or on such later date as may be specified in the notification.
3. Withdrawal shall not exempt the withdrawing State Party from fulfilling any obligations it might have incurred under this Statute.

### **Article 29 Amendment and Revision**

1. Any Member State may submit proposals for the amendment or revision of this Statute. Such amendments shall be adopted at a meeting of the Conference of State Parties ;
2. Proposals for amendment or revision shall be submitted to the Chairperson of the African Union Commission who shall transmit such proposals to the Conference of State Parties at least six months before the meeting at which it shall be considered for adoption;
3. The Conference of States Parties, upon the advice of the Africa Union Commission, shall examine these proposals within a period of one year from the date of receipt of such proposals;
4. Amendments or revisions shall be adopted by the Conference of State Parties by consensus or, failing which, by a two-thirds majority and submitted by State Parties in accordance with their respective constitutional procedures.

5. The amendment or revision shall come into force thirty (30) days after adoption by the Conference of State Parties and ratification of it in accordance with the respective constitutional procedures of State Parties.

**Article 30**  
**Authentic Texts**

This Statute is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.

**Article 31**  
**Working Languages**

The working languages of the Centre shall be those of the Union.

**IN WITNESS WHEREOF** the undersigned, being duly authorized to that effect, has signed this Charter.

**ADOPTED BY THE ..... ORDINARY SESSION OF THE ASSEMBLY OF THE UNION HELD IN ....., ....., ....., .....**

**IN WITNESS, WE,** Heads of State and Government of the African Union have adopted this Statute.

DONE at -----on the----- day of ..... 20.., in Arabic, English, French and Portuguese, all the texts being equally authentic.

**DRAFT STATUTE ON THE ESTABLISHMENT OF THE LEGAL AID  
FUND OF HUMAN RIGHTS ORGANS OF THE AFRICAN UNION**

# **DRAFT STATUTE ON THE ESTABLISHMENT OF THE LEGAL AID FUND OF HUMAN RIGHTS ORGANS OF THE AFRICAN UNION**

## **PREAMBLE**

We, Members States of the African Union:

**RECALLING** the objectives and principles enunciated in the Constitutive Act of the African Union, adopted on 11 July 2000 in Lomé, Togo, in particular the commitment to settle their disputes amicably;

**RECALLING ALSO** the African Union Ministerial Conferences of 1999 in Mauritius and 2003 in Kigali calling for the establishment of a Human Rights Fund in Africa.

**CONSIDERING** Article 3 of the African Charter on Human and Peoples' Rights on equality before the law and equal protection of the law;

**RECALLING** Article 7 of the African Charter on Human and Peoples' Rights on the right to have one's cause heard;

**FURTHER RECALLING** the right to free legal representation as enshrined under Article 10(2) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights;

**MINDFUL of** Declaration 41 of the African Commission on Human and Peoples' Rights on the Right to Fair Trial and Legal Aid in Africa;

**ACKNOWLEDGING** the Principles and Guidelines on the Right to a Fair Trial and Legal Aid in Africa;

**RECALLING** the decision of the African Court on Human and Peoples' Rights at its 25<sup>th</sup> Ordinary Session calling for the formulation and establishment of a legal aid scheme for the Court;

**BEARING IN MIND** Decision **(EX.CL/Dec.865 (XXVI))** of the Executive Council at its 26th Ordinary Session authorizing the Court to establish a judicial assistance Fund within the framework of resources already allocated to it and the mobilization of voluntary resources of Member States

**CONVINCED** that the attainment of the objectives of the African Union requires the creation of a Legal Aid Fund.

**HAVE AGREED AS FOLLOWS:**



## CHAPTER I: GENERAL PROVISIONS

### Article 1

#### Definitions

**In this statute the following definitions shall apply:**

**"Board"** means the Board of Trustees of the Fund;

**"Executive Council"** means the Executive Council of the African Union;

**"Fund"** means the Legal Aid Fund of Human Rights Organs of the African Union;

**"Member"** means member of the Board;

**"African Commission"** means the African Commission on Human and Peoples' Rights;

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

**"Chairperson"** means the Chairperson of the Board;

**"Charter"** means the African Charter on Human and Peoples' Rights;

**"Commission"** means the African Union Commission;

**"Committee"** means the African Committee of Experts on the Rights and Welfare of the Child

**"Court"** means the African Court on Human and Peoples' Rights;

**"Human Rights Organs of the African Union"** means the African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child and any other body as may be established;

**"Indigent Applicant"** means an applicant for legal assistance who is determined as such by the Fund pursuant to its policy on Legal Assistance;

**"Member State"** means a Member State of the African Union;

**"Statute"** means the present Statute;

**"Union"** means the African Union established by the Constitutive Act of the African Union;

**Article 2**  
**Establishment and legal capacity of the Legal Aid Fund**

1. The Fund is hereby established as an independent fund of the Union to provide legal assistance to indigent applicants before Human Rights organs of the Union.
2. The Fund shall possess full juridical personality and capacity to contract, acquire and dispose of immovable and moveable property and institute legal proceedings in accordance with African Union rules and regulations.

**Article 3**  
**Objectives**

**The fund shall have the following Objectives:**

1. To mobilize and receive resources to finance the Legal Aid Scheme of the Human Rights Organs of the African Union.
2. To foster cooperation and coordination among all relevant stakeholders, notably, Member States, various organs and institutions of the African Union, international organizations, civil society organizations, lawyers associations and the private sector, and within the provision of legal aid.
3. To engage in activities and projects that will further the objectives of this Statute.

**Article 4**  
**Principles of the Legal Aid Fund**

To achieve its objectives, the Fund shall in the exercise of its functions respect and observe the following principles:

- a. Effective, sustainable, credible and accessible legal aid system;
- b. Availability of resources and a need based legal aid system ;

**Article 5**  
**Management of the Fund**

1. The Fund shall be managed by a Board of Trustees charged with supervising the operations, financial management, accounting and its treasury.
2. The Board shall:
  - a) provide strategic leadership and oversight of the fund
  - b) recruit the Secretary of the Fund;
  - e) draw up the required or appropriate operational rules in conformity with the present Statute;

- d) evaluate the functioning of the Fund;
  - e) manage and oversee the resources and assets of the Fund.
  - f) set up guidelines for the judicious investment of the finances of the Fund;
  - g) manage the Fund in accordance with the African Union Financial Rules and Regulations
  - h) recruit a Manager or managers of investments charged with the management of the Fund's investments, in compliance with the existing Union guidelines on investments ;
  - i) Approve the annual report on the functioning of the Fund for submission to the Chairperson of the Commission;
  - j) Approve the annual budget of the Fund ;
  - k) Recruit an external Auditor;
  - l) Carry out any other duties which may be necessary or appropriate for the proper functioning of the Fund.
3. In the exercise of its functions, the Fund shall be assisted by a Secretariat.

### **Article 6 Composition of the Board**

1. The Board shall consist of:
  - a) Five (5) members appointed by the Chairperson of the African Union Commission from the 5 AU regions taking into account equitable gender balance.
  - b) One (1) Member representing each of the African Union Human Rights Organs
2. Within sixty (60) days of entry into force of this Statute, the Chairperson of the Commission shall invite each region to submit, in writing, a maximum of 5 candidates, for consideration for appointment to the Board.
3. Members of the Board where applicable, shall serve in their personal capacity and shall be persons of high moral character, impartiality and integrity and who have recognized competence in one or more of the following areas: legal assistance, fundraising, fund management, banking, commerce and finance and communications or outreach.
4. No two (2) members shall be nationals of the same State.

### **Article 7 Term of Office of Members of the Board**

1. Members, other than representatives of AU Organs, shall be appointed for a non-renewable period of five (5) years.

2. A member appointed to replace a member whose term of office has not yet expired shall be from the same region and shall hold office for the remainder of the predecessor's term.

### **Article 8**

#### **Remuneration**

4. Members of the Board of Trustees shall not receive any remuneration for serving on the Board other than reimbursement for eligible expenses associated with attending to the business of the Board in accordance with the AU Financial Rules and Regulations.

### **Article 9**

#### **Resignation, Suspension and Removal from Office**

1. A Board Member may resign by addressing a letter of resignation to the Chairperson of the Board who shall transmit the letter to the Chairperson of the Commission.
2. A Member may be suspended or removed from office on the recommendation of two-thirds of the other Members on the grounds that the member no longer meets the requisite conditions specified in this Statute.
3. The Chairperson of the Board shall bring the recommendation for suspension or removal of a Member from office to the attention of the Chairperson of the Commission. Suspension or removal from office shall be carried out in conformity with the Fund's Rules of Procedure.

### **Article 10**

#### **Vacancies**

1. A seat on the Board shall fall vacant under the following circumstances:
  - a) Death;
  - b) Resignation;
  - c) Removal from office in accordance with Article 9 above.
2. In the event of death, resignation or removal from office of a Member, the Chairperson of the Board, through the Chairperson of the Commission, shall immediately inform the Member States in writing. Thereafter, the Chairperson of the Commission shall declare the seat vacant.
3. The same procedure for the appointment of Members shall be followed in filling vacancies.

### **Article 11**

#### **Election of the Chairperson and Vice-Chairperson of the Board**

1. The members of the Board shall elect from among themselves the Chairperson and the Vice Chairperson, who shall serve for a non-renewable period of two (2) years.

2. The modalities for the election of the Chairperson and the Vice Chairperson as well as their duties shall be defined in the Fund's Rules of Procedure.

## **Article 12 Sessions of the Board**

1. Board Members shall perform their functions on a part-time basis.
2. The Board shall meet once a year in ordinary session. It may meet in extraordinary sessions at the request of the Chairperson or six (6) of the members, if necessary and subject to the availability of resources.
3. The duration of the sessions shall be determined by the Rules of Procedure of the Fund.
4. Sessions of the Board shall be held at the seat of the Fund or at any other place to be determined by the members.

## **Article 13 Quorum**

The quorum for a meeting of the Board shall be five (5) Members, with at least one (1) being a representative of the African Union Human Rights Organs.

## **Article 14 Secretariat of the Fund**

1. The Secretariat shall assist the Board in carrying out its oversight duties as well as be in charge of the day-to-day management and operations of the Fund.
2. The Secretariat shall be headed by a Secretary to the Fund, who may be assisted by other members of staff.
3. The Secretary to the Fund shall:
  - a) Manage the day-to-day operations of the Fund;
  - b) Prepare and submit to the Board the capital and operating annual budget of the Fund;
  - c) Employ staff and engage the services of consultants in accordance with the applicable rules;
  - d) Submit to the Board a statement of receipts and expenditures relating to the Fund during the preceding fiscal year as audited by the External Auditor;
  - e) Represent the Fund in relation to third parties; and
  - f) Perform any other functions as may be assigned by the Board from time to time.

## **Article 15**

## **Code of Conduct**

The Code of Conduct of the African Union Commission shall apply to the Fund

### **Article 16 Resources of the Fund**

1. The resources of the Fund shall consist of:
  - a) Voluntary contributions of Member States;
  - b) Contributions from African Union partners.
  - c) Income derived from operations of the Fund or otherwise accruing to the Fund;
2. The Fund shall only accept grants, gifts or other material benefit which are in conformity with the objectives of the Union.
3. Financing of the Fund shall be governed by considerations of economy, efficiency and cost effectiveness and the need to safeguard the independence and sustainability of the Human Rights organs of the African Union.

### **Article 17 Seat**

1. The Fund shall be located at the seat of the Court
2. The relations between the Fund and the host state shall be governed by the Host Agreement between the African Union and Host State

### **Article 18 Privileges and Immunities**

1. The Fund, its representatives and staff shall enjoy in the territory of each Member State, the privileges and immunities stipulated in the 1965 General Convention on Privileges and Immunities of the Organization of African Unity and other relevant international instruments.
2. The Host Agreement which shall be concluded between the Fund and Host Country of the seat of the Court shall govern the relations between the Fund and Host Country.

### **Article 19 Cooperation with Human Rights organs of the African Union and other Institutions of the Union**

1. Upon entry into force of this Statute, the Fund shall enter into an agreement with the Human Rights organs of the African Union, specifying the mode of cooperation and collaboration between the institutions.
2. The Fund may, if it deems it necessary, consult with any organ or institution of the Union on any subject which is within the competence of

each organ or institution. All documents circulated to Member States by the Fund shall also be circulated to interested organs or institutions of the Union for their information, comments, proposals or necessary action.

**Article 20**  
**Cooperation with Other Institutions**

In order to broaden its operational base, the Fund may consult with intergovernmental international or national organizations, civil society organizations, bar associations and law societies, and any other institution that it may consider relevant, on any subject entrusted to it, if it believes that such procedure might aid it in the performance of its functions.

**Article 21**  
**Amendments**

4. The present Statute may be amended by the Union's Policy Organs upon recommendation of the Board. The amendments shall come into force upon their adoption by the African Union Commission

**Article 22**  
**Entry into Force**

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

**STATUTE OF THE AFRICA CENTRES FOR DISEASE CONTROL AND  
PREVENTION (Africa CDC)**



# STATUTE OF THE AFRICA CENTRES FOR DISEASE CONTROL AND PREVENTION (Africa CDC)

## PREAMBLE

### **We, Member States of the African Union;**

**WHEREAS** our declaration at the African Union Special Summit on HIV, TB and Malaria (ATM) in Abuja in July 2013, in which we took cognizance of the need for an Africa Centre for Disease Control and Prevention (Africa CDC) to conduct life-saving research on priority health problems in Africa and to serve as a platform to share knowledge and build capacity in responding to public health emergencies and threats;

**RECALLING** decision **Assembly/AU/Dec.499 (XXII)** adopted at the 22nd Ordinary Session of the Assembly held in Addis Ababa, Ethiopia, in January 2014 that stressed the urgency of establishing the Africa Centre for Disease Control and Prevention and requested the Commission to submit a report to the Assembly in January 2015 that will include the legal, structural and financial implications of the establishment of the Centre;

**NOTING** the decision of the 1<sup>st</sup> African Ministers of Health meeting jointly convened by the African Union Commission (the Commission) and World Health Organization (WHO) held in Luanda, Angola, from 16 to 17 April 2014, in which the Ministers committed themselves to the implementation of Decision Assembly/AU/Dec.499 (XXII) and requested the Commission and WHO, in collaboration with relevant stakeholders, to provide technical support towards the establishment of the Africa CDC;

**COGNIZANT** of the decision of the Executive Council at its 16<sup>th</sup> Extra-ordinary Session devoted to the Ebola Virus Disease (EVD) outbreak held on 8 September 2014, in which the Council decided, inter alia, to request the Commission to “Take all the necessary steps for the rapid establishment of an Africa Centre for Disease Control and Prevention (Africa CDC) pursuant to Assembly Decision AU/Dec.499 (XXII) on the establishment of the Centre; and ensure the functioning of the Africa CDC, together with the establishment of regional centres by mid-2015, including the enhancement of the early warning systems to address in a timely and effective manner all the health emergencies and the coordination and harmonization of health domestic regulations and interventions as well as the exchange of information on good experiences and best practices”;

**WHEREAS** in decision Assembly/AU/Dec.554 (XXIV) adopted at the 24<sup>th</sup> Ordinary Session of the Assembly held in Addis Ababa, Ethiopia in January 2015 in which the Assembly endorsed the establishment of the Africa CDC and approved that the Coordination Office should initially be located at the Headquarters of the African Union in Addis Ababa, Ethiopia.

**HAVE AGREED AS FOLLOWS:**

**SECTION ONE  
General Provisions**

**Article 1  
Definitions**

In this Statute, unless the context requires otherwise:

**“Advisory and technical council”** means a body that provides technical advice to the Africa CDC

**“Africa CDC”** means the Africa Centers for Disease Control and Prevention

**“Assembly”** means the Assembly of the African Union

**“AU”** and **“Union”** means the African Union as established by the Constitutive Act

**“Board”** means the Governing Board of the Africa CDC

**“Commission”** means the African Union Commission;

**“Constitutive Act”** means the Constitutive Act of African Union;

**“Council”** means the Advisory and Technical Council of the Africa CDC;

**“Development/External Partners”** means the institutions and organizations including Africa Private Sector that promote public health and share the strategic objectives of Africa CDC;

**“DSA”** means the Department of Social Affairs of the Commission;

**“IHR”** means the International Health Regulations;

**“Member States”** means the Member States of the Union;

**“PHEIC”** means Public Health Emergency of International Concern

**“Policy organs”** means the Assembly and Executive Council of the African Union.

**“PRC”** means Permanent representative Committees of the African Union.

**“RECs”** means the Regional Economic Communities;

**“Regional Centers”** means the Regional Collaborating Centers in Africa supporting the Africa CDC in the day-to-day execution of its strategic work plan;

**“RHOs”** means the Regional Health Organizations;

**“Secretariat”** means the Africa CDC’s Secretariat;

**“Specialized Institutions and Agencies of the African Union”** means Specialized Institutions and Agencies created or recognized as such by the African Union;

**“Statute”** means the present Statute of the Africa Centers for Disease Control and Prevention;

**“STC”** means the Specialized Technical Committee on Health, Population and Drug Control;

**“WHO”** means the World Health Organization;

**Executive Council** means the Executive Council of the African Union

## **Article 2**

### **Establishment and Status of the African Centre for Disease Control**

1. The Africa CDC is hereby established as a specialized technical Institution of the Union charged with the responsibility to promote the prevention and control of diseases in Africa.
2. The Africa CDC derives its juridical personality from and through the African Union and shall:
  - a) Enter into agreements with applicable Rules and Regulations of the Union
  - b) Acquire and dispose of immovable and movable property in accordance with the said Rules and Regulations
3. The Africa CDC shall discharge its functions shall be guided by the Framework of Operations annexed to the present Statute.

## **Article 3**

### **Objectives and Functions**

In carrying out its functions the Africa CDC shall pursue the following strategic objectives:

- a) The establishment of early warning and response surveillance platforms to address in a timely and effective manner all health emergencies;
- b) Supporting public health emergency preparedness and response

- c) Assisting Member States in collaboration with WHO and others stakeholders to address gaps in International Health Regulations compliance;
- d) Supporting and/or conducting regional- and country-level hazard mapping and risk assessments for Member States;
- e) Supporting Member States in health emergencies response particularly those which have been declared public health emergency of international concern (PHEIC) emergencies as well as promotion and diseases prevention through health systems strengthening, by addressing communicable and non-communicable diseases, environmental health and Neglected Tropical Diseases (NTDs);
- f) Promoting partnership and collaboration among Member States to address emerging and endemic diseases and public health emergencies;
- g) Harmonizing disease control and prevention policies and the surveillance systems in Member States;
- h) Supporting Member States in capacity building in public health through, medium and long term field epidemiological and laboratory training programmes.

#### **Article 4 Guiding Principles**

The guiding principles of the Africa CDC shall be:

1. **Leadership:** The Africa CDC is an institution that provides strategic direction and promotes public health practice within Member States through capacity building, promotion of continuous quality improvement in the delivery of public health services as well in the prevention of public health emergencies and threats.
2. **Credibility:** The Africa CDC's strongest asset is the trust it cultivates with its beneficiaries and stakeholders as a respected, evidence-based institution. It plays an important role in championing effective communication and information sharing across the continent.
3. **Ownership:** The Africa CDC is an Africa-owned institution. Member States will maintain national-level ownership of the Africa CDC simultaneously through an advisory role in the shaping of Africa CDC priorities and through direct programmatic engagement.
4. **Delegated authority:** In the event of public health emergency on the continent with cross border or regional implications, the Africa CDC is

mandated to deploy responders, in consultation with affected Member States to confirm and/or contain the emergency. Thereafter, the Africa CDC will take the appropriate steps to notify the Commission of its action.

5. **Timely dissemination of Information:** The Africa CDC leadership will regularly update Member States on ongoing actions based on (d) above and seek their support and collaboration. It should leverage collaboration and engage Member States in strong partnerships and networking
6. **Transparency:** Open interaction and unimpeded information exchange between the Africa CDC and Member States is inherent in the mission of the Africa CDC.
7. **Accountability:** The Africa CDC is accountable to Member States in its approach to governance and financial administration.
8. **Value-addition:** In every strategic aim, objective, or activity, the Africa CDC should demonstrate how that initiative adds value to the public health activities of Member States and other partners.

## **Article 5 Framework**

The Africa CDC is an Africa-owned institution that adds value and is highly credible and shall operate in collaboration with Regional Centers in the pursuit of its strategic objectives. The Africa CDC shall therefore operate within the following framework:

1. Development of a shared perception on the continent that national public health threats have an impact on regional security and economic viability.
2. Work with the WHO, other multi-sectoral partners such as the African Union specialized institutions and agencies, external partners as well as Africa CDC Collaborating Regional Centres to pursue the strategic objectives of the Centre.
3. Facilitate easy access to critical information by:
  - (a) The establishment of a continental framework for data sharing,
  - (b) Improvement of data quality and
  - (c) Development of interchangeable data elements that would help countries prepares for and responds to emergencies,
  - (d) Timely dissemination of critical information to Member States

4. Establish an emergency operation center (EOC) whose operation shall be guided by the Africa CDC Framework of Operations annexed to the present Statute

#### **Article 6 Seat of the Africa CDC**

1. The seat of the Africa CDC shall be at the Headquarters of the African Union in Addis Ababa, Ethiopia until the Assembly decides otherwise.
2. The Secretariat of the Africa CDC shall be located at the above Seat of the CDC.
3. In addition to the Seat of the CDC, the Secretariat may convene the Governing Board meeting, Advisory Council Meeting, or other meetings of the Africa CDC in the territory of any Member State at the invitation of that Member State or any of the cooperating Regional Centers.

#### **Article 7 Meeting**

1. The meetings of the Africa CDC shall be held at its Seat, unless a Member State or cooperating partner offers to host any such session.
2. In the event that a meeting of the Africa CDC is held outside its seat, the host Member State or cooperating partner shall be responsible for all extra expenses incurred by the Secretariat as a result of holding the meeting outside the seat of Africa CDC.

### **SECTION TWO Governance and Management of the Africa CDC**

#### **Article 8 Structure of the Africa CDC**

The structure of the Africa CDC shall consist of:

- a) Governing Board;
- b) Advisory and Technical Council, and
- c) Secretariat.

#### **Article 9 The Governing Board (Board)**

1. The Board shall be the deliberative organ of the Africa CDC.
2. The Board shall meet at least once a year in ordinary session. It may meet in extra-ordinary sessions, subject to availability of funds at the request of:

- a) The policy organs of the Union;
- b) The STC;
- c) Any Member state, upon approval of a two-thirds majority of Member States; or
- d) The Secretariat, in the event of outbreak of an epidemic or a health emergency, or such other emergency situations that necessitate the holding of a Board Meeting.

## **Article 10 Composition of the Board**

1. The Board, which is answerable to the STC shall be composed of fifteen (15) members, as follows:
  - a. Ten (10) Ministers of Health representing the five Regions of the African Union, two per region nominated by their Region.
  - b. Two (2) representatives of the Commission (Social Affairs and Political Affairs of the African Union),
  - c. Two (2) nominees of the Chairperson of the Commission representing the private sector and the Civil society in consultation with the Chairperson of the Board
  - d. One (1) Representative of Regional Health Organizations on rotational basis.
2. The Legal Counsel or his/her representative shall attend the Board meetings to provide legal advice as may be required
3. The Director of the Africa CDC, shall serve as the Secretary of the Board
4. The Board may invite such expertise as may be necessary.

## **Article 11 Election and Term of Office**

1. The ten members of the Board representing Members States shall be selected by their Regions failing which they shall be elected by the Working Group on Health
2. Where applicable, the term of office of members of the Board shall be a nonrenewable period of three (3) years for five Member States representatives of each AU Region and a nonrenewable period of two (2) years for the other five regional representatives of Member States;
3. The term of office of the two members nominated by the Chairperson of the AU Commission and the one (1) member representing Regional Health organizations shall be two (2) years on rotational basis and nonrenewable;

4. The Board shall elect by a simple majority for a three (3) year non- renewable term a Chairperson of the Board from among the regional representatives of Member States, taking into account the African Union's principle of regional rotation and gender equity;
5. The Board shall also elect, by a simple majority, for a nonrenewable two (2) year term, a Vice Chairperson of the Board also from among the regional representatives of Member States, taking into account the African Union's principle of regional rotation and gender equity;
6. The term of office of the 10 representatives of Member States of the Board shall be guided by the principle of succession based on equitable regional and gender representation.

## **Article 12 Functions of the Board**

The functions of the Board shall be to:

1. Provide strategic guidance to the Secretariat, in accordance with AU policies and procedures;
2. Examine decisions and/or proposals submitted by the Secretariat, and submit its recommendations to the STC;
3. Propose amendments to this Statute based on recommendations by the Secretariat;
4. Ensure that the Africa CDC strategic agenda of disease surveillance, detection and response are integrated into continental development strategy;
5. Approve the designation and re-designation of the Regional Collaborating Centres based on the recommendation of the Regions and on the criteria stipulated in Article 24 of this Statute; and submit the same to the STC for noting
6. Assist the Secretariat in resource mobilization;
7. Submit annual reports to the STC on the activities and achievements of the Africa CDC;
8. Examine the Africa CDC Action plan, budgets, activity and reports, and recommend the same for approval.



**Article 13**  
**Quorum and Decision Making Procedures of the Board**

1. The quorum for Board meetings and its decisions making procedures shall be adopted in the Rules of Procedure of the Board and that of Council.
2. The Board shall adopt its own Rules of Procedure and that of the Council

**Article 14**  
**Advisory and Technical Council (The Council)**

The Council shall serve as an advisory and Technical body to the Africa CDC.

**Article 15**  
**Composition of the Council**

1. The Council shall be composed of twenty three (23) members as follows:
  - a) Five (5) Representatives of the Regional Collaborating Centres
  - b) Five (5) Representatives of National Public Health Institutes or laboratories or related Institutions on rotational basis taking into account the AU Regions;
  - c) Five (5) Representatives of National Focal Persons of the Ministry in charge of Health in Member States on rotational basis taking into account the AU Regions;
  - d) Two (2) Representatives of African Health Networks on rotational basis
  - e) Two (2) Representatives of the AU Specialized and Technical Offices and Institutions (Medical services and AU IBAR)
  - f) One (1) Representative of Regional Health Organizations on rotational basis
  - g) Two (2) Representatives of WHO
  - h) One (1) Representative of OAI (Animal Health).
2. Director of the Africa CDC shall serve as the Secretary of the Council
3. The Advisory council may invite such expertise from relevant stakeholders as necessary.

**Article 16**  
**Term of Office of the Council**

1. Members of the Advisory and Technical Council shall serve for a non-renewable term of three (3) years where applicable;
2. The Council shall elect its chairperson and Vice Chairperson by a simple majority and they shall serve for a nonrenewable term of two (2) years.

**Article 17**

## **Functions of the Advisory and Technical Council**

The Advisory and Technical Council shall advise the Africa CDC on:

1. Emerging issues and other related matters of disease control and prevention;
2. The strategic plans and activities of the Africa CDC;
3. Opinions on advocacy and resources mobilization
4. Different aspects of disease surveillance, detection and response on the African Continent;
5. Research and study areas and merits of the scientific work of the Africa CDC;

### **Article 18**

#### **Meetings, Quorum, Decision Making Procedures of the Advisory Council**

1. The sessions of the Council, its quorum, decisions making procedures shall be provided in its Rules of Procedure.
2. The Board shall adopt the Rules of Procedure of the Council.

### **Article 19**

#### **Secretariat**

1. The Secretariat shall be responsible for the implementation of the decisions of the policy organs of the Union, the STC, and the Board of the Africa CDC.
2. The Secretariat shall be headed by a Director and shall report to the Commission through the DSA.
3. The Director shall be the Chief Executive Officer of the Africa CDC.
4. The Director shall be appointed by the Commission on the approval of the Board; and shall serve for a period of four (4) years and renewable only once.
5. The Secretariat shall consist of administrative, professional and technical and support staff with competence in the various areas of the Africa CDC;
6. The emergency operation center (EOC) referred to in article 4 (d) shall be part of the secretariat;
7. The recruitment of secretariat staff members shall be conducted in conformity with relevant AU rules and procedure except for the appointment of the Director as stipulated in Article 20(2) below;

8. The AU rules, procedures, regulations and directives shall apply in the operation of the Africa CDC

**Article 20**  
**Functions of the Secretariat**

The functions of the Secretariat shall include but not limited to the following:

- a) Assisting and supporting the Member States to develop appropriate disease surveillance, detection and response policies, programs, systems and structures;
- b) Providing technical support and capacity building to the Member States for disease control and prevention;
- c) Developing and Implementing strategic advocacy program and Stakeholder communication plans.
- d) Networking with Member States, WHO, Regional Health Organizations, RECs, private sector organizations, Regional Health Networks, Partners CDCs, and other relevant Stakeholders to attain the objectives of the Africa CDC;
- e) Serving as the focal point in all matters of the Africa CDC;
- f) Establish information center and thereby guide the Member States and other stakeholders by being one of the main sources of information on disease control and prevention on the continent;
- g) Undertaking research and studies in all the relevant areas of competence of the Africa CDC;
- h) Promoting activities undertaken by the Africa CDC and disseminate the findings of the studies to Member states and other Stakeholders;
- i) Preparing health map of Africa for communicable and non-communicable diseases

**Article 21**  
**Functions of the Director**

1. The Director shall:
  - a) As the Chief Executive Officer is responsible for the overall management of the Africa CDC;
  - b) Implement directives from the Board and the Commission as may be applicable;

- c) Prepare the program, financial and operational report of the Africa CDC;
  - d) Draft and submit Africa CDC's budget, report on activities, rules of procedure and Plan of Action of the Africa CDC to the Board and the Commission for approval;
  - e) Attend meetings of the Board and the Council and act as Secretary to the Board and Council;
  - f) Collect and disseminate findings on disease control and prevention related research;
  - g) Ensure the production and publication of the periodical bulletin of the Africa CDC;
  - h) Perform any other functions as may be assigned in line with the objectives of the Africa CDC.
2. The AU rules, procedures, regulations, directives shall apply in the operation of the Africa CDC

### **SECTION THREE Operations of the Africa CDC**

#### **Article 22 Transitional Provisions**

The Chairperson of the Commission shall take necessary measures to establish an interim structure subject to the endorsement of the relevant PRC Subcommittee and appoint the required staff in order to facilitate the speedy establishment of the Africa CDC in accordance with the present Statute.

#### **Article 23 Role of Department of Social Affairs**

The Department of Social Affairs as the policy Department on the subject matter shall ensure synergy between the Africa CDC and the Commission.

#### **Article 24 Africa CDC Regional Collaborating Centres**

1. In the execution of its strategic work plan, Regional Collaborating Centres (RCC) shall support the Africa CDC. The collaboration and support of the Regional Collaborating Centres is to ultimately bring into reality an "Africa CDC without walls" that supports the continent at the point of need, rather than from a centralized, distant location.

2. At the time of the take-off of the Africa CDC, there shall be a minimum of five (5) RCC in order to ensure that each region within the continent is represented.
3. Each Regional Centre represents an existing entity that has met Africa CDC criteria in accordance with Article 24 for selection as a Regional Centre. The leadership of the RCC shall be designated as an Africa CDC Regional Coordinator within the Africa CDC organizational structure.
4. Each Region shall be responsible for selecting their RCC in accordance to the criteria laid down in article 25. The RCC shall be a government owned institution
5. The Africa CDC shall establish clear procedures for cooperation and collaboration with the RCCs.
6. A Regional Collaborating Centres may also be a regional CDC where such a Regional CDC exists.

## **Article 25**

### **Selection of Regional Collaborating Centres**

1. Each region shall select one Regional Collaborating Centre based on the following guiding principles and criteria:
    - a) **Guiding Principles:**
      - i) Synergy between Regional Center's internal goals and Africa CDC aims;
      - ii) Good governance & respected leadership;
      - iii) Sustainable funding and fiscal accountability;
      - iv) History of collaboration between health sectors.
    - b) **Criteria:**
      - i) Technical proficiency and clear evidence of expertise in the Essential Public Health Operations<sup>1</sup> (EPHO) that are directly relevant to the strategic objectives of the Africa CDC;
      - ii) Clear synergy between the Regional collaborating Centre's programme objectives and the Africa CDC strategic objectives, which results in greater collective impact and capacity building.
      - iii) Track record in mobilizing health workforce;
      - iv) Laboratory capacity;
      - v) Can represent regional constituency;
      - vi) Track record of expertise in region-specific health hazards;
-

- vii) Willing and able to provide surge capacity to other countries if country capacity is lacking, particularly during public health emergencies.
  - viii) A Collaborating Regional Center shall either be:
    - (a) An existing government institution, or
    - (b) An institution which provide substantive support to government health institutions
2. The Governing Board shall at periodic intervals of not more than 5 years evaluate the performance of RCC. Pursuant to the evaluation, the Governing Board may replace a non-performing or under performing RCC with a more suitable Regional Center.

### **Article 26 Cooperation with Member States**

- 1. In carrying out its functions, the Africa CDC shall dedicate necessary resources to building partnerships aimed at improving the effectiveness of its operations.
- 2. The Africa CDC shall develop partnerships with Ministries of member states responsible for health and agencies that deal with disease control and prevention which shall serve as national contact points.
- 3. The Africa CDC may be requested by the Member States, the RECs, the Commission, other Organs of the Union, and international organizations to provide scientific or technical assistance in any field within its competence.

### **Article 27 Cooperation with WHO**

The Commission shall pursue closer collaboration with the WHO on the operationalization of the Africa CDC. The Africa CDC shall establish clear procedures for cooperation with the WHO in accordance with established procedures of the Commission. The Africa CDC and WHO shall develop a clear framework for collaboration to avoid overlap in their support to member states to fulfill the objectives on disease control and prevention as well as the implementation of the Africa CDC's objectives and strategies.

### **Article 28 Cooperation with Other Stakeholders**

- 1. The Africa CDC shall maintain working ties with Development partners and stakeholders, particularly with the Regional Health Organizations, RECs, private sector, civil society organizations, other Organs of the Union and the non-African CDCs in pursuit of its strategic objectives.

### **Article 29**

## **Privileges and Immunities of the Africa CDC**

1. The privileges and immunities of the Africa CDC shall be governed by Host agreements negotiated with Host Country (ies) and applicable international law.
2. The Africa CDC and its staff shall enjoy the privileges and immunities stipulated in the OAU General Convention on Immunities and Privileges and the Vienna Convention on Diplomatic Relations.

### **Article30 Rules of Procedure**

1. The Africa CDC shall adopt its own Rules of Procedures.
2. The Rules of Procedure of the Africa CDC shall be approved by the Executive Council in conformity with AU rules and procedures.

## **SECTION FOUR Financial Arrangements**

### **Article 31 Budget and Contribution**

1. The budget of the Africa CDC shall be borne by the African Union and shall be within the Union Budget.
2. Other Sources of funding the Africa CDC may include:
  - a) Voluntary contributions from Member States;
  - b) Contributions from Development Partners of the Union and the Commission;
  - c) Contributions from the Private Sector
  - d) Any other source of funding in accordance with AU Rules
3. The budget calendar of the Africa CDC shall be that of the Union.
4. The Africa CDC shall prepare and submit its budget to the relevant policy organ of the African Union for approval.

## **SECTION FIVE Final ProvisionsArticle32 Working Languages**

The working languages of the Africa CDC shall be same as those of the African Union.

**Article33  
Amendment**

1. The present Statute may be amended as follows:
  - a) Upon the recommendation of the Executive Council after it has obtained the opinion of the Board of the Africa CDC;
  - b) Upon the recommendation of the STC; or.
  - c) Upon the recommendation of the Africa CDC Board or the AUC.
2. Any amendment to the statute shall enter into force upon its adoption by the Assembly.

**Article34  
Entry into Force**

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

**Adopted by the ....Ordinary Session of the Assembly held in  
.....in.....2016.**



**EX.CL/839(XXV) Annex 2**

**DRAFT STATUTE OF AFRICAN SCIENTIFIC  
RESEARCH**

**AU/MIN/CONF V/ST/2/ (II) EN**

# **DRAFT STATUTE OF AFRICAN SCIENTIFIC RESEARCH AND INNOVATION COUNCIL (ASRIC)**

## **PREAMBLE**

### **We, Member States of the African Union**

**GUIDED** by the objectives and principles enshrined in the Constitutive Act of the African Union (AU) that underscores the importance of science, technology and innovation as a tool for socio-economic transformation;

**RECALLING** Decision EX.CL/Dec.254 (VIII) adopted by the Executive Council endorsing the Africa's Science and Technology Consolidated Plan of Action (CPA);

**NOTING** the review process of the CPA that resulted in a ten-year incremental Science, Technology and Innovation Strategy that responds to the continental development challenges;

**FURTHER RECALLING** Decision Ex.CL/Dec.747 (XXII) and Decision Ex/CL/Dec.216 (VII) adopted by the Executive Council on the establishment of the African Research and Innovation Council as the institutional setting for the implementation of Africa Science, Technology and Innovation Agenda and **RECOGNIZING** the role such a council would play in promoting scientific research and innovation in Africa;

**HEREBY ESTABLISHES** the African Scientific Research and Innovation Council (ASRIC) in accordance with this Statute.

## **Article 1 Definitions**

In this Statute:

“**ASRIC**” means African Scientific Research and Innovation Council;

“**Assembly**” means Assembly of Heads of State and Government of the African Union; “**AU**” means the African Union established by the Constitutive Act of the African Union; “**AU-STRC**” means the African Union Scientific, Technical and Research Commission; “**Commission**” means the African Union Commission as established by the

“**Congress**” means the General Conference of ASRIC as established by Article 5 of this Statute;

“**Member States**” means Member States of the African Union;

“**RECs**” means Regional Economic Communities recognized by the African Union;

“**Secretariat**” means the ASRIC Secretariat as established by Article 7;

“**Scientific Committee**” means the committee established by Article 6 of this Statute;

“**Statute**” means the Statute of the African Scientific Research and Innovation Council;

“**STC**” means the African Union Specialized Technical Committee on Education, Science and Technology;

“**STI**” means Science, Technology and Innovation;

## **Article 2 Establishment and Legal Status of ASRIC**

1. ASRIC is hereby established as a specialised Technical Advisory Body of the African Union Commission and shall operate in accordance with to the provisions of this Statute.
2. In accordance with Article 8 of this Statute the Secretariat of ASRIC shall be the AU HRST

**Article 3**  
**Objectives of ASRIC**

1. The Objective of ASRIC shall be to promote scientific research and innovation and in order to address the challenges of Africa's socio-economic development;

**Article 4 Functions of ASRIC**

- 2 The functions of the ASRIC shall be to:
  - (a) Mobilize African research excellence to advance the African development agenda;
  - (b) Build and sustain a continental scientific, research and innovation-policy nexus;
  - (c) Mobilize resources to support scientific, research and innovation activities and programmes in accordance with the AU policy in this area ;
  - (d) Promote dialogue and provide voice of the scientific community that expresses continental excellence;
  - (e) Advocate for knowledge exchange and technology acquisition and link the scientific community with the productive sector;
  - (f) Support and strengthen the capacity of STI national and regional councils and facilitate collaboration among them;
  - (g) Identify strategies and means to bridge the gap between science, research and innovation and policy;
  - (h) Promote intra-Africa and international collaboration in STI.

**Article 5**  
**Governance of the ASRIC**

The Governance mechanisms of the ASRIC shall comprise of:

1. The Congress;
2. The Bureau of the Congress; and
3. The Secretariat.

**Article 6**  
**The ASRIC Congress**

1. The Congress shall direct the overall policies of ASRIC and shall be responsible to the STC;

2. The Congress shall meet once every year in ordinary sessions and may, subject to the availability of resources, hold extra ordinary sessions when the need arises.

3. **Composition of the Congress**

The Congress shall be composed of the following members:

- a) One (1) National Research Council or other similar Institutions nominated by each Member State
- b) RECs;
- c) African STI Institutions;
- d) Financial institutions of the African Union established under Article 19 of the Constitutive Act;
- e) Laureates of the African Union Kwame Nkrumah Scientific awards;
- f) Two representatives of the African Diaspora nominated by the Chairperson of the Commission in consultation with ECOSOC;
- g) Two representatives of the African STI Civil society nominated by the Chairperson of the Commission;
- h) Two representatives of industry from each of the five regions of the AU nominated by the Chairperson of the Commission in consultation with the Chairperson of the Congress;
- i) The Executive Director of the ASRIC as an Ex-officio member; and;

4. The Congress may invite International STI institutions as may be necessary to participate in its sessions;

5. The voting members of the congress shall be the National Research Councils or other similar Institutions nominated by each Member State.

6. **Functions of the Congress are to:**

- a) Direct the overall policies of ASRIC, including formulation and review of the annual ASRIC Work Programmes, approves action plans, funding and resource mobilisation strategies in accordance with the AU policy in this area;
- b) Develop its internal guidelines and rules of procedures in line with the relevant AU legal instruments ;
- c) Elect the Bureau;
- d) Define and adopt interdisciplinary programs, approves associated draft budget and produce annual reports to be submitted to the AU Policy organs; and
- e) Establish strategic partnership with similar global institutions in accordance with AU rules and regulations.

## **Article 7**

### **The Bureau of Congress**

#### **1. Composition of the Bureau**

**The Bureau shall be composed of:**

- (a) A Chairperson,
  - (b) A 1<sup>st</sup> Vice-Chairperson responsible for the Scientific Programme;
  - (c) A 2<sup>nd</sup> Vice-Chairperson responsible for Innovation;
  - (d) A 3<sup>rd</sup> Vice-Chairperson responsible for Communication;
  - (e) A 4<sup>th</sup> Vice-Chairperson responsible for Resource mobilization;
2. The Executive Director of the Secretariat shall serve as the Secretary of the Bureau;
3. The members of the Bureau shall serve for a non-renewable term of three years;
- #### **4. Functions of the Bureau**

The functions of the Bureau shall be to:

- a) Oversee and follow-up the implementation of the decisions of the Congress.
- b) Preside over the proceedings of the Congress;
- c) Ensure scientific excellence, promote creativity and innovative research for all programs/projects supported by ASRIC;
- d) Establish or strengthen networks and associations to implement programs identified by the Congress;
- e) Coordinate research activities in Africa;
- f) Develop the terms of references and rules of procedures for ad-hoc Scientific sub-committees;
- g) The Bureau may propose to congress the establishment of scientific sub committees and other sub committees whose functions and responsibilities shall be elaborated in the rules of procedure of ASTRIC.

## **Article 8**

### **The ASRIC Secretariat**

1. The AU-STRC shall be the Secretariat of the ASRIC.
2. The Executive Director of ASRIC is the head of the Secretariat.
- #### **3. Structure of the Secretariat**

The structure, function and appointment of the staff of the Secretariat shall be in accordance with the Staff Regulations and Rules of the AU.

#### **4. Functions of the Secretariat**

The functions of the Secretariat shall be to:

- (a) Provide administrative and secretarial services to the operation of ASRIC;
- (b) Manage the overall activities related to the implementation of the interdisciplinary programs in coordination with the scientific sub-committees;
- (c) Prepare and implement ASRIC budget and carry out financial programming and resource mobilization in accordance with the AU policy in this area;
- (d) Establish Pan African platforms connecting institutions, networks, and other actors to strengthen synergies and scientific knowledge exchange;
- (e) Administer calls and grants that address the priority areas identified by the Congress;
- (f) Promote the establishment of strategic partnerships, and advance Africa's positions in international negotiations on research matters such as research ethics, integrity and open-access to publications and;
- (g) Perform any other functions to ensure the smooth running of ASRIC.

#### **Article 9 The Budget**

1. The budget of the ASTRIC shall be borne by the African Union and shall be within the Union budget.
2. Other sources of funding the ASTRIC may include:
  - (b) Allocations from the programme budget of the African Union Commission;
  - (c) Voluntary contributions from AU Member States and partners;
  - (d) Contributions from Development Partners of the Union and the Commission;
  - (e) Contributions from the Private Sector;
  - (f) National and regional financial institutions and other financing mechanisms;
  - (g) AU Science, Technology and Innovation Fund when established; and
  - (h) Any other source of funding in accordance with AU Rules.
3. The budget calendar of the ASTRIC shall be that of the Union.
4. The ASTRIC shall prepare and submit its budget to the Union for approval and inclusion in the Union's budget.

#### **Article 9 Working Languages**

The official working languages of the ASRIC shall be those of the African Union.

**Article 10  
Amendments**

1. The present Statute may be amended upon the recommendations of the STC.
2. The amendments shall come into effect upon their adoption by the Assembly.

**Article 11  
Entry into Force**

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



**EX.CL/839(XXV)**  
**Annex 4**

**DRAFT STATUTE OF THE AFRICAN OBSERVATORY  
FOR SCIENCE, TECHNOLOGY AND INNOVATION**

**AFRICAN UNION**

**الاتحاد الأفريقي**



**UNION AFRICAINE**

**UNIÃO AFRICANA**

---

Addis Ababa, ETHIOPIA

P. O. Box 3243

Telephone: 517 700

Fax: 5130 36

website: [www. www.au.int](http://www.au.int)

---

ST12418

**DRAFT STATUTE OF THE AFRICAN OBSERVATORY  
FOR SCIENCE, TECHNOLOGY AND INNOVATION**

# DRAFT STATUTE OF THE AFRICAN OBSERVATORY FOR SCIENCE, TECHNOLOGY AND INNOVATION

## PREAMBLE

### **We, Member States of the African Union:**

**GUIDED** by the objectives and principles enshrined in the Constitutive Act of the African Union (AU) that underscores the importance of science, technology and innovation as a tool for socio-economic transformation;

**RECALLING** the Executive Council decision EX.CL/Dec.254 (VIII) adopted by the Executive Council at its Eight Ordinary Session in January 2006 in Khartoum, Sudan, endorsing the Africa's Science and Technology Consolidated Plan of Action (CPA) and taking into account the CPA review process that resulted in ten-year incremental Science, Technology and Innovation strategies guided by the AU Vision;

**FURTHER RECALLING** Decision Assembly/AU/Dec. 235 (XII) adopted by the Assembly in February 2009 in Addis Ababa, Ethiopia that recognized the need to establish an African Observatory of Science, Technology and Innovation and endorsed the offer by the Republic of Equatorial Guinea to host the Observatory;

**REAFFIRMING** Decision Assembly/AU/Dec. 452 (XX) adopted by the Assembly in January 2013 in Addis Ababa, Ethiopia on the creation of the African Observatory of Science, Technology and Innovation as the lead African institution for the measurements of science, technology and innovation in support of the African Union decision making processes;

**RECOGNIZING** the commitment of the Government of the Republic of Equatorial Guinea, to host the African Observatory of Science, Technology and Innovation in accordance with the provisions of the Host Agreement concluded by the African Union Commission and the Government of the Republic of Equatorial Guinea in July 2010;

### **HEREBY AGREE AS FOLLOWS:**

## **Article 1 Definitions**

In this Statute:

“**AOSTI**” means the African Observatory of Science, Technology and Innovation;

“**Assembly**” means Assembly of Heads of State and Government of the African Union;

“**AU**” means the African Union established by the Constitutive Act of the African Union adopted by the Heads of States and Government of the Organization of African Unity (OAU) in Lomé, Togo, in July, 2000;

“**Executive Council**” means the Executive Council of the African Union;

“**Host Country**” means the country that hosts the Headquarters of the AOSTI;

“**Member States**” means Member States of the African Union;

“**RECs**” means Regional Economic Communities ;

“**Secretariat**” means the Secretariat of the Observatory;

“**Statute**” means this Statute of the African Observatory of Science, Technology and

“**STC**” means the African Union Specialized Technical Committee on Education, Science and Technology;

“**Steering Committee**” means the Steering Committee established by Article 6 of this;

“**STI**” means Science, Technology and Innovation.

**Article 2**  
**Legal Status of AOSTI**

The AOSTI shall be a Specialised Technical Office of the AU and shall be governed in accordance with the provisions of this Statute.

**Article 3**  
**Objectives of AOSTI**

The AOSTI shall serve as the continental repository for STI data and statistics and a source of policy analysis in support of evidence based policy-making in Africa and shall further:

1. Monitor and evaluate Africa Union STI policy implementation;
2. Champion evidence-based STI policy-making;
3. Support Member States and RECs to manage and use STI statistical information in accordance with the African Charter on Statistics;
4. Assist Member States and RECs to map their STI capabilities to address economic, social, environmental and other development challenges;
5. Strengthen national and RECs capacities for STI policy design, evaluation and review;
6. Provide to decision-makers in Member States and RECs up-to-date information on global scientific and technological trends;
7. Strengthen national and regional capacities for technology foresight and prospecting; and
8. Promote and strengthen regional and international cooperation in areas of competence of AOSTI.

**Article 4**  
**Mandate and**  
**Functions of AOSTI**

The AOSTI shall have the following functions:

1. Manage programmes and projects in areas of STI measurements at the continental level;

2. Develop capacity of Member States and RECs to undertake STI measurements;
3. Develop framework for reviewing national innovation systems;
4. Analyse STI policies in the African Union;
5. Initiate partnerships and networks in the field of STI measurements;
6. Mobilize human and financial resources to support its operations and programmes;
7. Establish and maintain an STI information system;
8. Identify future needs and develop appropriate responsive and flexible data and indicators;
9. Perform any other function related to STI measurements and analysis of related policies as deemed necessary for Africa's development.

## **Article 5 Governance of the AOSTI**

The AOSTI shall be governed by the following bodies:

1. The STC which shall perform the functions provided for in its rules of procedure;
2. The Steering Committee; and
3. The Secretariat

## **Article 6 The Steering Committee**

### **1. Composition of the Steering Committee**

The Steering Committee shall be composed of:

- (a) Two (2) representatives from the five AU regions nominated by their regions taking into account gender balance. The representatives shall be renowned high level scientists with expertise in the domain of statistics and scientific evaluation, provided that no two members shall be from the same country; The representatives shall serve for a non-renewable term of 2 years.
  - (b) The Director of the Department of Human Resources Science and Technology (HRST) or his/her representative;
  - (c) A representative of the host country.
2. The Executive Secretary of the AOSTI shall serve as Secretary of the Steering Committee.

### **3. Functions of the Steering Committee**

1. The Steering Committee shall advise the AOSTI on:
  - (a) setting up standards and validating procedures;
  - (b) monitoring and evaluation processes;
  - (c) mapping the contribution of STI in Africa „s socio- economic development;
  - (d) the production of the African STI Outlook Series;
  - (e) matters of policy analysis, programmes and projects including resource mobilization;
  - (f) ensuring quality measurement of indicators;
  - (g) Any scientific or technical issues in relation with the objectives of the AOSTI.
2. The Steering Committee shall:
  - (a) Elect from among its members, a Chairperson and a Vice Chairperson both of whom shall serve for a non-renewable term of 2 years;
  - (b) Report to the STC through the Commissioner for HRST;
  - (c) Meet once a year in ordinary sessions and may, subject to the availability of resources, hold extra ordinary sessions on the request of its Chairperson or the Commissioner for HRST.

## **Article 7 The Secretariat**

### **1. Structure of the Secretariat**

The structure of the Secretariat shall be as proposed by the African Union Commission in consultation with the Steering Committee.

### **2. Functions of the Secretariat**

The Secretariat shall:

- (a) Prepare the budget and financial reports of AOSTI;
- (b) Work closely with Member States and Regional Economic Communities to set up STI statistic networks and facilities;
- (c) Mobilize resources in the framework of the AU policy in this area;  
Establish strategic partnerships in areas of competence of AOSTI;
- (d) Perform any other functions that are deemed necessary in line with the objectives of AOSTI.

**Article 8**  
**The Budget**

1. The budget of the AOSTI shall be borne by the African Union and shall be within the Union budget.
2. Other sources of funding the AOSTI may include:
  - (a) Allocations from the programme budget of the African Union Commission;
  - (b) Voluntary contributions from AU Member States and partners;
  - (c) Contributions from Development Partners of the Union and the Commission;
  - (d) Contributions from the Private Sector;
  - (e) National and regional financial institutions and other financing mechanisms;
  - (f) AU Science, Technology and Innovation Fund when established; and
  - (g) Any other source of funding in accordance with AU Rules.
3. The budget calendar of the AOSTI shall be that of the Union.
4. The AOSTI shall prepare and submit its budget to the Union for approval and inclusion in the Union's budget.

**Article 9**  
**Headquarters of AOSTI**

The AOSTI Secretariat shall be in the Republic of Equatorial Guinea. The Host Country Agreement shall govern the relations between AOSTI and the Host country.

**Article 10**  
**Privileges and Immunities**

The AOSTI Secretariat shall enjoy in the territory of the Host Country, the privileges and immunities specified in the General Convention on Privileges and Immunities of the Organization of African Unity adopted in Accra, Ghana on 25 October 1965.

**Article 11**  
**Amendments**

1. The present Statute may be amended upon the recommendations of the STC.



2. The amendments shall come into effect upon their adoption by the Assembly.

**Article 12  
Official Languages**

The working languages of the AOSTI shall be those of the AU.

**Article 13  
Entry into Force**

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

**Adopted by the .....**

**DRAFT STATUTE OF THE PAN-AFRICAN INTELLECTUAL PROPERTY  
ORGANISATION (PAIPO)**



AFRICAN UNION

UNION AFRICAINE UNIÃO AFRICANA

---

ST12417

EXTRAORDINARY SESSION OF THE AFRICAN MINISTERIAL CONFERENCE ON  
SCIENCE AND TECHNOLOGY (AMCOST V) 15 - 18 APRIL, 2014 BRAZZAVILLE, THE  
REPUBLIC OF CONGO AU/MIN/CONF V/ST/2/ (II) EN

DRAFT STATUTE OF THE PAN-AFRICAN INTELLECTUAL PROPERTY  
ORGANISATION (PAIPO)

## DRAFT STATUTE OF PAN-AFRICAN INTELLECTUAL PROPERTY ORGANISATION

### PREAMBLE

**WE**, Member States of the African Union

**DETERMINED** to promote a development-oriented intellectual property system, in order to achieve the objectives of the African Union;

**RECALLING** the Assembly Decision Assembly/AU/Dec. 138 (VIII) adopted by the Assembly of the Union in Addis Ababa, Ethiopia, in January 2007 requesting the Chairperson of the Commission, in collaboration with the Regional Economic Communities (RECs), World Intellectual Property Organisation (WIPO) and in coordination with the Organisation Africaine de la Propriété Intellectuelle (OAPI) and the African Regional Intellectual Property Organisation (ARIPO) to submit to it the texts relevant to the establishment of a single Pan-African Intellectual Property Organisation (PAIPO);

**FURTHER RECALLING** Decision Assembly/AU/Dec. 453 (XX) adopted by the Assembly in Addis Ababa, Ethiopia in January 2013 on the creation of the Pan- African Intellectual Property Organisation (PAIPO);

**RECOGNIZING** that intellectual property can serve as a tool for development, including through achieving economic growth and development;

**BEING FULLY AWARE** of the need to provide a broad-based intellectual property platform that would provide a forum for policy based discussions and formulation of common African position on global and emerging Intellectual Property issues;

**BEING COGNISANT** of the valuable benefits that the Member States would derive from an effective, continuous and well-coordinated stock of specialized intellectual property information, knowledge and services that would be instrumental in promoting and protecting creativity, invention, innovation, facilitating technology transfer, techno-industrial competitiveness and economic growth in Africa;

**RECOGNIZING** the need to promote creativity and utilization of the intellectual property system amongst Member States;

**FURTHER RECOGNIZING** the need for positive efforts designed to raise effective awareness on intellectual property issues in Africa, and the need to encourage the creation of a knowledge-based and innovative society and to promote the creation, use and exploitation of Intellectual Property assets in Africa for development purposes;

**DESIRING** to encourage creativity as well as to promote the strategic use of, protect and exploit intellectual property rights for development throughout Africa;

**REALIZING** the role that an efficient continental intellectual property organisation can play in promoting the cultural and socio-economic development of Africa and deal more effectively on the challenges posed by globalization;

**APPRECIATING** the crucial role played by national Intellectual Property offices of Member States, and taking note of the autonomy of ARIPO and OAPI, in recognizing the need to modernize and harmonize Intellectual Property legislation throughout Africa and to render more efficient the administration of Intellectual Property rights;

**RECOGNIZING** ARIPO and OAPI as building blocks for the creation of a Pan Africa Intellectual Property Organisation as well as welcoming their support in the implementation of the Heads of State and Government decisions on PAIPO, Assembly/AU/Dec. 522 (XXIII)

**BEING DESIROUS** of supporting the role played by national intellectual property offices of Member States;

**REALISING** the need to strengthen the capacity of national intellectual property institutions and boosting manpower development in intellectual property management as well as affirming the 45 recommendations of the WIPO Development Agenda adopted in 2007;

**NOTING** that indigenous knowledge in the continent has become a vital source of wealth while at the same time local communities have become increasingly marginalized in the use, appropriation, and commercialization of their knowledge, genetic and cultural resources;

**RECOGNISING** international human rights laws and international agreements on sustainable development and the protection of indigenous knowledge, that provides legitimate right of indigenous and local communities;

**Recalling** the United Nations Resolution A/RES/70/1 entitled: Transforming our world: the 2030 Agenda for Sustainable Development adopted on 25 September 2015 and the African Union Agenda 2063;

**FURTHER RECOGNISING** the cross-cutting nature of intellectual property and the need to have a co-operation in the field of intellectual property systems within the African Union;

**HEREBY AGREE AS FOLLOWS:**

## Article 1 Definitions

For purposes of this Statute:

“**Assembly**” means the Assembly of Heads of State and Government of the African Union;

“**ARIPO**” means the African Regional Intellectual Property Organisation as established by the Lusaka Agreement of 1976, as amended from time to time;

“**CBD**” means the Convention on Biological Diversity which entered into force on 29 December 1993;

“**Commission**” means the Commission of the African Union;

“**Conference of State Parties**” means the highest political decision making body of the parties to the PAIPO

“**Council of Ministers**” means the Ministers in charge of intellectual property in Member States of the AU;

“**Member States**” means Member States of the PAIPO

“**OAPI**” means the African Intellectual Property Organisation established under the Bangui Agreement of March 2, 1977; as amended from time to time

“**PAIPO**” means the Pan-African Intellectual Property Organisation;

“**RECs**” means Regional Economic Communities recognized by the African Union;

“**Secretariat**” means the Secretariat of the Pan-African Intellectual Property Organisation;

“**State Parties**” means states that are party to the PAIPO statute

“**Statute**” means the present statute of the Pan-African Intellectual Property Organisation

“**Union**” means the African Union;

“**WIPO**” means the World Intellectual Property Organisation;

“**Intellectual Property**” shall refer and include the rights relating to:

- a. Creations of the mind, inventions, literary and artistic works, and symbols, names, images and designs used in commerce;

- b. indigenous knowledge systems, genetic resources and associated traditional knowledge, geographical indications, expressions of folklore among others;
- c. Rights of authors, performers, producers and broadcasters, and contribute to the cultural and economic development of nations;
- d. Intangible assets of brands, designs and other intangible fruits of a company's creative and innovative capacity; and
- e. All other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields;

**“IP Systems”** Means tools and other legal and administrative measures that assist in the use of intellectual property and the application of intellectual property rights for the socio-economic development of Africa

## **Article 2 Establishment of the PAIPO**

The Pan-African Intellectual Property Organisation (PAIPO) is hereby established as a Specialized Agency of the African Union.

## **Article 3 Mandate of the PAIPO**

The PAIPO shall be responsible for intellectual property and other emerging issues related to intellectual property in Africa and shall promote effective use of the intellectual property system as a tool for economic, cultural, social and technological development of the continent as well as set intellectual property standards that reflect the needs of the African Union, its Member States and Regional Economic Communities (RECs), ARIPO and OAPI.

## **Article 4 Functions of the PAIPO**

The PAIPO shall:

- a) Harmonize intellectual property standards that reflect the needs of the African Union, its Member States and RECs; ARIPO and OAPI
- b) Facilitate the realization and harmonization of national legislation and regional treaties and intellectual property standards on all the AU levels;
- c) Facilitate the use of intellectual property to promote creativity and innovativeness on the continent;
- d) Assist its Member States upon request in formulating policies and addressing current and emerging intellectual property issues.
- e) Initiate and facilitate strategies that shall promote and develop the

- intellectual property system;
- f) Strengthen the existing regional organisations or such other organisations as may be necessary;
  - g) Strengthen the existing collective management organisations and facilitate their establishment in the Member States, which have no collective management organisation in the field of copyright and related rights;
  - h) Take deliberate measures to promote the protection and exploitation of intellectual property rights within the Member States, including conclusion of bilateral and multilateral agreements;
  - i) Collect, process and disseminate relevant information on intellectual property to Member States and support the establishment of continental databases on genetic resources, traditional knowledge and traditional cultural expressions and folklore in order for Member States to derive regular and maximum benefit;
  - j) Develop policy guidelines using best practices and training modules to support Member States to achieve world-class intellectual property systems;
  - k) Contribute to the accelerated achievement of the objectives of the African Union as stated in the Constitutive Act of the African Union;
  - l) Promote the harmonization of intellectual property systems of its Member States, with particular regard to protection, exploitation, commercialization and enforcement of intellectual property rights;
  - m) Perform administrative tasks provided in Intellectual Property Treaties adopted by the Conference of state parties;
  - n) Provide a forum for policy discussions and formulation, addressing political issue and developing African Common positions relating to intellectual property matters, particular regard being given to genetic resources, traditional knowledge, geographic indications, expressions of folklore, matters pertaining and arising from the Convention on Biological Diversity (CBD) and emerging topics in the field of intellectual property;
  - o) Initiate and facilitate activities that strengthen the human, financial and technical capacity of Member States to maximize the benefits of the intellectual property system;
  - p) Promote and facilitate positive efforts designed to raise awareness intellectual property in Africa and to encourage the creation of a knowledge- based economy, innovative society as well as emphasizing the importance of creative and cultural industries;
  - q) Lead the African negotiation in the international IP issues and to ensure the attainment of African common positions; and
  - r) Undertake other intellectual property activities as may be necessary for the achievement of the objectives of the PAIPO;

## **Article 5 Membership**

Membership shall be open to African Union Member States. Each Member State shall enjoy equal rights in terms of participation and representation at PAIPO meetings.



## **Article 6 Legal Capacity**

1. The PAIPO shall enjoy, in the territory of each Member State, legal capacity and full juridical capacity necessary for the fulfillment of its objectives and the exercise of its functions in accordance with this Statute.
2. For the fulfillment of its objectives, the PAIPO shall, in particular, have legal capacity to include:
  - a) Enter into agreements,
  - b) Acquire and dispose of movable and immovable property;
  - c) Institute legal proceedings

## **Article 7 Privileges and Immunities**

The PAIPO, its representatives and staff shall enjoy in the territory of each Member State, the privileges and immunities stipulated in the 1965 General Convention on Privileges and Immunities of the Organisation of African Unity and other relevant international instruments

## **Article 8 Headquarters of the PAIPO**

Headquarters of the PAIPO shall be situated in Tunisia in accordance with the decision of the African Union Assembly

## **Article 9 Organs of the PAIPO**

The PAIPO shall be composed of the following organs:

- a) Conference of State parties
- b) Council of Ministers;
- c) Secretariat;
- d) The Board of Appeal.

## **Article 10 The Conference of State Parties**

1. The Conference of State Parties to the PAIPO is hereby established as the highest executive and political decision making body.
2. The Conference of State Parties shall adopt rules of procedures for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties to PAIPO.

3. The Conference of State Parties shall:
  - a) Provides strategic leadership and ensure oversight for the implementation of the PAIPO Statute and takes all measures it deems necessary for the promotion of the objectives of PAIPO
  - b) Consider and adopt, as appropriate, recommendations of the Council of Ministers;
  - c) Consider the reports and activities of the Bureau and take appropriate action in regard thereto;
  - d) Consider and decide the budget for the PAIPO;
  - e) Perform any other function consistent with PAIPO's Statute or the Rules of Procedure of Conference of State Parties.
4. The Conference of State Parties shall have a Bureau consisting of a President, three Vice-Presidents, two member elected by the Conference of State Parties for a one three-year term. The members of the Bureau shall reflect equitable geographical representation.
5. The Conference of State Parties shall meet every three (3) years.

**Article 11**  
**Council of Ministers**

1. The Council of Ministers is the supreme organ of the PAIPO and it forms its General Assembly. The Council of Ministers shall adopt its rules of procedures as well as the rules of procedure of any of its committees, working groups and/or subsidiary bodies;
2. The Council of Ministers shall consist of Ministers in charge of intellectual property in the Members States;
3. The Council shall have a Committee of Experts composed of senior officials representing the ministries in charge of intellectual property of State Parties;
4. The Council of Ministers may establish such other working groups and/or subsidiary bodies as it deems fit;
5. The Council of Ministers shall have the following functions:
  - a) Give policy direction to the PAIPO and address policy matters relating to the Organisation;
  - b) Set the amount of annual contributions and special contributions to be paid by Member States to the budget of the PAIPO;
  - c) Elect the Director General of the PAIPO upon the recommendation of its Bureau and in accordance with rules of procedure of the Council;
  - d) Meet once every two (2) years to discuss and approve the

- e) PAIPO strategic plan, budget, policies and programmes;
  - e) Decide and prioritize the activities of the PAIPO relating to intellectual property;
  - f) Elect a Bureau of Ministers composed of five (5) Members drawn from the 5 AU geographical regions where applicable; and the AUC Commissioner in charge of intellectual property as an observer. The Bureau shall elect its president;
  - g) Upon recommendation by its Bureau approve programmes, activities, annual reports and budgets of the PAIPO, and shall take such action on these as it deems fit;
  - h) Report and submit recommendations to the Executive Council of the African Union;
  - i) Develop the structure and the administrative guidelines of the Secretariat, the terms of reference of the Board of Appeal as well as adopt its governing rules and regulations;
  - j) Delegate any of its functions to any organ of the PAIPO.
6. The Bureau of the Council of Ministers shall meet once (1) a year in ordinary session and may hold an extra-ordinary session subject to availability of resources and where it deems necessary.

**Article 12**  
**The Director General**

1. The Council of Ministers shall elect the Director-General for a term of three (3) years based on geographical rotation, renewable once; The Council of Ministers shall adopt regulations setting out the powers, duties and conditions of service of office of the Director General in line with AU Rules and Regulations.
2. The Director General shall be the Head of the Secretariat.
3. The Director General shall appoint staff members of the Secretariat and determine their duties and conditions of service in accordance with regulations adopted by the Council of Ministers.
4. In the discharge of his/her duties, the Director General shall not seek or accept instructions from any state, authority or individual external to the PAIPO

**Article 13**  
**The Secretariat of the PAIPO**

1. There shall be a Secretariat of the PAIPO (hereinafter refer to as Secretariat)
2. The Secretariat Shall:
  - a) Ensure the implementation of the decisions of the PAIPO in

- accordance with its objectives;
- b) Draft policies and strategies aimed at the fulfillment of the PAIPO's objectives for adoption by the council of Ministers;
  - c) Develop and implement capacity building programmes for the benefit of Member States in the areas of intellectual property;
  - d) Take necessary actions to ensure the protection of Intellectual Property and Rights in Africa, including indigenous knowledge systems, genetic resources and associated traditional knowledge, geographical indications, expressions of folklore among others;
  - e) To develop advocacy policies and strategies to create community awareness in the intellectual property sector;
  - f) To draft the policy and strategy on international cooperation in matters of intellectual property for adoption by Council of Ministers;
  - g) To prepare strategic plan, work programmes, the budget, financial statements and annual reports on the activities of the PAIPO;
  - h) To be responsible for the day-to-day management of the PAIPO; and
  - i) Perform any other duties as may be assigned by the Council of Ministers

**Article 14**  
**The Board of Appeal**

1. A Board of Appeal shall be established by the Council of Ministers.
2. The Board shall hear disputes and litigations arising from the activities of the PAIPO.

**Article 15**  
**Observers**

The Council of Ministers may invite any State, REC, international, regional or sub-regional organisation or institution, which is not a Member to attend any meetings of any organ of the PAIPO as an Observer.

**Article 16**  
**Special Relationship with Other Institutions, Co-operating States and Organisations**

The PAIPO shall establish and maintain working relationships with any intergovernmental, international, regional or national institutions that may assist PAIPO to achieve its objectives

**Article 17**  
**Finances**

1. The PAIPO shall be funded by:

- a) Annual statutory contributions and special contributions to be paid by Member States as may be set by the Council of Ministers;
  - b) Income from services rendered by the PAIPO; and
  - c) Income from property owned by or other investments made by the PAIPO;
2. The PAIPO may receive donations and voluntary contributions from:
- a) Member States;
  - b) Other States and institutions that are not members of the PAIPO; and
  - c) Any other sources approved by the Council of Ministers.
3. The African Union shall consider a contribution of seed funding to PAIPO for a period of five years. The Assembly shall be regularly informed of the status of the funding of the PAIPO.

**Article 18**  
**Working Languages**

The working languages of the PAIPO shall be those of the AU.

**Article 19**  
**Settlement of Disputes**

1. Any dispute or difference arising between State Parties with regard to the interpretation, application and implementation of this Statute shall be settled by mutual consent between the States concerned, including through negotiations, mediation, conciliation or other peaceful means;
2. In the event of failure by the disputing parties to settle the dispute or difference, the disputing Parties may, by mutual consent, refer the dispute to:
  - a) The African Court of Justice Human and Peoples' Rights, where applicable, or
  - b) To an Arbitration Panel of three (3) Arbitrators whose appointment shall be as follows:
    - i. The Parties to the dispute shall appoint two of the Arbitrators; The Chairperson of the African Union Commission shall appoint the third Arbitrator who shall be the President of the Panel; and
3. The decision of the Panel of Arbitrators shall be binding.

**Article 20**  
**Dissolution of the PAIPO**

1. The PAIPO may be dissolved by a decision of the Conference of State Parties.
2. At least six months" notice shall be given of any meeting of the Conference of State Parties at which the dissolution of the PAIPO is to be discussed.
3. Where decision has been made on the dissolution of the PAIPO, the Conference of State Parties shall establish the modalities for the liquidation of the assets of the PAIPO.

**Article 21**  
**Popularization of the Statute**

State Parties shall take all appropriate measures to ensure the widest possible dissemination of this Statute in accordance with the relevant provisions and procedures of their respective constitutions.

**Article 22**  
**Safeguard Clause**

1. A provision in this present Statute shall not be interpreted as derogating from the principles and values contained in other relevant instruments for the promotion of Intellectual Property development in Africa.
2. Nothing in this Statute shall be construed as preventing a Party from taking such action, compatible with the provisions of the United Nations Charter or any other international instrument and limited to the exigencies of the situation, as it considers necessary to its external or internal security.

**Article 23**  
**Signature, Ratification and Accession**

1. This Statute shall be open to Member States of the African Union for signature and ratification or accession.
2. The instrument of ratification or accession to the present Statute shall be deposited with the Chairperson of the African Union Commission.

**Article 24**  
**Entry into force**

1. This Statute shall enter into force thirty (30) days after the deposit of

instruments of ratification by fifteen (15) member states.

2. The Chairperson of the African Union Commission shall inform all Member States of the African Union of the entry into force of the present Statute.
3. For any Member State of the African Union acceding to the present Statute, the Statute shall come into force in respect of that State on the date of the deposit of its instrument of accession.

#### **Article 25 Reservations**

1. A State Party may, when signing, ratifying or acceding to this Statute, formulate a reservation with respect to any of the provisions of this Statute, unless such a reservation is incompatible with the object and purpose of this Statute.
2. The withdrawal of a reservation must be formulated in writing to the Chairperson of the African Union Commission who shall notify other State Parties of the withdrawal accordingly.

#### **Article 26 Depositary**

This Statute shall be deposited with the Chairperson of the African Union Commission, who shall transmit a certified true copy of the Statute to the Government of each signatory State and notify them of the dates of the deposit of the instruments of ratification or accession.

#### **Article 27 Registration**

The Chairperson of the African Union Commission upon the entry into force of this Statute shall register this Statute with the United Nations Secretary General in conformity with Article 102 of the Charter of the United Nations.

#### **Article 28 Withdrawal**

1. At any time after three years from the date on which this Statute has entered into force a State Party may withdraw from this Statute by giving written notification to the Depositary.
2. Withdrawal shall be effective one year after receipt of notification by the Depositary, or on such later date as may be specified in the notification.
3. Withdrawal shall not exempt the withdrawing State Party from fulfilling any obligations it might have incurred under this Statute.

**Article 29**  
**Amendment and Revision**

1. Any Member State may submit proposals for the amendment or revision of this Statute. Such amendments shall be adopted at a meeting of the Conference of State Parties;
2. Proposals for amendment or revision shall be submitted to the Chairperson of the African Union Commission who shall transmit it to the President of the Bureau of the Council of Ministers within thirty (30) days of receipt thereof.
3. The Conference of State Parties, upon the advice of the Council of Ministers, shall examine these proposals within a period of one year from the date of receipt of such proposals;
4. Amendments or revisions shall be adopted by the Conference of State Parties by consensus or, failing which, by a two-thirds majority and submitted by State Parties in accordance with their respective constitutional procedures.
5. The amendment or revision shall come into force thirty (30) days after adoption by the Conference of State Parties and ratification of it in accordance with the respective constitutional procedures of State Parties.

**Article 30**  
**Authentic Texts**

This Statute is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.

**Adopted by the ..... Ordinary Session of the**  
**Assembly held in .....**



**DRAFT RULES OF PROCEDURES OF THE SPECIALIZED  
TECHNICAL COMMITTEE ON HEALTH, POPULATION AND  
DRUG CONTROL**

## GENERAL PROVISION

The Executive Council,

Having regard to the Treaty establishing the African Economic Community, and in particular Articles 7, 25, 26 and 27,

Having regard to the Constitutive Act of the African Union, and in particular Articles 5, 14, 15 and 16,

Having regard to Decisions Assembly/AU/Dec. 227 (XII) and Assembly/AU/Dec.365(XVII) on Specialized Technical Committees,

**HAS ADOPTED THESE RULES OF PROCEDURE:**

### **RULE 1 Definitions**

In these Rules:

**“Assembly”** means the Assembly of Heads of State and Government of the African Union;

**“Bureau”** means Bureau of the STC on Health, Population and Drug Control established under Rule 16

**“Chairperson”** means the Chairperson of the Specialized Technical

**“Commission”** means the Commission of the African Union;

**“Constitutive Act”** means the Constitutive Act of the African Union;

**“Executive Council”** means the Executive Council of Ministers of the African Union

**“Member State”** means a Member State of the African Union;

**“Rapporteur”** means the Rapporteur of the STC on Health, Population and Drug Control;

**“STC”** means a Specialized Technical Committee of the African Union;

**“STCs Coordination Mechanism”** means the Bureaus of all STCs of the African Union;

**“Union”** means the African Union established by the Constitutive Act;

**“Vice-Chairpersons”** unless specified otherwise, means the Vice- Chairpersons of the STC on Health, Population and Drug Control.

Committee on Health, Population, and Drug Control;

### **RULE 2 Status**

The STC on Health, Population and Drug Control is an Organ of the Union in accordance with Article 5 (1) (g) of the Constitutive Act. It shall be responsible to the Executive Council.

### **RULE 3 Composition**

1. The STC on Health, Population and Drug Control shall be composed of Ministers in charge of Health, Population and Drug Control from Member States or such

other Ministers or authorities duly accredited by the Governments of Member States.

2. The STC on Health, Population and Drug Control includes Experts from Member States responsible for sectors falling within the areas of competence of the STC on Health, Population and Drug Control, whose meetings shall precede the Meetings at Ministerial level. Unless specified otherwise, meetings of Experts shall be governed, *mutatis mutandis*, by relevant provisions of these Rules.

#### **RULE 4** **Designation of delegates**

Delegations of Member States to sessions of the STC on Health, Population and Drug Control shall be duly designated and accredited representative of Member States.

#### **RULE 5** **Powers and Functions**

1. In addition to the functions provided for in Article 15 of the Constitutive Act of the Union, the STC on Health, Population and Drug Control shall, inter-alia:
  - a) review progresses in the implementation of policies, strategies, programme and decisions in the respective sectors;
  - b) identify areas of cooperation and establishing mechanism for regional, continental and global cooperation in each sector or subsector;
  - c) elaborate Africa's Common Position in the areas of health, population and drug control and related issues;
  - d) propose and advise the AU Policy Organs in matters pertaining to priority programmes, resources needed for implementation of these programmes and the impact of such programmes in improving the lives of the African people;
  - e) identify and strengthen of regional and continental centers of excellence and best practices in respective sectors;
  - f) carry out any other functions assigned to it by the Executive Council or the Assembly.
2. The STC on Health, Population and Drug Control may set up Sub-committees and ad hoc working groups, as it deems necessary and shall determine their mandate, composition and functioning.

#### **RULE 6** **Venue**

1. The Ordinary Sessions of the STC on Health, Population and Drug Control shall be held at the Headquarters of the Union, unless a Member State offers to host any such session.

2. In the event the session is held outside the Headquarters of the Union, the host Member State shall be responsible for all extra expenses incurred by the Commission as a result of holding the session outside the Headquarters.

3. In conformity with Rule 5 (3) of the Rules of Procedure of the Assembly, Member States offering to host sessions of the STC on Health, Population and Drug Control shall not be under sanctions and shall be required to meet pre-determined criteria, including adequate logistical facilities and a conducive political atmosphere.
4. Where two (2) or more Member States offer to host a session, the STC on Health, Population and Drug Control shall decide on the venue by simple majority.
5. Where a Member State that had offered to host a session of the STC on Health, Population and Drug Control is unable to do so, the session shall be held at the Headquarters of the Union, unless a new offer is received and accepted by Member States.

### **RULE 7 Convening of Sessions**

The Commission shall be responsible for convening and servicing all the meetings of the STC on Health, Population and Drug Control.

### **RULE 8 Quorum**

1. The quorum for a Ministerial session of the STC on Health, Population, and Drug Control shall be two-third majority of the Member States eligible to vote.
2. The quorum for meetings of Experts, Sub-committees or ad hoc working groups of the STC on Health, Population and Drug Control shall be a simple majority.

### **RULE 9 Ordinary Sessions**

The STC on Health, Population and Drug Control shall meet once every two (2) years.

### **RULE 10 Agenda of Ordinary Sessions**

1. The STC on Health, Population and Drug Control shall adopt its Agenda at the opening of each session.
2. The Provisional Agenda of an ordinary session shall be drawn up by Commission in consultation with the Bureau of the STC on Health, Population and Drug Control and may include item (s) proposed by Member States. The Commission shall communicate the provisional agenda and the working documents to Member States at least thirty (30) days before the opening of the session.

### **RULE 11 Other Agenda Items**

Any additional agenda item, which a Member State wishes to raise at a session of the STC on Health, Population and Drug Control, shall only be considered under the

agenda item “Any Other Business”. Such agenda items shall be for information only and not subject to debate or decision.

## **RULE 12**

### **Extraordinary Sessions**

1. The STC on Health, Population and Drug Control may meet in an extraordinary session, subject to availability of funds, at the request of:
  - a) the policy organs of the Union,
  - b) the STC on Health, Population and Drug Control itself, or
  - c) any Member State, upon approval by a two-thirds majority of the Member States.
2. The extraordinary sessions shall be held in conformity with Rule 6 above.

## **RULE 13**

### **Agenda of Extraordinary Sessions**

1. The Commission shall communicate the Provisional Agenda and working documents of an extraordinary session to Member States at least fifteen (15) days before the opening of the session.
2. The Agenda of an extraordinary session shall comprise only the item(s) requiring the urgent attention of the STC on Health, Population and Drug Control.

## **RULE 14**

### **Open and Closed Sessions**

All the sessions of the STC on Health, Population and Drug Control shall be closed. The STC on Health, Population and Drug Control may, however, decide by simple majority whether any of its sessions shall be open.

## **RULE 15**

### **Working Languages**

The working languages of the STC on Health, Population and Drug Control shall be those of the Union.

## **RULE 16**

### **Bureau**

1. The STC on Health, Population and Drug Control shall, on the basis of rotation, geographical distribution as well as balanced sectoral representation, elect, after due consultations, a Chairperson and other members of the Bureau, namely, three (3) Vice-Chairpersons as well as a Rapporteur.
2. The Members of the Bureau shall hold office for a period of two (2) years.
3. The Bureau will meet at least once every year.

## **RULE 17**

### **Duties of the Chairperson**

1. The Chairperson shall:

- a) preside over all the proceedings of the Ordinary and Extraordinary sessions;
  - b) open and close the sessions;
  - c) submit for approval the records of the sessions;
  - d) guide the proceedings;
  - e) submit to a vote matters under discussion and announce the results of the vote taken;
  - f) rule on points of order.
2. The Chairperson shall ensure order and decorum during the proceedings of the sessions.
  3. In the absence of the Chairperson or in case of a vacancy, the vice-Chairpersons or the rapporteur in order of their election shall act as the Chairperson.
  4. The Chairperson shall attend the sessions of the Executive Council and take part in the annual meeting of the STCs Coordination Mechanism.

**RULE 18**  
**Attendance and Participation**

1. In accordance with Rule 4, the Ministers in charge of Health, Population and Drug Control shall attend and participate personally in the sessions. In the event that they are not in a position to attend personally, duly accredited representatives shall represent them.
2. The Representatives of the Organs of the Union and Regional Economic Communities (RECs) shall be invited to attend the sessions of the STC on Health, Population and Drug Control.
3. The STC on Health, Population and Drug Control may invite, as Observer, any person or Institution to attend its sessions. Such Observer may be invited to make written or oral interventions but shall not be entitled to vote.

**RULE 19**  
**Majority required for decisions**

1. The STC on Health, Population and Drug Control shall take all its decisions by consensus, failing which:
  - a) at the Ministerial level, by a two-thirds majority of the Member States present and eligible to vote;
  - b) at the Experts' level, by a simple majority of the Member States present and eligible to vote.
2. Decisions on questions of procedure shall be taken by a simple majority of Member States eligible to vote.
3. Decisions on whether or not a question is one of procedure shall also be determined by a simple majority of Member States eligible to vote.

4. Abstention by a Member State eligible to vote shall not prevent the adoption by the STC on Health, Population and Drug Control of decisions by consensus.

#### **RULE 20** **Amendment of Decisions**

1. A proposed decision or an amendment (s) thereof may at any time, prior to it being submitted to a vote be withdrawn by the initiator.
2. Any other Member State may reintroduce the proposed decision or amendment that has been withdrawn.

#### **RULE 21** **Point of Order**

1. During deliberations on any matter, a Member State may raise a point of order. The Chairperson, in accordance with these Rules, shall immediately decide on the point of order.
2. The Member State concerned may appeal against the ruling of the Chairperson. The ruling shall immediately be put to a vote and decided upon by simple majority.
3. In raising a point of order, the Member State concerned shall not speak on the substance of the issue under discussion.

#### **RULE 22** **List of Speakers and Use of the Floor**

1. The Chairperson shall, subject to Article 23 of the Constitutive Act, during the debate, grant the use of the floor in the order in which the speakers indicate their intention.
2. A delegation or other invitee shall not have the floor without the consent of the Chairperson.
3. The Chairperson may, during the debate:
  - a) read out the list of speakers and declare the list closed;
  - b) call to order any speaker whose statement deviates from the issue under discussion;
  - c) accord the right of reply to any delegation where in his/her opinion a statement made after the list is closed justifies the right of reply; and
  - d) limit the time allowed to each delegation irrespective of the issue under discussion, subject to sub Rule 4 of this Rule.
4. The Chairperson shall, on procedural questions, limit each intervention to a maximum of three (3) minutes.



**RULE 23**  
**Closure of Debate**

When a matter has been sufficiently discussed, the Chairperson shall close the debate at his/her discretion.

**RULE 24**  
**Suspension or Adjournment of the Meeting**

During the discussion of any matter, a Member State may move for the suspension or adjournment of the meeting. No discussion on such motions shall be permitted. The Chairperson shall immediately put such motion to a vote.

**RULE 25**  
**Order of Procedural Motions**

Subject to Rule 21 of these Rules of Procedure, the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:

- a) suspend the meeting;
- b) adjourn the meeting;
- c) Adjourn the debate on the item under discussion;
- d) Close the debate on the item under discussion.

**RULE 26**  
**Voting Rights**

1. Each eligible Member State shall have one vote.
2. Member States, subject to sanctions under Article 23 of the Constitutive Act, shall not have the right to a vote.

**RULE 27**  
**Consensus and Vote on Decisions**

After the debate has been closed, and there is no consensus, the Chairperson shall immediately put the proposal with all the amendments to a vote. The vote shall not be interrupted except on a point of order related to the manner in which the vote is being taken.

**RULE 28**  
**Vote on Amendments**

1. When there is no consensus, the Chairperson shall put all amendments to vote.
2. A proposal shall be considered as an amendment to a text if it adds or removes there from.

**RULE 29**  
**Methods of Voting**

The Methods of Voting shall be determined by the STC on Health, Population and Drug Control.

**RULE 30**  
**Decisions and Reporting**

1. The Ministerial session of the STC shall take decisions on issues falling within its competence, except where there are attendant financial and structural implications in accordance with Decision/Assembly/AU/Dec.582(XXV) on streamlining of the AU Summits and its working methods.
2. Without prejudice to sub paragraph 1 of this Rule, the Executive Council may, if necessary, consider decisions of the STC at the request of any Member State.

**RULE 31**  
**Implementation**

The STC on Health, Population and Drug Control may lay down guidelines and supplementary measures to give effect to these Rules.

**RULE 32**  
**Amendments**

The STC on Health, Population and Drug Control may propose amendments to these Rules to the Executive Council for consideration.

**RULE 33**  
**Entry into Force**

These Rules shall enter into force upon their approval by the Executive Council.

**Adopted by the.....Ordinary Session of the Executive Council, held.....**

**AFRICAN UNION**  
**الاتحاد الأفريقي**



**UNION AFRICAINE**  
**UNIÃO AFRICANA**

---

Addis Ababa, ETHIOPIA    P. O. Box 3243    Telephone 002511-115 517 700  
Cables: OAU, Addis Ababa  
website : [www.africa-union.org](http://www.africa-union.org)

---

**RULES OF PROCEDURE OF THE SPECIALIZED TECHNICAL COMMITTEE  
ON PUBLIC SERVICE, LOCAL GOVERNMENT, URBAN DEVELOPMENT  
AND DECENTRALIZATION**

## **GENERAL PROVISION**

The Executive Council,

Having regard to the Constitutive Act of the African Union, and in particular its Articles 14, 15 and 16,

Having regard to Decisions Assembly/Dec. 227 (XII) and Assembly/Dec.365(XVII) on the Specialized Technical Committees;

### **HAS ADOPTED THESE RULES OF PROCEDURE:**

#### **RULE 1 Definitions**

In these Rules:

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

**"Chairperson"** means the Chairperson of the Specialized Technical Committee on Public Service, Local Government, Urban Development and Decentralization;

**"Commission"** means the Commission of the African Union;

**"Constitutive Act"** means the Constitutive Act of the African Union;

**"Executive Council"** means the Executive Council of Ministers of the African Union;

**"Member State"** means a Member State of the African Union;

**"Specialized Technical Committee"** is an organ of the Union as envisaged under Articles 5, 14, 15 and 16 of the Constitutive Act;

**"RECs"** means Regional Economic Communities which are the AU Regional Integration Blocs as provided for by Constitutive Act;

**"STC"** means the Specialized Technical Committee on Public Service, Local Government, Urban Development and Decentralization;

**"STCs Coordination Mechanism"** means the Bureaus of all STCs of the African Union;

**"Public Service"** means any service or public –interest activity that is under the authority of administration;

**"Urban Development"** means the social, cultural, economic and physical development of cities, as well as the underlying causes of the process;

**"Union"** means the African Union established by the Constitutive Act;

**"Vice-Chairpersons"** unless specified otherwise, means the Vice-Chairpersons of the STC.

**"Bureau"** means the Bureau of the Specialized Technical Committee on Public Service, Local Government, Urban Development and Decentralization;

**“Decentralization”** means the transfer of power, responsibilities, capabilities and resources from national to all sub-national levels of government with the aim of strengthening the ability of the latter to both foster people’s participation and delivery of quality services;

**“Human Settlement”** means a physical locality or populated place of human activities as it affects the distribution of population, resources, land-use and industries. A national system of settlements which include metropolitan area, towns, cities, villages, plantation estates, mining camps and recreation;

**“Local Government”** means a sub-national level of government, which is governed by elected public officials, in charge of a portion of a national territory with legislative and executive powers;

## **RULE 2**

### **Status**

The STC is an Organ of the Union in accordance with Article 5 (1) (g) of the Constitutive Act .It shall be responsible to the Executive Council.

## **RULE 3**

### **Composition**

1. The STC shall be composed of Ministers in charge of Public Service, Local Government, Urban Development, Decentralization, Housing and Human Settlement or such other Ministers or authorities duly accredited by the Government of Member States.
2. The STC includes Experts from Member States responsible for sectors falling within its areas of competence, whose meetings shall precede the Meetings at Ministerial level. Unless specified otherwise, meetings of Experts shall be governed by relevant provisions of these Rules. .

## **RULE 4**

### **Accreditation**

Delegations of Member States to sessions of the STC shall be duly accredited and designated representatives of Member States.

## **RULE 5**

### **Powers and Functions**

1. In addition to the functions provided for in Article 15 of the Constitutive Act of the Union, the STC shall, inter-alia:
  - a) Develop, promote and implement the African Union integration agenda and vision in the areas of Public Service, Local Government, Urban Development and Decentralization;
  - b) Promote Member States efforts for effective Governance and Development;

- c) Build Member States capacity and develop human resource capacity to deliver Urban Development, Public Service and Local Development ;
- d) Prevent and combat corruption ;
- e) Promote post conflict reconstruction of Public Service and Administration;
- f) Promote Decentralization and local Governance ;
- g) Promote innovative approaches to service delivery including through ICT;
- h) Establish synergies and networks between organizations active in similar areas and provide a platform for greater coherence, convergence and cooperation on decentralization and local governance, public services, housing and human settlement;
- i) Develop a mechanism for the promotion of sustainable human settlements development in Africa;
- j) Promote access to adequate and affordable housing as well as the prevention and upgrading of slums and informal settlements;
- k) Promote Land use management including security of tenure and pro-poor land markets;
- l) Promote enabling national housing and urban policies and facilitate access to basic services for all and promote spatial planning and design;
- m) Monitor, ensure, promote and evaluate the implementation of the various AU instruments and initiatives on Public Service, Urban Development, Decentralization and Local Government ;
- n) Carry out any other functions assigned to it by the Executive Council or the Assembly.
- o) The STC may set up Sub-committees and adhoc working groups, as it deems necessary and shall determine their mandate, composition and functioning.

## **RULE 6**

### **Venue**

1. The Sessions of the STC,its Sub-Committees and Working Groups shall be held at the Headquarters of the Union, unless a Member State offers to host any such session.
2. In the event the session of the STC and its Sub-Committees or Working Groups shall be held outside the Headquarters of the Union, the host

Member State shall be responsible for all extra expenses incurred by the Commission as a result of holding the session outside the Headquarters .

3. In conformity with Rule 5 (3) of the Rules of Procedure of the Assembly, Member States offering to host sessions of the STC shall not be member states that are under sanctions and shall be required to meet pre-determined criteria, including adequate logistical facilities and a conducive political atmosphere .
4. Where two (2) or more Member States offer to host a session, the STC shall decide on the venue by simple majority.
5. Where a Member State that had offered to host a session of the STC is unable to do so, the session shall be held at the Headquarters of the Union, unless a new offer is received and accepted by Member States.

### **RULE 7 Convening of Sessions**

The Commission shall be responsible for convening and servicing all the meetings of the STC on Public Service , Local Government, Urban Development and Decentralization, its Sub-Committees and Working Groups.

### **RULE 8 Quorum**

1. The quorum for a Ministerial session of the STC shall be two-thirds majority of the Member States eligible to vote.
2. The quorum for meetings of Experts, Sub-committees or temporary working groups of the STC shall be a simple majority of the Member States eligible to vote.

### **RULE 9 Ordinary Sessions**

The STC shall meet in ordinary session once every two (2) years.

### **RULE 10 Agenda of Ordinary Sessions**

1. The STC shall adopt its Agenda at the opening of each session.
2. The Provisional Agenda of an ordinary session shall be drawn up by the Commission in consultation with the Bureau of the STC and shall include item (s) proposed by Member States. The Commission shall communicate it as well as the working documents to Member States at least thirty (30) Days before the opening of the session.

**RULE 11**  
**Other Agenda Items**

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

**RULE 12**  
**Extraordinary Sessions**

1. The STC may meet in an extraordinary session subject to availability of funds, at the request of:
  - a) the policy organs of the Union,
  - b) the STC itself, or
  - c) any Member State ( upon approval by a two-thirds majority of the Member States eligible to vote.
2. The extraordinary sessions shall be held in conformity with Rules 6 above.

**RULE 13**  
**Agenda of Extraordinary Sessions**

1. The Commission shall communicate the Provisional Agenda and working documents of an extraordinary session to Member States at least fifteen (15) days before the opening of the session.
2. The Agenda of an extraordinary session shall comprise only of the item(s) requiring the urgent attention of the STC.

**RULE 14**  
**Open and Closed Sessions**

All the sessions of the STC shall be closed. It may, however, decide by simple majority whether any of its sessions shall be open.

**RULE 15**  
**Working Languages**

The working languages of the STC shall be those of the Union.

**RULE 16**  
**Bureau**

1. The STC shall, on the basis of rotation, geographical distribution as well



as balanced sectoral representation, elect, after due consultation, a Chairperson and other members of the Bureau, namely, three (3) Vice-Chairpersons as well as a Rapporteur.

2. The Members of the Bureau shall hold office for a period of two (2) years.
3. The Bureau will meet at least once every year.

### **RULE 17**

#### **Duties of the Chairperson**

1. The Chairperson shall:
  - a) Preside over all the proceedings of the Ordinary and Extraordinary sessions;
  - b) open and close the sessions;
  - c) submit for approval the records of the sessions;
  - d) guide the proceedings;
  - e) submit to a vote matters under discussion and announce the results of the vote taken;
  - f) rule on points of order.
2. The Chairperson shall ensure order and decorum during the proceedings of the sessions.
3. In the absence of the Chairperson or in case of a vacancy, the vice-Chairpersons or the rapporteur in order of their election shall act as the Chairperson.
4. The Chairperson shall attend the sessions of the Executive Council and take part in the annual meeting of the STCs Coordination Mechanism..

### **RULE 18**

#### **Attendance and Participation**

1. In accordance with Rule 4, the Ministers in charge of Public Service, Local Government, Urban Development and Decentralization from Member States shall attend and participate personally in the sessions. In the event that they are not in a position to attend personally, duly accredited representatives shall represent them.
2. The Representatives of the Organs of the Union and Regional Economic Communities (RECs) shall be invited to attend the sessions of the STC.
3. The STC may invite, as Observer, any person or Institution to attend its sessions. Such Observer may be invited to make written or oral interventions but shall not be entitled to vote.

**RULE 19**  
**Majority required for decisions**

1. The STC shall take all its decisions by consensus, failing which:
  - a. at Ministerial level by a two- thirds majority of the Member States present and eligible to vote;
  - b. at the Experts' level by a simple majority of the Member States present and eligible to vote.
2. Decisions on questions of procedure shall be taken by a simple majority of Member States present and eligible to vote .
3. Decisions on whether or not a question is one of procedure shall also be determined by a simple majority of Member States present and eligible to vote.
4. Abstentions by Member States eligible to vote shall not prevent the adoption by the STC of decisions by consensus.

**RULE 20**  
**Amendment of proposed Decisions**

1. A proposed decision or an amendment (s) thereof may at any time, prior to it being submitted to a vote be withdrawn by the initiator.
2. Any other Member State may reintroduce the proposed decision or amendment that has been withdrawn.

**RULE 21**  
**Point of Order**

1. During deliberations on any matter, a Member State may raise a point of order. The Chairperson, in accordance with these Rules, shall immediately decide on the point of order.
2. The Member State concerned may appeal against the ruling of the Chairperson. The ruling shall immediately be put to a vote and decided upon by simple majority.
3. In raising a point of order, the Member State concerned shall not speak on the substance of the issue under discussion.

**RULE 22**  
**List of Speakers and Use of the Floor**

1. The Chairperson shall, subject to Article 23 of the Constitutive Act, during the debate, grant the use of the floor in the order in which the speakers

indicate their intention.

2. A delegation or other invitee shall not have the floor without the consent of the Chairperson.
3. The Chairperson may, during the debate:
  - a) read out the list of speakers and declare the list closed;
  - b) call to order any speaker whose statement deviates from the issue under discussion;
  - c) accord the right of reply to any delegation where in his/her opinion a statement made after the list is closed justifies the right of reply; and
  - d) limit the time allowed to each delegation irrespective of the issue under discussion, subject to sub Rule 4 of this Rule.
4. The Chairperson shall, on procedural questions, limit each intervention to a maximum of three (3) minutes.

### **RULE 23 Closure of Debate**

When a matter has been sufficiently discussed, the Chairperson shall close the debate at his/her discretion.

### **RULE 24 Suspension or Adjournment of the Meeting**

During the discussion of any matter, a Member State may move for the suspension or adjournment of the meeting. No discussion on such motions shall be permitted. The Chairperson shall immediately put such motion to a vote.

### **RULE 25 Order of Procedural Motions**

Subject to Rule 21, the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:

- a) suspend the meeting;
- b) adjourn the meeting;
- c) Adjourn the debate on the item under discussion;
- d) Close the debate on the item under discussion.

### **RULE 26 Voting Rights**

1. Each eligible Member State shall have one vote.

2. Member States, subject to sanctions under Article 23 of the Constitutive Act, shall not have the right to a vote.

**RULE 27**  
**Consensus and Vote on Decisions**

After the debate has been closed and there is no consensus, the Chairperson shall immediately put to a vote the proposal with all the amendments. The vote shall not be interrupted except on a point of order related to the manner in which the vote is being taken.

**RULE 28**  
**Vote on Amendments**

1. When there is no consensus, the Chairperson shall put all amendments to vote.
2. A proposal shall be considered as an amendment to a text if it adds or removes there from.

**RULE 29**  
**Methods of Voting**

The methods of Voting shall be determined by the STC.

**RULE 30**  
**Decisions and Reporting**

3. The Ministerial session of the STC shall take decisions on issues falling within its competence, except where there are attendant financial and structural implications in accordance with Decision/Assembly/AU/Dec.582(XXV) on streamlining of the AU Summits and its working methods.
4. Without prejudice to sub paragraph 1 of this Rule, the Executive Council may, if necessary, consider decisions of the STC at the request of any Member State.

**RULE 31**  
**Implementation**

The STC may lay down guidelines and supplementary measures to give effect to these Rules.

**RULE 32**  
**Amendments**

The STC may propose to the Executive Council amendments to these Rules.

**RULE 33**  
**Entry into Force**

These Rules shall enter into force upon their adoption by the Executive Council.

**Adopted by the.....Ordinary Session of the Executive Council,  
held.....**

# **DRAFT RULES OF PROCEDURE OF THE ECONOMIC, SOCIAL AND CULTURAL COUNCIL OF THE AFRICAN UNION**

**Original: EN**

## **GENERAL PROVISIONS** **General Provisions**

1. Definitions

## **SECTION I** **STATUS, COMPOSITION AND FUNCTIONS**

2. Status
3. Composition
4. Functions

## **SECTION II** **MEMBERSHIP AND STRUCTURE**

5. Membership
6. Term of Office of Members
7. Oath of Office
8. Conduct of Members
9. Cessation of Membership
10. Representation
11. Credentials
12. Structure of ECOSOCC
13. The General Assembly

## **SECTION III** **SESSIONS**

14. Ordinary Sessions of the General Assembly
15. Agenda of Ordinary Sessions
16. Other Items included in the Agenda
17. Extraordinary sessions
18. Agenda of Extraordinary Sessions
19. Venue of Sessions

#### **SECTION IV THE BUREAU AND COMMITTEES**

20. The Bureau of the General Assembly
21. Term of Office of the Bureau of the General Assembly
22. Oath of Office by the Bureau
23. Functions of the Bureau of the General Assembly
24. Duties of the Presiding Officer
25. Duties of the Deputy Presiding Officers
26. Meetings of the Bureau
27. Replacement of Members of the Bureau
28. The Standing Committee
29. Functions of the Standing Committee
30. Term of Office of the Standing Committee
31. Rules of Procedure for the Standing Committee
32. Sectoral Cluster Committees
33. Term of Office of the Sectoral Cluster Committees
34. The Credentials Committee
35. Functions of the Credentials Committee
36. Rules of Procedure for the Credentials Committee

#### **SECTION V THE SECRETARIAT OF ECOSOCC**

37. Secretariat
38. Duties of the Secretariat

#### **SECTION VI CONDUCT OF BUSINESS**

39. Quorum
40. Working Languages
41. Majority Required for Decisions
42. Amendment of Decisions
43. Point of Order
44. List of Speakers and Use of the Floor
45. Closure of Debate
46. Suspension or Adjournment of the Meeting
47. Order of Procedural Motions
48. Voting Rights
49. Consensus and Vote on Decisions

- 50. Vote on Amendments
- 51. Methods of Voting
- 52. Open and Closed Sessions
- 53. Observers

**SECTION VII  
PREPARATION OF ADVISORY OPINIONS AND REPORTS**

- 54. Advisory Opinions and Reports
- 55. Annual Reports

**SECTION VIII  
BUDGET AND FINANCIAL MATTERS**

- 56. Budget of ECOSOCC

**SECTION IX  
FINAL PROVISIONS**

- 57. Implementation
- 58. Amendment
- 59. Provisional application of the Rules
- 60. Entry into Force



## GENERAL PROVISIONS

The Executive Council of the Union,

Having regard to the Statutes of the Economic, Social and Cultural Council, and in particular Article 17,

**HAS ADOPTED THESE RULES OF PROCEDURE:**

### Rule 1 Definitions

In these Rules:

“**African Diaspora**” means the African Diaspora as defined by the Executive Council of the Union;

“**Assembly**” means the Assembly of Heads of State and Government of the African Union;

“**Bureau**” means the Bureau of ECOSOCC elected by the General Assembly under Article 9 (4) of the Statutes of ECOSOCC;

“**Commission**” means the African Union Commission;;

“**Constitutive Act**” means the Constitutive Act of the Union;

“**Credentials Committee**” means the Credentials Committee of ECOSOCC;

“**CSO**” means Civil Society Organization;

“**ECOSOCC**” means the Economic, Social and Cultural Council of the Union;

“**Executive Council**” means the Executive Council of Ministers of the Union;

“**Member of ECOSOCC**” means a CSO elected or nominated into the Economic, Social and Cultural Council of the Union;

“**Member State**” means a Member State of the Union;

“**Secretariat**” means the Secretariat of ECOSOCC as provided for under Article 14 of the Statutes of ECOSOCC;

“**STC**” means a Specialized Technical Committee of the Union.

“**Standing Committee**” means the Standing Committee of ECOSOCC;

“**Statutes**” means the Statutes of Economic, Social and Cultural Council of the Union;

“**Union**” means the African Union

### SECTION I STATUS, COMPOSITION AND FUNCTIONS,

#### Rule 2 Status

ECOSOCC is an advisory organ of the Union in accordance with Articles 5 (1) (h) and 22 of the Constitutive Act.

#### Rule 3 Composition

ECOSOCC shall be composed of different social and professional groups of the Member States of the Union and the African diaspora.

## **Rule 4 Functions**

In accordance with Article 7 of the Statutes, ECOSOCC shall:

- a) contribute, through advice, to the effective translation of the objectives, principles and policies of the Union into concrete programmes, as well as the evaluation of these programmes;
- b) undertake studies that are recommended or deemed necessary by any other organ of the Union and submit recommendations accordingly;
- c) carry out other studies as it deems necessary and submit recommendations as appropriate;
- d) contribute to the promotion of popularization, popular participation, sharing of best practices and expertise, and to the realization of the vision and objectives of the Union;
- e) contribute to the promotion of human rights, rule of law, good governance, democratic principles, gender equality and child rights;
- f) promote and support efforts of institutions engaged in review of the future of Africa and forge Pan-African values in order to enhance an African social model and way of life;
- g) foster and consolidate partnership between the Union and CSOs through effective public enlightenment, mobilization and feedback on the activities of the Union;
- h) assume such other functions as may be referred to it by any other organ of the Union.

## **SECTION II MEMBERSHIP AND STRUCTURE**

### **Rule 5 Membership**

In conformity with Article 4 of the Statutes, ECOSOCC shall be composed of:

- a) Two (2) CSOs from each Member State of the Union;
- b) Eight (8) CSOs operating at continental level;
- c) Ten (10) CSOs operating at regional level;
- d) Twenty CSOs from the African Diaspora; and
- e) Six (6) CSOs nominated by the Commission , in ex-officio capacity.

### **Rule 6 Term of Office of Members**

1. A member of ECOSOCC shall have a mandate of four (4) years and may be reelected only once.

2. The mandate of all the Members of ECOSOCC shall run from the day the General Assembly is constituted.
3. Notwithstanding sub rule 1, Members of ECOSOCC shall hold office until the election of new Members
4. ECOSOCC shall report to the Executive Council during the Executive Council's next succeeding session the reasons of any delay in conducting the elections of new Members of ECOSOCC.

### **Rule 7 Oath of Office**

Upon being elected as a Member of ECOSOCC, each Member of ECOSOCC shall take the oath of office or affirmation as set out in Schedule 1 of these Rules in an open session of the General Assembly.

### **Rule 8 Conduct of the Members**

1. Each Member of ECOSOCC shall be expected to be exemplary and abide by the highest standards of behaviour in conformity with the objectives of ECOSOCC.
2. The General Assembly shall establish a disciplinary committee composed of one (1) CSO representative per region which shall have powers to inquire into the conduct of the Members of ECOSOCC. The rules governing the proceedings of the disciplinary committee shall be adopted by the General Assembly.

### **Rule 9 Cessation of Membership**

1. A Member of ECOSOCC shall cease to be a member under the following circumstances:
  - a) Resignation ;
  - b) Having been dissolved, wound up or deregistered in accordance with laws/regulations of the Member State in which it was registered
  - c) If the General Assembly decides that the Member has been acting in a manner contrary to the objectives and functions of ECOSOCC provided that such a Member was accorded a reasonable opportunity to defend itself.
2. The resignation of a Member of ECOSOCC shall be in writing addressed to the Presiding Officer with a copy to the Secretariat.

## **Rule 10 Representation**

Each Member of ECOSOCC shall be represented by an accredited representative

## **Rule 11 Credentials**

1. The credentials of the Members of ECOSOCC and of their representatives shall be submitted to the Secretariat not less than two (2) days before the first meeting they are to attend. The Credentials Committee shall examine the credentials and submit a report thereon to the General Assembly.
2. In the event that a Member of ECOSOCC intends to replace its accredited representative, the Member of ECOSOCC shall replace such representative by sending the credentials of its new representative to the Secretariat to be examined by the Credentials Committee

## **Rule 12 Structure of ECOSOCC**

The structure of ECOSOCC shall be as follows;

- a) The General Assembly;
- b) A Standing Committee;
- c) Sectoral Cluster Committees;
- d) Credentials Committee

## **Rule 13 The General Assembly**

1. The General Assembly shall be the highest decision and policy making body of ECOSOCC.
2. The General Assembly shall be composed of all the Members of ECOSOCC as provided for in Rule 5 (Membership).
3. The functions of the General Assembly shall be as follows:
  - a) elect members of the Standing Committee and oversee its work;
  - b) prepare and submit advisory opinions and reports as appropriate;
  - c) submit proposals on the budget and activities of ECOSOCC;
  - d) approve and amend the Code of Ethics and Conduct for CSOs affiliated to or working with the Union;
  - e) review the activities of ECOSOCC and propose appropriate actions and recommendations;

- f) recommend amendments to the established Sectoral Cluster Committees as it may deem necessary;
- g) adopt the rules of procedure of the Standing Committee and the Credentials Committee;
- h) declare the cessation of membership if a Member has been found to have been acting in a manner contrary to the objectives and functions of ECOSOCC suspend a Member;
- i) set up ad hoc working groups as it may deem necessary and define their composition and mandates
- j) perform such other functions for the furtherance of ECOSOCC activities in conformity with the Statutes of ECOSOCC and these Rules.

### **SECTION III SESSIONS**

#### **Rule 14 Ordinary Sessions of the General Assembly**

The General Assembly shall meet in ordinary session once every two (2) years.

#### **Rule 15 Agenda of Ordinary Sessions**

1. The General Assembly shall adopt its agenda at the opening of each session.
2. The provisional agenda of an ordinary session shall be drawn up by the Secretariat in consultation with the Standing Committee and may include:
  - a) Items which the General Assembly decided, at a previous session, to place on its agenda;
  - b) Items proposed by a Member of ECOSOCC;
  - c) Items proposed by a Member State of the Union;
  - d) Items proposed by any other organ of the Union..
3. The Secretariat shall communicate the provisional agenda as well as the working documents to Members of ECOSOCC at least fourteen (14) days before the opening of the session.

#### **Rule 16 Other Items included in the Agenda**

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

**Rule 17**  
**Extraordinary Sessions**

The General Assembly may meet in extraordinary session, subject to availability of funds, at the request of:

- a) Policy organs of the Union;
- b) The General Assembly itself;
- c) The Commission;
- d) The Standing Committee, any Member of ECOSOCC any Member State upon approval by a two-thirds majority of the General Assembly;

**Rule 18**  
**Agenda of Extraordinary Sessions**

1. The Secretariat shall communicate the provisional agenda and working documents of an extraordinary session to Members of ECOSOCC at least ten (10) days before the opening of the session.
2. The agenda of an extraordinary session shall comprise only of the item(s) requiring the urgent attention of the General Assembly.

**Rule 19**  
**Venue of Sessions**

Sessions of the General Assembly shall be held at the Headquarters of the Union, unless, in pursuance of a previous decision of the General Assembly or at the request of a majority of the Members of ECOSOCC, any other venue is designated.

**SECTION IV**  
**THE BUREAU AND COMMITTEES**

**Rule 20**  
**The Bureau of the General Assembly**

1. Immediately after the election of the Members of the General Assembly, the General Assembly shall elect from amongst the representatives of its Members, the Bureau consisting of:
  - a) The Presiding Officer;
  - b) Five (5) Deputy Presiding Officer, including one (1) from the African Diaspora
2. In electing the Bureau, the General Assembly shall ensure that each of the five (5) regions of the Union including the African Diaspora is represented in the Bureau.

**Rule 21**  
**Term of Office of the Bureau of the General Assembly**

1. The Presiding Officer and the five (5) Deputy Presiding Officers shall hold office for a term of two (2) years. They are eligible for re-election only once.
2. Notwithstanding sub rule 1, the Presiding Officer and the five (5) Deputy Presiding Officers shall hold until their successors are elected by the General Assembly provided that at the expiry of the term of office of the General Assembly, the term of office of the Bureau shall also expire.

**Rule 22**  
**Oath of Office by the Bureau**

Upon being elected as a Presiding Officer or Deputy Presiding Officer, the Presiding Officer or Deputy Presiding Officer shall take the oath of office or affirmation as set out in Schedule 2 of these Rules in an open session of the General Assembly.

**Rule 23**  
**Functions of the Bureau of the General Assembly**

The Bureau of the General Assembly, shall inter alia,

- a) provide political responsibility for the general management of ECOSOCC;
- b) coordinate the activities of ECOSOCC in conformity with the Statutes;
- c) perform such other functions as directed by the General Assembly or Standing Committee.

**Rule 24**  
**Duties of the Presiding Officer**

1. The Presiding Officer shall:
  - a) convene the sessions of the General Assembly and the Standing Committee;
  - b) open and close the sessions;
  - c) submit for approval the records of the General Assembly or Standing Committee;
  - d) guide the proceedings of the General Assembly or Standing Committee;
  - e) submit to a vote, where required, matters under discussion and announce the results of the vote taken; and
  - f) rule on points of order.

2. The Presiding Officer shall ensure order and decorum of the proceedings of the General Assembly.
3. In between the sessions of the General Assembly or Standing Committee, the Presiding Officer, shall represent ECOSOCC in conformity with the Statutes and these Rules of Procedure.
4. The Presiding Officer shall liaise and consult with the Commission and other organs of the Union on issues concerning the effective functioning of ECOSOCC.
5. In the absence of the Presiding Officer, the Deputy Presiding Officer designated by the Presiding Officer shall act as the Presiding Officer.

**Rule 25**  
**Duties of the Deputy Presiding Officers**

1. The Deputy Presiding Officer, acting in the capacity of the Presiding Officer, has the same powers and duties as the Presiding Officer.
2. The Deputy Presiding Officers shall be in charge of ECOSOCC activities in their respective regions and shall perform any other function as delegated to them by the Presiding Officer.
3. The General Assembly, in consultation with the Bureau, may assign responsibilities to the respective Deputy Presiding Officers.

**Rule 26**  
**Meetings of the Bureau**

The Bureau shall meet at least four (4) times a year and as often as necessary subject to the availability of funds. The meetings shall be convened in consultation with the Secretariat.

**Rule 27**  
**Replacement of Members of the Bureau**

1. If the Presiding Officer or any of the Deputy Presiding Officers ceases to be able to carry out his/her functions or ceases to be a representative of a Member of ECOSOCC, or if the member of ECOSOCC of which he/she is the representative ceases to be a member of ECOSOCC, the Presiding Officer or any of the Deputy Presiding Officers shall cease to hold such office. The General Assembly shall fill the vacancy in accordance with Rule 20 sub rule 2.
3. The officer elected to replace a member of the Bureau whose term of office has not expired shall be from the same region and he/she shall hold office for the remainder of the predecessor's term.

**Rule 28**  
**The Standing Committee**

1. The General Assembly shall elect the Standing Committee which shall be composed of eighteen (18) members as follows:
  - a) The Presiding Officer;
  - b) The five (5) Deputy Chairpersons;



- c) The chairpersons of ten (10) Sectoral Cluster Committees
  - d) Two (2) representatives of the Commission
2. Upon being elected as a member of the Standing Committee, each member shall take the oath of office or affirmation as set out in Schedule 3 of these Rules in an open session of the General Assembly

**Rule 29**  
**Functions of the Standing Committee**

1. The Standing Committee shall perform the following functions.
- a) coordinate the work of ECOSOCC;
  - b) prepare the meetings of the General Assembly;
  - c) follow up on the implementation of the Code of Ethics and Conduct developed for civil society organizations affiliated to or working with the Union
  - d) prepare and submit annual reports of ECOSOCC to the Assembly of the Union
  - e) carry such other functions as may be assigned to it by the Bureau or the General Assembly.
2. The Standing Committee shall, in consultation with the Commission, determine the criteria and modalities for granting observer status to ECOSOCC.
3. The Standing Committee shall meet at least two (2) times a year and as often as necessary subject to availability of funds. The meetings shall be convened in consultation with the Secretariat.

**Rule 30**  
**Term of Office of the Standing Committee**

1. The members of the Standing Committee shall hold office for two (2) years. They shall be eligible for re-election only once.
2. Notwithstanding sub rule 1, the members of the Standing Committee shall hold office until their successors are elected by the General Assembly provided that at the expiry of the term of office of the General Assembly, the term of office of the Standing Committee shall also expire.

**Rule 31**  
**Rules of Procedure for the Standing Committee**

The General Assembly shall adopt the rules of procedure of the Standing Committee at the recommendation of the Standing Committee.

**Rule 32**  
**Sectoral Cluster Committees**

1. ECOSOCC shall have the following Sectoral Cluster Committees:
  - a) Peace and Security;
  - b) Political Affairs;
  - c) Infrastructure and Energy;
  - d) Social Affairs and health;
  - e) Human Resources, science and Technology;
  - f) Trade and Industry;
  - g) Rural Economy and Agriculture;
  - h) Economic Affairs;
  - i) Women and Gender;
  - j) Cross-Cutting Programmes
2. Each member of ECOSOCC shall belong to at least one (1) Committee.
3. Each Sectoral Cluster Committee shall be headed by a Chairperson who shall be elected by the General Assembly.
4. The Sectoral Cluster Committees shall prepare and provide inputs into the policies and programmes of the Union.
5. The General Assembly may recommend amendments to the established Sectoral Cluster Committees as it may deem necessary.
6. The General Assembly shall determine the modalities and rules for the effective functioning of the Sectoral Cluster Committees

**Rule 33**  
**Term of Office of the Sectoral Cluster Committees**

1. The term of office of the Sectoral Cluster Committees shall expire at the expiry of the term of office of the General Assembly.
2. The Chairperson of the Sectoral Cluster Committees shall hold office for a term of two (2) years. The Chairperson shall be eligible for re-election only once.

**Rule 34**  
**The Credentials Committee**

1. The General Assembly shall establish a Credentials Committee which shall be composed of nine (9) members as follows:
  - a) one (1) CSO representative from each of the five (5) regions;
  - b) one (1) CSO representative of the African Diaspora;

- c) one (1) nominated representative for special interest groups;
  - d) Two (2) representatives of the Commission
2. The term of office of the Credentials Committee shall expire at the expiry of the term of office of the General Assembly
  3. Upon being elected as a member of the Credentials Committee, each member shall take the oath of office or affirmation as set out in Schedule 3 of these Rules in an open session of the General Assembly

**Rule 35**  
**Functions of the Credentials Committee**

The Credentials Committee shall be responsible for examining the credentials of members of ECOSOCC and of their representatives.

**Rule 36**  
**Rules of Procedure for the Credentials Committee**

The rules of procedure for the Credentials Committee shall be adopted by the General Assembly upon the recommendation of the Credentials Committee.

**SECTION V**  
**THE SECRETARIAT OF ECOSOCC**

**Rule 37**  
**Secretariat**

The AUC Directorate for Citizens and Diaspora Organizations (CIDO) shall serve as the secretariat of ECOSOCC until the policy organs of the Union decides otherwise.

**Rule 38**  
**Duties of the Secretariat**

The Secretariat shall, inter alia;

- a) assist the General Assembly including its Bureau and the other ECOSOCC structures in the performance of their functions;
- b) keep proper records of the General Assembly including of its Bureau and all the ECOSOCC structures;
- c) submit all items that must be considered by ECOSOCC;
- d) perform all secretarial and logistical services for ECOSOCC; and
- e) perform any other activity as may be determined by the General Assembly.

**SECTION VI  
CONDUCT OF BUSINESS**

**Rule 39  
Quorum**

The quorum for meetings of the General Assembly shall be a simple majority of the total membership of ECOSOCC.

**Rule 40  
Working Languages**

The working languages of the General Assembly shall be those of the Union.

**Rule 41  
Majority Required for Decisions**

1. The General Assembly shall take all its decisions by consensus , failing which it shall be two-thirds majority of those present and voting.
2. Decisions on questions of procedure shall be taken by a simple majority of the Members of ECOSOCC present and voting.
3. Decisions on whether or not a question is one of procedure shall also be determined by a simple majority of the Members of ECOSOCC present and voting.
4. Abstentions by a Member of ECOSOCC shall not prevent the adoption by the General Assembly of decisions by consensus.
5. For the purpose of this Rule, the phrase "members present and voting" means Members of ECOSOCC casting an affirmative or negative vote. Members which abstain from voting are considered as not voting

**Rule 42  
Amendment of Decisions**

1. A proposed decision or an amendment (s) thereof may at any time, prior to it being submitted to a vote, be withdrawn by the initiator.
2. Any other Member of ECOSOCC may reintroduce the proposed decision or amendment that has been withdrawn.

**Rule 43  
Point of Order and Point of Information**

1. During deliberations on any matter, a Member of ECOSOCC may raise a point of order. The Presiding Officer, in accordance with these Rules, shall immediately decide on the point of order.

2. The Member of ECOSOCC concerned may appeal against the ruling of the Presiding Officer. The ruling shall immediately be put to a vote and decided upon by simple majority.
3. In raising a point of order, the Member of ECOSOCC concerned shall not speak on the substance of the issue under discussion.
4. A Member may also raise a point of information on any matter under discussion. The point of information shall not interrupt any speaker.

**Rule 44**  
**List of Speakers and Use of the Floor**

1. The Presiding Officer shall, during the debate, grant the use of the floor in the order in which the speakers indicate their intention.
2. A Member of ECOSOCC or other invitee shall not have the floor without the consent of the Presiding Officer.
3. The Presiding Officer may, during the debate:
  - a) read out the list of speakers and declare the list closed;
  - b) call to order any speaker whose statement deviates from the issue under discussion;
  - c) accord the right of reply to any representative where in his/her opinion a statement made after the list is closed justifies the right of reply; and
  - d) limit the time allowed to each representative irrespective of the issue under discussion, subject to sub Rule 4 of this Rule.
4. The Presiding Officer may, on procedural questions, limit each intervention to a maximum of three (3) minutes.

**Rule 45**  
**Closure of Debate**

When a matter has been sufficiently discussed, the Presiding Officer shall close the debate at his/her discretion.

**Rule 46**  
**Suspension or Adjournment of the Meeting**

During the discussion of any matter, any Member of ECOSOCC may move for the suspension or adjournment of the meeting. No discussion on such motions shall be permitted. The Presiding Officer shall immediately put such motion to a vote.

**Rule 47**  
**Order of Procedural Motions**

Subject to Rule 43 (Point of Order) of these Rules of Procedure, the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:

- a) suspend the meeting;
- b) adjourn the meeting;
- c) adjourn the debate on the item under discussion;
- d) close the debate on the item under discussion.

**Rule 48  
Voting Rights**

Each Member of ECOSOCC shall have one vote.

**Rule 49  
Consensus and Vote on Decisions**

After the debate has been closed, and there is no consensus, the Presiding Officer shall immediately put the proposal with all the amendments to a vote. The vote shall not be interrupted except on a point of order related to the manner in which the vote is being taken.

**Rule 50  
Vote on Amendments**

- 1. When there is no consensus, the Presiding Officer shall put all amendments to vote.
- 2. A proposal shall be considered as an amendment to a text if it adds or removes there from.

**Rule 51  
Methods of Voting**

- 1. The methods of voting shall be determined by the General Assembly.
- 2. Except where the General Assembly decides to proceed without taking a vote, all elections shall be by secret ballot.

**Rule 52  
Open and Closed Sessions**

- 1. The General Assembly shall hold open sessions unless it decides otherwise.
- 2. For the avoidance of doubt, where the General Assembly decides to hold a closed session, only Members of ECOSOCC and the Secretariat shall be allowed in the meeting room.

**Rule 53  
Observers**

- 1. An organization which has been granted observer status to ECOSOCC shall, at its own expense, participate in the deliberations of the General Assembly, without a right to vote.

2. The General Assembly may allow Member States, AU organs, Regional Economic Communities and other regional or international organizations with a particular interest in the matter seized by the General Assembly to participate, at their own expense, in the deliberations of the General Assembly as observers without a right to vote.
3. Observers may submit proposals to the General Assembly which may be put to a vote at the request by any Member of ECOSOCC.
4. Representatives of observers shall be required to submit their credentials to the Credentials Committee at least two (2) days before the beginning of a session.

## **SECTION VII PREPARATION OF ADVISORY OPINIONS AND REPORTS**

### **Rule 54 Advisory Opinions and Reports**

1. ECOSOCC shall at its own initiative or at the request by any Member State or organ of the Union prepare advisory opinions and reports and provide inputs into the policies and programmes of the Union.
2. Before the preparation of any advisory opinion or report, the Standing Committee shall identify the appropriate Sectoral Cluster Committee (s) in whose specialty the matter under consideration falls.
3. Upon identification of the appropriate Sectoral Cluster Committee (s) by the Standing Committee, the Presiding Officer shall notify the chairperson of the Sectoral Cluster Committee (s) of the matter and the time limit, if any, for completion of the matter.
4. The Sectoral Cluster Committee (s), under the guidance of the Standing Committee, may consult and hold meetings with any other Sectoral Cluster Committee (s) or organ of the Union during the preparation of the advisory opinions and reports.
5. Any advisory opinion or report prepared by the Sectoral Cluster Committees shall be submitted to the General Assembly for consideration.

### **Rule 55 Annual Reports**

An annual report of ECOSOCC shall be prepared and submitted by the Presiding Officer to the Assembly through the Executive Council.

**SECTION VIII  
BUDGET AND FINANCIAL MATTERS**

**Rule 56  
Budget of ECOSOCC**

1. The budget of ECOSOCC shall constitute an integral part of the budget of the Union and shall be prepared in accordance with the Financial Rules and Regulations of the Union.
2. The execution of the budget of ECOSOCC shall be in accordance with the Financial Rules and Regulations of the Union.
3. ECOSOCC may mobilize and accept resources from extra-budgetary sources in accordance with guidelines laid down by the Executive Council and provided that such resources/grants are consistent with the purposes and objectives of ECOSOCC.
4. The Secretariat shall provide regular updates on the activities and financial matters including the implementation of the ECOSOCC budget to the Bureau at least after the expiration of each financial quarter.

**SECTION IX  
FINAL PROVISIONS**

**Rule 57  
Implementation**

The General Assembly may lay down guidelines and supplementary measures to give effect to these Rules.

**Rule 58  
Amendment**

The General Assembly may propose amendments to these Rules to the Executive Council for consideration.

**Rule 59  
Provisional Application of the Rules**

Pending the entry into force of these Rules in accordance with Rule 60 (Entry into Force) below, these Rules shall apply provisionally once adopted by the General Assembly

**Rule 60  
Entry into Force**

These Rules shall enter into force upon their approval by the Executive Council.

**Adopted by the .....Ordinary Session of the Executive Council held in.....,  
....., on ..... 20...**



**SCHEDULES**  
**SCHEDULE 1**

**OATH OF OFFICE FOR THE MEMBERS OF ECOSOCC**“I,  
....., hereby swear/solemnly  
declare:

(full name of organization)

**That:**

I will perform my functions selflessly, as a Member of the  
.....(*number*) General Assembly of Economic Social and  
Cultural Council of the African Union to the best of my ability and  
with honour and dignity in the service of the African People;  
I will be faithful, loyal and bear true allegiance to the African  
Union and the Economic Social and Cultural Council of the  
African Union and will preserve, protect and defend the  
Constitutive Act of the African Union.

I will respect and promote the principles enshrined in the  
Constitutive Act of the African Union and abide by the rules and  
objectives of the Economic Social and Cultural Council of the  
African Union. I will not seek or accept instructions from any  
authority external to the African Union.

So help me God (*in the case of an oath*)

or

I so affirm (*in the case of an affirmation*).

Done in ....., .....(city and country), this .....day of.....20...

\_\_\_\_\_  
***Full name of Organization***

\_\_\_\_\_  
***Signature of authorized representative***

Before me: -----

**The Legal Counsel/Representative of the Office of the Legal  
Counsel of the African Union Commission”**

**SCHEDULE 2**

**OATH OF OFFICE FOR THE BUREAU MEMBERS**

“I, .....hereby swear/solemnly  
declare:

(full name of the Representative elected)

**That:**

I will perform my functions selflessly, as Presiding Officer/Deputy  
Presiding Officer of the .....(*number*) General Assembly of  
Economic Social and Cultural Council of the African Union to the  
best of my ability and with honour and dignity in the service of the  
African People;

I will be faithful, loyal and bear true allegiance to the African Union  
and the Economic Social and Cultural Council of the African Union  
and will preserve, protect and defend the Constitutive Act of the  
African Union.

I will respect and promote the principles enshrined in the Constitutive Act of the African Union and abide by the rules and objectives of the Economic Social and Cultural Council of the African Union. I will not seek or accept instructions from any authority external to the African Union.

So help me God *(in the case of an oath)*

or

I so affirm *(in the case of an affirmation)*

Done in ....., ....., this.....day of..... 20...

\_\_\_\_\_  
**Full name of the representative elected**

\_\_\_\_\_  
**Name of Organisation**

\_\_\_\_\_  
**Signature**

Before me: -----

**The Legal Counsel/Representative of the Office of the Legal  
Counsel of the African Union Commission”**

**SCHEDULE 3**

**OATH OF OFFICE FOR MEMBERS OF THE STANDING COMMITTEE AND  
CREDENTIALS COMMITTEE**

“I, ....., hereby swear/solemnly  
declare:

(full name of organization)

That:

I will perform my functions selflessly, as a Member of the Standing/Credentials Committee of the .....(*number*) General Assembly of Economic Social and Cultural Council of the African Union to the best of my ability and with honour and dignity in the service of the African People;

I will be faithful, loyal and bear true allegiance to the African Union and the Economic Social and Cultural Council of the African Union and will preserve, protect and defend the Constitutive Act of the African Union.

I will respect and promote the principles enshrined in the Constitutive Act of the African Union and abide by the rules and objectives of the Economic Social and Cultural Council of the African Union. I will not seek or accept instructions from any authority external to the African Union.

So help me God *(in the case of an oath)*

or

I so affirm *(in the case of an affirmation)*.

Done in ....., .....(city and country), this .....day of.....20...

\_\_\_\_\_  
**Full name of Organization**

\_\_\_\_\_  
**Signature of authorized representative**

Before me: -----

**The Legal Counsel/Representative of the Office of the Legal  
Counsel of the African Union Commission”**

*AFRICAN UNION*

الاتحاد الأفريقي



*UNION AFRICAINE*

*UNIÃO AFRICANA*

---

## **DRAFT RULES OF PROCEDURE OF THE AFRICAN GOVERNANCE PLATFORM**

## GENERAL PROVISION

### **The Executive Council,**

**Recalling** Articles 44, 45 and 49 of the African Charter on Democracy, Elections and Governance on the need for coordination in the evaluation and monitoring of the implementation of the commitments and principles enshrined in the Charter among the Platform Members;

**Having regard** to the Declaration Assembly/AU/Decl.1 (XVI) on the Theme of the Summit: “Towards Greater Unity and Integration through Shared Values” adopted by the 16<sup>th</sup> Ordinary Session of the Assembly of the African Union in Addis Ababa, Ethiopia in January 2011 which, inter alia, reaffirmed the importance of establishing an African Governance Platform as a basis for facilitating harmonization of instruments and coordination of initiatives in governance and democracy;

**Considering** their respective mandates,

**HAVE ADOPTED THESE RULES OF PROCEDURE:**

### **Rule 1**

#### **Definition**

In these Rules,

“**African Governance Platform**” means the institutional mechanism of AGA comprising African Union organs, RECs and institutions with a mandate to promote governance, democracy and human rights;

“**AGA or African Governance Architecture**” means a platform for dialogue between the various stakeholders with the mandate to promote good governance and strengthen democracy in Africa;

“**Assembly**” means the Assembly of Heads of State and Government of the African Union;

“**Bureau**” means the governing body of the Platform comprising a Chairperson, a Vice-Chairperson and the Secretariat;

“**Chairperson**” unless specified otherwise, means the Chairperson of the Platform;

“**Commission**” means the African Union Commission;

“**Guidelines**” means the Guidelines for State Parties’ Reports under the African Charter on Democracy, Elections and Governance as set out in Annex 1 of these Rules of Procedure;

“**Member**” means a Member of the African Governance Platform;

“**Representative**” means a representative of a Member of the Platform or any other invited organ or stakeholder;

“**Secretariat**” means the AGA Secretariat based in the Department of Political Affairs of the African Union Commission;

“**Union**” means the African Union; and

“**Vice Chairperson**” unless specified otherwise means the Vice Chairperson of the Platform.

## **Rule 2**

### **Objectives of the Platform**

The objective of the African Governance Platform is to operationalize and coordinate programmes and initiatives of the African Governance Platform as provided under the African Charter on Democracy, Elections and Governance.

## **Rule 3**

### **Composition of the Platform**

The African Governance Platform shall be composed of the following organs and institutions of the African Union:

1. The Peace and Security Council
2. The Pan-African Parliament;
3. The NEPAD Planning and Coordinating Agency
4. The Regional Economic Communities (RECs)
5. The African Peer Review Mechanism
6. The African Union Commission
7. The African Court on Human and Peoples' Rights;
8. The African Commission on Human and Peoples' Rights
9. The African Committee of Experts on the Rights and Welfare of the Child
10. The Economic, Social and Cultural Council
11. The African Union Advisory Board on Corruption;
12. The African Union Commission on International Law; and
13. Any other existing organ or institution of the African Union that may be given the mandate or established by the Assembly to promote governance, democracy and human rights

## **Rule 4**

### **Functions of the Platform**

- 1) Under the coordination of the African Union Commission, serve as the evaluation mechanism for the implementation of the African Charter on Democracy, Elections and Governance as provided in Articles 44, 45 and 49 of the Charter and as elaborated in the Guidelines for State Parties' Reports as set out in Annex 1;
- 2) Undertake, in addition to the responsibilities highlighted in paragraph (a) above, programmes aimed at facilitating harmonisation of instruments and coordination of initiatives in governance and democracy;
- 3) Convene the annual high level dialogue aimed at sharing experiences and best practices towards the promotion of good governance, strengthening

democracy and respect for human and peoples' rights, including advocacy for the domestication and implementation of as well as compliance to AU Shared Values by African Union Member States;

- 4) Enhance greater engagement and participation of African citizens, including women and youth and civil society in Platform Members' initiatives and programmes aimed at promoting good governance and consolidating democracy in Africa;
- 5) Facilitate the establishment and operationalisation of the AGA Clusters.

### **Rule 5 AGA Clusters**

The following AGA Clusters are hereby established:

- a) Democracy and Elections;
- b) Human Rights and Transitional Justice;
- c) Constitutionalism and Rule of Law
- d) Governance; and
- e) Humanitarian Assistance

### **Rule 6 The Composition of the Bureau**

1. The African Governance Platform shall have a Bureau comprised of a Chairperson, a Vice-Chairperson and a Rapporteur.
2. The African Governance Platform shall elect from among the Heads of the African Governance Platform Members, a Chairperson and Vice-Chairperson, and a Rapporteur who shall serve for a non-renewable term of two years.
3. Elections shall be held by secret ballot.

### **Rule 7 Duties of the Chairperson of the Bureau**

1. The Chairperson shall:
  - (a) Preside over the meetings of the African Governance Platform;
  - (b) Open and close the meetings;
  - (c) Guide the proceedings;
  - (d) Rule on points of order;
  - (e) Ensure order and decorum of the proceedings of the African Governance Platform;
2. The Vice Chairperson shall perform all the functions of the Chairperson in the event that the Chairperson cannot perform his/her duties. Where both the

Chairperson and Vice Chairperson are not available, the Members may designate any other Member to act as Chairperson.

3. Prior to every session, the Bureau shall meet at both the political and technical levels to agree on the programme of the sessions in consultation with the Secretariat.
4. The Bureau shall, in consultation with the Secretariat, convene the sessions of the African Governance Platform.

### **Rule 8**

#### **Functions of the Secretariat**

The AGA Secretariat, in coordinating the day-to-day affairs of the African Governance Platform shall:

1. Collate, process and disseminate information amongst the Members;
2. Draft and process relevant documents as may be requested by the African Governance Platform;
3. Facilitate the meetings of the African Governance Platform and providing all necessary support required for such meetings including report-writing, preparation of press-releases, communiqués and declarations;
4. Provide technical support to the African Governance Platform Members and Clusters towards the execution of joint initiatives and programmes;
5. Develop and oversee the implementation of an AGA Knowledge Management Strategy that will provide a guiding framework for the initiation, generation, distillation and dissemination of knowledge products on democratic governance trends, challenges and prospects in Africa;
6. Keep proper records of the African Governance Platform which must be properly organized for easy reference;
7. Oversee the development and implementation of comprehensive strategies to ensure the mainstreaming of women, youth and civil society participation and representation in the decision-making processes of the African Governance Platform Members;
8. Facilitate the development of benchmarks and evaluation guidelines for State Parties' reports in pursuant to article 44, 45 and 49 of the African Charter on Democracy, Elections and Governance;
9. Develop and coordinate implementation of an African Governance Platform Communication Strategy, which shall facilitate regular and effective communication and information exchange among Platform Members;
10. Facilitate the convening of the flagship Annual High Level Dialogue amongst African Governance Platform Members as well as interactions and engagements between Platform Members, African citizens and other stakeholders;
11. Disseminate the work of the African Governance Platform as may be required; and



12. Execute such other tasks as may be assigned to it by the African Governance Platform.

### **Rule 9**

#### **Sessions**

1. The African Governance Platform shall meet in ordinary and may meet in extra ordinary sessions.
2. The African Governance Platform may hold open or closed sessions depending on the issues under consideration.
3. The African Governance Platform may invite representatives of a relevant stakeholder as observers to any discussion under consideration.
4. The African Governance Platform may at its discretion permit invited participants to make oral or submit written statements during its meetings.

### **Rule 10**

#### **Meetings**

1. The African Governance Platform shall meet at two (2) levels:
  - a) The political level involving the elected or appointed officials of the Members; and
  - b) The technical level involving representatives of the of the Members
2. At the technical level, the African Governance Platform shall meet at least twice a year.
3. At the political level, the African Governance Platform shall meet at least once a year.
4. Without prejudice to rule 10 (2) and (3) the African Governance Platform may, when necessary, convene extra ordinary sessions at the technical or the political level.

### **Rule 11**

#### **Venues**

1. The sessions of the African Governance Platform shall be held at the Headquarters of the Union or at a venue to be determined by a Member that offers to host a session.
2. In the case where two or more Members offer to host, the Members shall decide the venue by simple majority.
3. Member States of the AU may offer to host a session of the African Governance Platform. Members may consider such requests in conformity with these Rules.

**Rule 12**  
**Quorums**

The quorum for any meeting of the African Governance Platform shall be constituted by simple majority of its membership.

**Rule 13**  
**Provisional Agenda**

1. The provisional agenda of the meetings of the African Governance Platform shall be prepared by the Secretariat in consultation with the Bureau.
2. Members may propose, to the Secretariat, items for inclusion in the provisional agenda of a meeting.
3. The provisional agenda for a meeting shall be communicated to all the Members by the Secretariat at least three (3) weeks before the meeting.
4. The provisional agenda may also be available to other relevant stakeholders of the African Governance Platform depending on the nature of the meeting.

**Rule 14**  
**Adoptions of the Agenda**

1. At the beginning of each session, the African Governance Platform shall adopt the agenda of the session.
2. Any additional agenda items shall be included in the agenda of the session if the majority of members present so decide.

**Rule 15**  
**Point of Order**

1. During deliberations on any item, a Member may raise a point of order. The Chairperson shall immediately decide on the point of order.
2. Where the ruling is challenged, the Chairperson shall submit it to the Members for a vote.
3. In raising a point of order, the Member shall not speak on the substance of the issue of the discussion.

## **Rule 16**

### **Proposals/Substantive Motions/Amendments**

1. Proposals, substantive motions and amendments shall normally be in writing and shall be put to the Members in the order in which the Chairperson receives them.
2. Parts of any proposals, motion or amendment may be voted on separately at the request of any Member, unless the original mover of the motion objects.
3. If the original mover of the motion objects, the objection shall be put to the vote as a procedural matter.

## **Rule 17**

### **Closure of Debate**

When a matter has been sufficiently discussed, a Member may move for the closure of debate on the matter under discussion. In addition to the proposer of the motion, one (1) Member may speak in favour of and another against the motion. The Chairperson shall immediately thereafter put the motion to a vote.

## **Rule 18**

### **Suspension of Debate**

During the discussion of any item, a Member may move for the suspension of the debate on the item under discussion. In addition to the proposer of the motion, one (i) Member may speak in favour of and another against the motion. The Chairperson shall immediately thereafter put the motion to a vote.

## **Rule 19**

### **Adjournment of Meeting**

After an exhaustive deliberation of the agenda items, a Member may move for the adjournment of the meeting. No discussion on such motion shall be permitted. The Chairperson shall immediately put such motion to a vote.

## **Rule 20**

### **Orders of Procedural Motions**

Subject to Rule 15 (Point of Order), the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:

- a) Suspend the debate;
- b) Adjourn the meeting;
- c) Close the debate on the item under discussion.

## **Rule 21**

### **Votes on Motions/Proposals**

1. Any motion or proposal by a Member shall be seconded before being put to vote.
2. A motion or proposal can at any time be withdrawn so long as no vote has been taken with respect to it.
3. Where the motion or proposal has been seconded, the Member who has seconded it may require that it be put to the vote as his/her motion or proposal with the same right of precedence as if the original mover had not withdrawn it.

## **Rule 22**

### **Vote on Amendments**

1. A proposal shall be considered as an amendment to a text if it adds or removes from the text.
2. Where there is no consensus, the Chairperson shall put all amendments to a vote.

## **Rule 23**

### **Consultations**

The African Governance Platform may hold consultations with other relevant stakeholders as maybe needed for the discharge of its responsibilities.

## **Rule 24**

### **Working Languages**

The working languages of the African Governance Platform shall be those of the Union.

## **Rule 25**

### **Representation of Members**

Each Member shall be represented as follows:

1. by the Head of the Organ, Institution or Regional Economic Communities or his/her accredited designate at the political level; and
2. by the Technical Head of the Organ, Institution or Regional Economic Community and/or duly designated focal person or staff at the Technical level

## **Rule 26**

### **Majority required for decisions and Voting Rights**

1. The African Governance Platform shall take its decisions by consensus, failing which decisions shall be taken by a simple majority of those present and voting. For purposes of this Rule, simple majority shall mean fifty percent plus one.
2. Abstentions by a Member shall not prevent the adoption of decisions by consensus.
3. Each Member shall have one (1) vote.
4. Where there is a tie in the votes, the Chairperson or any Member performing the functions of the Chairperson shall have a casting vote

## **Rule 27**

### **Reports of the Meetings**

1. The African Governance Platform shall adopt its reports or minutes of meetings.
2. All reports and minutes of the African Governance Platform shall be kept by the Secretariat and circulated among Members depending on the nature of such reports and minutes.

## **Rule 28**

### **Communication**

The African Governance Platform shall submit its recommendations to the policy organs of the Union through the Commission.

## **Rule 29**

### **Financial Responsibility**

1. Each Member shall be responsible for expenses relating to its participation in the African Governance Platform.
2. The operational costs related to the African Governance Platform will be borne by the Commission.
3. Members may contribute resources for the functioning of the African Governance Platform.
4. The Bureau shall engage in resource mobilisation in close consultation with the Secretariat.

5. The Bureau shall in consultation with Platform Members establish a Democracy and Governance Fund to support the activities of AGA in addition to the Democracy and the Electoral Fund

**Rule 30**  
**Amendments**

The African Governance Platform may propose amendments to these Rules to the Executive Council for consideration.

**Rule 31**  
**Provisional Entry into Force**

These Rules shall apply provisionally upon their adoption by the African Governance Platform

**Rule 32**  
**Entry into Force**

These Rules shall enter into force upon approval by the Executive Council

## ANNEX 1

### DRAFT GUIDELINES FOR STATE PARTIES' REPORTS UNDER THE AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE

#### I. BACKGROUND

1. The African Charter on Democracy, Elections and Governance (Democracy Charter), which was adopted in 2007 by the Assembly of the Heads of State and Government of the African Union (AU), sets out continental standards and norms on good governance and democracy in Africa. The Democracy Charter draws inspiration from several AU Declarations, Charters and Instruments including the AU Constitutive Act, which asserts the eminence of democratic governance and provides for the imposition of sanctions in case of unconstitutional change of governments. The Democracy Charter entered into force on 15 February 2012. State Parties are obliged to comply with the Charter obligations, which include reporting on the legislative, or other relevant measures taken with a view to giving effect to the principles and commitments of the Charter (Article 49).
2. The Democracy Charter contains eleven (11) Chapters and its main objectives are to reinforce AU Member States' commitments to democracy, rule of law, human rights, peace, and socio economic development. The provisions of the Democracy Charter establish minimum standards for ensuring, promoting and protecting democratic governance principles and practices. The Democracy Charter is divided into **six main thematic areas** of focus:
  - a) Democracy, rule of law and human rights;
  - b) The culture of democracy and peace
  - c) Democratic institutions
  - d) Democratic elections;
  - e) Sanctions in cases of unconstitutional change of government;and
  - f) Political, economic and social governance.

#### II. IMPLEMENTATION AND MONITORING FRAMEWORK

3. In order to translate the objectives of the various legal and the pronouncements on African Union Shared Values, the AU established the African Governance Architecture (AGA) as a framework for dialogue between the various stakeholders aimed at promoting good governance and democracy in Africa<sup>2</sup>. The institutional framework of the AGA revolves

---

<sup>2</sup>African Governance Architecture was established by a Decision of the Assembly/AU/Dec. 304 (XV) adopted by the 15th Ordinary AU Summit dedicating the theme of the 16th Ordinary AU Assembly to

around the African Governance Platform (the Platform) comprising AU Organs, Institutions and Regional Economic Communities (RECs) with a formal mandate for the promotion and sustenance of democracy, good governance and human rights in Africa<sup>3</sup>.

4. The role of the Platform is to facilitate harmonisation of instruments and coordination of initiatives on governance, democracy and human rights.
5. Articles 45(c) and 49 of the Democracy Charter obliges the AU Commission with members of the Platform to coordinate evaluation of compliance and implementation of the Charter by States Parties. Coordination of this function is undertaken by the AGA Secretariat based at the Department of Political Affairs for the AU Commission.

### **III. STATE REPORTING OBLIGATIONS**

6. By ratifying the Democracy Charter, State Parties undertake to submit every two years, from the date the Charter comes into force in respect of those State Parties, a report to the Commission on the legislative or other relevant measures taken with a view to giving effect to the principles and commitments of the Charter (Article 49 (1)).
7. The obligation to submit State Parties' reports is intended to facilitate evaluation on compliance and implementation of the Charter. The evaluation process of these reports shall take the shape of constructive and open dialogue between the African Union Organs, Institutions and RECs, State Parties and other national stakeholders.
8. State Reporting under the Charter provides State Parties with an opportunity to:
  - a) Reaffirm their commitments to uphold the provisions of the Charter;
  - b) Report on efforts undertaken to fulfil their obligations under the Democracy Charter;
  - c) Measure progress towards the implementation of the Charter and assess the effectiveness of national mechanisms involved in the process;

---

Shared Values of the African Union, and putting in place a Pan-African Architecture on Governance. The decision recalls Decision EX.CL/Dec. 525 (XVI) adopted by the Sixteenth Ordinary Session of the Executive Council and endorsed by the Fourteenth Ordinary Session of the Assembly in February 2010.

<sup>3</sup> These institutions include those envisaged under article 45 of the Charter: AU Commission; Peace and Security Council; African Court of Human and Peoples Rights; African Commission on Human and People's Rights; Pan-African Parliament; Economic, Social and Cultural Council; AU Advisory Board on Corruption; African Committee on the Rights and Welfare of the Child; African Union Commission on International Law; African Peer Review Mechanism; NEPAD Planning and Coordination Agency; and Regional Economic Communities.



- d) Identify obstacles and establish successful collaborative relationships with other State Parties, AU Organs, Institutions and RECs, and national stakeholders; and
  - e) Identify challenges encountered in the fulfilment of their commitments in the Charter and develop home grown solutions.
9. The drafting and submission of State Parties' reports shall not be a task for one or two national ministries/agencies. This is premised on the acknowledgment that democracy, human rights and good governance are cross-cutting issues, which concern several ministries, institutions/agencies and non-state actors. State parties shall establish a multi-stakeholder National Institutional Framework (Focal Point for the Democracy Charter) for the coordination of monitoring and reporting activities on the implementation of the Charter. The Focal Point shall be composed of relevant state and government ministries, institutions/agencies and non-state actors so as to ensure diversity, effective participation and inclusivity of all concerned.
10. Specifically, the Focal Point shall be the reporting mechanism for State Parties, which shall be charged with developing the State Party report as well as monitoring and following up the implementation of the concluding observations and recommendations of the Platform (AGP), following the consideration and adoption of State Parties' reports by the AU.

#### **IV. OBJECTIVES OF THE STATE REPORTING GUIDELINES**

11. The main objective of the State Reporting Guidelines is to provide a framework for State Parties to prepare and submit reports as envisaged under Article 49 of the Democracy Charter. These guidelines provide structure, scope and methodology for preparation, submission, review and follow up of implementation of concluding observations and recommendations that are made on the basis of the State Reports.

#### **V. THE INITIAL REPORT**

12. The State Party initial report shall determine the baseline conditions that will be used as a benchmark for the detailed review and assessment of the situation and performance of a given State Party over time. It shall provide an inaugural opportunity to State Parties to showcase the extent of their compliance with the Democracy Charter. The initial report must thus contain all the background information required in part A below. In addition, the implementation measures in part B must also be discussed with reference to the thematic areas highlighted in paragraph 2 above.

##### **A. Background Information**

13. The background information shall include:

- a) Information on the status of the Democracy Charter in the domestic legal order, answering the questions whether the Charter is directly applicable before domestic courts or it has been incorporated into domestic law? Furthermore, information should be provided on whether the Democracy Charter has been invoked before national courts, administrative authorities or in the political fora, citing clear examples.
- b) A brief description of State institutions relevant to the Democracy Charter and information on their budgetary allocation.
- c) A brief description of the operating environment of non-state actors in the State and existing regulatory frameworks.
- d) Principal constitutional, legislative and other instruments relevant to the implementation of the Democracy Charter.
- e) Information on the relevant international, continental and regional instruments ratified by the State Party, including information on any reservations and declarations made as well as status of reporting to the relevant Treaty obligations<sup>4</sup>.
- f) The consultation process followed by the State Party for the compilation of the Initial Report. This should include information on the participation by government Departments/Ministries, Election Management Bodies (EMBs), National Human Rights Institutions (NHRIs) and Non-governmental organisations (NGOs) including women's associations, youth organisations, minority groups, people with disabilities, the private sector and other relevant institutions and national stakeholders.
- g) Information on measures undertaken by the State Party to ensure wide dissemination of the content of the Democracy Charter and its implementation.

## **B. Implementation Measures**

**14.** The structure and content of this section shall be based on the thematic areas of the Democracy Charter (Chapters 4 - 9). States Parties shall provide specific details on the measures they have undertaken to give effect and implement the Charter as follows:

---

<sup>4</sup>The information provided shall indicate whether the State Party has ratified the following instruments: African Charter on Human and Peoples' Rights; Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; African Charter on the Rights and Welfare of the Child; the African Union Convention on Preventing and Combating Corruption; The New Partnership for Africa's Development; African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development; Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights; Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament; and any other relevant instruments.

- a) The Legislative measures that illustrate compliance with the Democracy Charter;
- b) Administrative/Executive measures taken to bring national laws in conformity with the Democracy Charter, such as budgetary allocations to institutions;
- c) Existing institutional mechanisms established or strengthened to give effect to the Democracy Charter.
- d) Policies and programmes and/or other measures created or strengthened to give effect to the Democracy Charter, not covered by (a) to (b) above.
- e) Disaggregated data, statistics and results on the implementation of the Democracy Charter such as political participation of women, provision of basic education, crime prevention and job creation.
- f) Challenges experienced in the implementation of the Democracy Charter, attempts made to overcome these challenges and outcome thereof.
- g) Gaps and opportunities for comparable lessons and experience sharing among States Parties
- h) Areas the State party may require technical support to facilitate effective implementation of the Charter.

## **VI. PERIODIC REPORTS**

15. Periodic reports must be structured so as to follow the order of the articles of the Democracy Charter. Where there are no new developments in relation to a provision, this should be stated.

16. Each periodic report must include but not limited to the following:

- a) Measures taken to implement each recommendation of the concluding observations and recommendations made by the Platform following the consideration of the previous report
- b) Measures taken to disseminate the concluding observations and recommendations following the consideration and adoption of the previous report by the Platform.
- c) Progress made in the implementation of the Democracy Charter since the last report.
- d) Challenges faced in the implementation of the Democracy Charter since the last report, and measures taken to address these challenges.
- e) Attachment of copies of any newly adopted or recently amended constitutional, legislative or administrative measures, as well as policies or programmes, since the consideration of the previous report.
- f) Information on the consultation process followed by the State Party for the compilation of the report. This should include information on the participation by government Departments/Ministries, Election Management Bodies

(EMBs), National Human Rights Institutions (NHRIs) and Non-governmental organisations (NGOs) including women's associations, youth organisations, minority groups, people with disabilities, the private sector and other relevant institutions.

- g) Gaps and opportunities for comparable lessons and experience sharing among States Parties
- h) Areas the State party may require technical support to facilitate effective implementation of the Charter.

## **VII. REPORT FORMAT**

- 17. The information in State Parties' reports shall be presented in a structured and concise manner. Even where complex situations are outlined, this shall not be excessively lengthy. Where possible, the initial report should not exceed 80 pages and periodic reports shall be no more than 40 pages.
- 18. The report shall be in A4 format, Arial, with a font size of 12 and a spacing of 1.5. Reports and supporting documentation should be made available in soft and hard copies.

## **VIII. SUPPORTING DOCUMENTATION**

- 19. States Parties shall submit together with their reports, including but not limited to the following supporting documents:
  - a) The most recent reports to regional human rights institutions/mechanisms such as the African Commission on Human and Peoples' Rights, African Committee of Experts on the Rights and Welfare of the Child, and APRM Country Review Reports.
  - b) The most recent reports to international human rights treaty bodies/mechanisms such as: the Committee on Economic Social and Cultural Rights, Human Rights Committee and the Human Rights Council (Universal Periodic Review Process); and
  - c) Any other relevant reports on issues related to the Democracy Charter.

## **IX. REPORT SUBMISSION**

- 20. Submission of the State Party report shall be done by a 'Competent National Authority' empowered to do so.
- 21. A State Party shall submit its report to the Chairperson of the AU Commission, who will submit a copy of the same to the relevant organs of the AU for appropriate action within their mandate, including evaluation on implementation of the Charter.

## **X. STATE PARTY REPORT REVIEW METHODOLOGY**

22. There shall be a two year reporting cycle for State Parties as stipulated under Article 49 of the Democracy Charter.
23. Upon receipt of the State Party's reports, the Commission through the AGA Secretariat shall submit a copy to the relevant Organs of the Union for appropriate action within their respective mandates as stipulated under Article 49(2) of the Democracy Charter.
24. The Platform, shall have three (3) months to review the reports and if need be notify the Commission on the need to call for additional/supplementary information or clarifications from a State Party or any other relevant stakeholder.
25. In case of need for addition/supplementary information or clarifications, the Commission shall communicate to the State Party, which shall have at least three months to respond to such additional/supplementary requests.
26. Upon satisfactory review of State Parties' reports, the Platform shall convene a Pre-Session for non-state actors from a State Party under review on selected specific elements of the report to promote inclusive participation of all relevant stakeholders in the state reporting and review process.
27. The Pre-Session shall precede a dialogue with State Party (Parties) under review that will be convened on the margins of the Platform's Political Annual meeting. The dialogue shall provide a forum for an interactive and constructive review and discussion of the State Party's report. The Platform may invite State Party (Parties) that is due for consideration or representatives of any relevant stakeholders to attend the dialogue. The Platform may at its discretion permit invited participants to make oral or submit written statements during the dialogue.
28. The AGA Secretariat shall prepare a list of issues or questions that will be communicated to the State Party under review in advance to enable the State Party to be prepared for the interactive and constructive dialogue on specific issues, while ensuring fairness and transparency.
29. Thereafter, the Platform will hold its annual meeting, which may be open or closed to among other things consider the State Party (Parties) reports and make concluding observations and recommendations.
30. The Annual Platform meeting will be convened as per the Platform Rules of Procedure.

31. Following the examination of the State report and interactive dialogue, a report containing the concluding observations and recommendations of the Platform shall be made to the State Party and relevant stakeholders.
32. The entire review process of each State Party report shall take no more than nine (9) months.
33. The Platform shall develop its rules and procedures for the process, procedures and methodology for review of the State Parties reports.

## **XI. MONITORING IMPLEMENTATION**

34. The AGP shall engage State Parties and relevant stakeholders during the examination of the State report and subsequent dialogue to discuss practical matters for continued collaboration and if need be technical support for effective implementation of the Charter as envisaged under Article 45 (b).
35. The Commission shall prepare and submit to the Assembly, through the Executive Council, a synthesised report on the implementation of the Charter as envisaged in Article 49(3) of the Democracy Charter.
36. The synthesised report shall contain specific and concise recommendations to the Assembly and State Parties on measures necessary to effectively implement the Democracy Charter.
37. In accordance with article 44 paragraph B of the Democracy Charter, the Platform and RECs shall liaise with national focal points to coordinate, evaluate and monitor implementation of the Democracy Charter and ensure massive participation of stakeholders, particularly civil society organisations, in the process.
38. The Platform shall develop a follow-up mechanism for the implementation of the concluding observations and recommendations on State Parties reports.

**Draft Rules of Procedures of the Specialized Technical Committee on Social  
Development, Labour and Employment**

## **GENERAL PROVISIONS**

The Executive Council,

**RECALLING** the provisions of Article 25 of the Treaty Establishing the African Economic Community;

**HAVING REGARD** to the Constitutive Act of the African Union, and in particular Articles 14, 15 and 16;

**HAVING REGARD** to Decisions Assembly/Dec. 227 (XII) and Assembly/Dec.365(XVII) on Specialized Technical Committees;

**HAS ADOPTED THESE RULES OF PROCEDURE:**

### **RULE 1 Definitions**

In these Rules:

**“Assembly”** means the Assembly of Heads of State and Government of the African Union;

**“Bureau”** means the Bureau of the Specialized Technical Committee on Social Development, Labour and Employment established under Rule 16;

**“Chairperson”** means the Chairperson of the Specialized Technical Committee on Social Development, Labour and Employment;

**“Commission”** means the Commission of the African Union;

**“Constitutive Act”** means the Constitutive Act of the African Union;

**“Executive Council”** means the Executive Council of Ministers of the African Union;

**“Member State”** means a Member State of the African Union;

**“National Delegation”** means Delegation composed of Officials of Government in charge of social development, Labour and Employment in Member States and Social Partners;

**“Observer”** means any person or institution including civil society invited to attend a session of the Specialized technical Committee of Social Development, Labour and Employment without a right to vote;

**“Rapporteur”** means the Rapporteur of the Specialized Technical Committee on Social Development, Labour and Employment established under Rule 16;

**“RECs”** means Regional Economic Communities;

**“Sanctions”** means the sanctions imposed by the Union under Articles 23 and 30 of the Constitutive Act;

**“Social development”** means processes of change that lead to improvements in human well-being, social relations and social institutions, and that are equitable,



sustainable, and compatible with principles of democratic governance and social justice;

“**Social Partners**” means the most representatives Organizations of Employers and Workers of Member States;

“**STC**” means a Specialized Technical Committee of the African Union;

“**STCs Coordination Mechanism**” means the Bureaus of all STCs of the African Union;

“**Union**” means the African Union established by the Constitutive Act;

“**Vice-Chairpersons**” unless specified otherwise, means the Vice-Chairpersons of the STC on Social Development, Labour and Employment.

## **RULE 2**

### **Status**

The STC on Social Development, Labour and Employment is an Organ of the Union in accordance with Article 5 (1) (g) of the Constitutive Act. It shall be responsible to the Executive Council.

## **RULE 3**

### **Composition**

1. The STC on Social Development, Labour and Employment shall be a tripartite organ composed of Ministers in charge of Social Development, Labour and Employment or such other Ministers or Authorities duly accredited by the Governments of Member States, and the Representatives of the most representative Employers and Workers’ Organizations at national, regional and continental levels.
2. The STC on Social Development, Labour and Employment includes Experts of the Government and social partners from Member States responsible for sectors falling within the areas of competence of the STC on Social Development, Labour and Employment, whose meetings shall precede the meetings at Ministerial level. Unless specified otherwise, the meeting of Experts shall be governed, with the necessary changes, by relevant provisions of these Rules.

## **RULE 4**

### **Accreditation**

National Delegations to sessions of the STC on Social Development, Labour and Employment shall be duly designated and accredited representatives of Government and Social Partners.

## **RULE 5**

### **Powers and Functions**

1. In addition to the functions provided for in Article 15 of the Constitutive Act of the Union, the STC on Social Development, Labour and Employment shall, inter-alia:
  - a) promote and develop cooperation among African countries in the field of social protection, labour, employment, productivity and poverty alleviation;
  - b) review and harmonize labour and employment policies and legislation of Member States;
  - c) promote health and safety in the workplace;
  - d) review and harmonize social security/social protection legislation to extend coverage, in particular to excluded categories of workers;
  - e) consider issues relating to migrant workers in accordance with all relevant legal and policy frameworks on migrant workers;
  - f) study issues of labour, employment and productivity, social protection/security and poverty alleviation affecting or likely to affect the African continent, and proposing appropriate recommendations to the Council of ministers for submission to the Assemble of Heads of State and Government;
  - g) consider and develop appropriate response to social, labour and employment issues in Africa in collaboration with International Labour Organization and other Specialized Agencies of the United Nations or any other Organization;
  - h) coordinate a common African position in order to present a united front that advances African interests both at the international Labour Conference (ILC), and at any other international forums dealing with labour, social protection, productivity and employment issues;
  - i) promote tripartism and freedom of association in Africa, collective bargaining and decent work in Africa for tripartite consensus in the fields of labour, social protection/security, productivity and employment;
  - j) ensure that RECs are fully involved in the implementation of the AU policies on social development, labour, and employment;
  - k) review and assess progress made by Member States and RECs in implementing the various instruments in the area of social development, labour, and employment , identify gaps, constraints and best practices;
  - l) review and assess progress made in implementing all relevant policy frameworks in the area of social development, labour and employment;

- m) adopt recommendations to enhance social development and integration in Africa and promote the rights and welfare of the most vulnerable group of the society;
  - n) share and exchange good practices on social development, labour and employment in Member States including policies and programmes;
  - o) carry out any other functions assigned to it by the Executive Council or the Assembly.
2. The STC on Social Development, Labour and Employment may set up Sub-committees and ad hoc working groups, as it deems necessary and shall determine their mandate, composition and functioning.

## **RULE 6**

### **Venue**

1. The Ordinary Sessions of the STC on Social Development, Labour and Employment shall be held at the Headquarters of the Union, unless a Member State offers to host any such session.
2. In the event the session is held outside the Headquarters of the Union, the host Member State shall be responsible for all extra expenses incurred by the Commission as a result of holding the session outside the Headquarters.
3. In conformity with Rule 5 (3) of the Rules of Procedure of the Assembly, Member States offering to host sessions of the STC on Social Development, Labour and Employment shall not be under sanctions and shall be required to meet pre-determined criteria, including adequate logistical facilities and a conducive political atmosphere.
4. Where two (2) or more Member States offer to host a session, the STC on Social Development, Labour and Employment shall decide on the venue by simple majority.
5. Where a Member State that had offered to host a session of the STC on Social Development, Labour and Employment is unable to do so, the session shall be held at the Headquarters of the Union, unless a new offer is received and accepted by Member States.

## **RULE 7**

### **Convening of Sessions**

The Commission shall be responsible for convening and servicing all the meetings of the STC on Social Development, Labour and Employment.

**RULE 8**  
**Quorum**

1. The quorum for a Ministerial session of the STC on Social Development, Labour and Employment shall be two-thirds majority of National Delegations eligible to vote.
2. The quorum for meetings of Experts, Sub-committees or ad hoc working groups of the STC on Social Development, Labour and Employment shall be a simple majority.

**RULE 9**  
**Ordinary Sessions**

The STC on Social Development, Labour and Employment shall meet once every two (2) years.

**RULE 10**  
**Agenda of Ordinary Sessions**

1. The STC on Social Development, Labour and Employment shall adopt its Agenda at the opening of each session.
2. The Provisional Agenda of an ordinary session shall be drawn up by the Commission in consultation with the Bureau of the STC on Social Development, Labour and Employment and may include item (s) proposed by Member States and Social Partners. The Commission shall communicate the provisional agenda and the working documents to Government of Member States and Social Partners at least thirty (30) days before the opening of the session to be submitted for adoption by the plenary.
3. Notwithstanding sub rule 2, the Commission shall, in consultation with the Bureau, prepare a draft provisional agenda and circulate it Member States one (1) year before the opening of the session.

**RULE 11**  
**Other Agenda Items**

Any additional agenda item, which a National Delegation wishes to raise at a session of the STC on Social Development, Labour and Employment, shall only be considered under the agenda item "Any Other Business". Such agenda items shall be for information only and not subject to debate or decision.

**RULE 12**  
**Extraordinary Sessions**

1. The STC on Social Development, Labour and Employment may meet in an extraordinary session, subject to availability of funds, at the request of:

- a) the policy organs of the Union,
  - b) the STC on Social Development, Labour and Employment itself,
  - c) the Bureau, in consultation with the Commission, on urgent matters; or
  - d) any National Delegation from Member State, upon approval by a two-thirds majority of the Member States.
2. The extraordinary sessions shall be held in conformity with Rule 6 above.

### **RULE 13**

#### **Agenda of Extraordinary Sessions**

The Commission shall communicate the Provisional Agenda and working documents of an extraordinary session to Member States and Social Partners at least fifteen (15) days before the opening of the session.

The Agenda of an extraordinary session shall comprise only the item(s) requiring the urgent attention of the STC on Social Development, Labour and Employment.

### **RULE 14**

#### **Open and Closed Sessions**

All the sessions of the STC on Social Development, Labour and Employment shall be closed. The STC on Social Development, Labour and Employment may, however, decide by simple majority whether any of its sessions shall be open.

### **RULE 15**

#### **Working Languages**

The working languages of the STC on Social Development, Labour and Employment shall be those of the Union.

### **RULE 16**

#### **Bureau**

1. The STC on Social Development, Labour and Employment shall, on the basis of the principles of rotation, geographical, gender, sectoral distribution and tripartism, elect, after due consultations, a Chairperson and other members of the Bureau, namely, three (3) Vice-Chairpersons as well as a Rapporteur.
2. The Members of the Bureau shall hold office for a period of two (2) years.
3. The Bureau will meet at least once every year.

## **RULE 17**

### **Duties of the Chairperson and Other Members of the Bureau**

4. The Chairperson shall:
  - g) Confirm that a quorum is attained before the commencement of a session,
  - h) Preside over all the proceedings of the Ordinary and Extraordinary sessions;
  - i) open and close the sessions;
  - j) submit for approval the records of the sessions;
  - k) guide the proceedings;
  - l) submit to a vote matters under discussion and announce the results of the vote taken;
  - m) rule on points of order;
  - n) ensure order and decorum during the proceedings of the sessions;
  - o) attend the sessions of the Executive Council and take part in the annual meeting of the Bureaus of all STCs..
5. In the absence of the Chairperson or in case of a vacancy, the Vice-Chairpersons or the rapporteur in order of their precedence shall act as the Chairperson.
6. The Rapporteur shall assist in the preparation of reports and recommendations as well as presenting them to the plenary for adoption.

## **RULE 18**

### **Attendance and Participation**

1. In accordance with Rule 4, the Ministers in charge of Social Development, Labour and Employment shall attend and participate personally in the sessions. In the event that they are not in a position to attend personally, duly accredited representatives shall represent them.
2. The duly designated and accredited Representatives of the Social Partners shall equally attend and participate personally in the STC sessions.
3. The Government of each Member State shall meet the expenses of its tripartite National Delegation.
4. The Representatives of the Organs of the Union and Regional Economic Communities (RECs) shall be invited to attend the sessions of the STC on Social Development, Labour and Employment.

5. The STC on Social Development, Labour and Employment may invite, as Observer, any person or Institution to attend its sessions. Such Observer may be invited to make written or oral interventions but shall not be entitled to vote

**RULE 19**  
**Majority required for decisions**

2. The STC on Social Development, Labour and Employment shall take all its decisions by consensus, failing which:
  - a) at the Ministerial level, by a two-thirds majority of National Delegations present and eligible to vote;
  - b) at the Experts' level, by a simple majority of National Delegations present and eligible to vote.
3. Decisions on questions of procedure shall be taken by a simple majority of National Delegations present and eligible to vote.
4. Decisions on whether or not a question is one of procedure shall also be determined by a simple majority of National Delegations present and eligible to vote.
5. Abstention by a National Delegation eligible to vote shall not prevent the adoption by the STC on Social Development, Labour and Employment of decisions by consensus.

**RULE 20**  
**Amendment of Decisions**

3. A proposed decision or an amendment (s) thereof may at any time, prior to it being submitted to a vote be, withdrawn by the initiator.
4. Any other National Delegation may reintroduce the proposed decision or amendment that has been withdrawn.

**RULE 21**  
**Point of Order**

1. During deliberations on any matter, a National Delegate may raise a point of order. The Chairperson, in accordance with these Rules, shall immediately decide on the point of order.
2. The National Delegation concerned may appeal against the ruling of the Chairperson. The ruling shall immediately be put to a vote and decided upon by simple majority.

3. In raising a point of order, the National Delegation concerned shall not speak on the substance of the issue under discussion.

## **RULE 22**

### **List of Speakers and Use of the Floor**

1. The Chairperson shall, subject to Article 23 of the Constitutive Act, during the debate, grant the use of the floor in the order in which the speakers indicate their intention.
2. A delegation or other invitee shall not have the floor without the consent of the Chairperson.
3. The Chairperson shall, on procedural questions, limit each intervention to a maximum of three (3) minutes
3. The Chairperson may, during the debate:
  - a) read out the list of speakers and declare the list closed;
  - b) accord the right of reply to any delegation where in his/her opinion a statement made after the list is closed justifies the right of reply
  - c) call to order any speaker whose statement deviates from the issue under discussion; and,
  - d) limit the time allowed to each delegation, where necessary, irrespective of the issue under discussion, subject to sub Rule 3 of this Rule.

## **RULE 23**

### **Closure of Debate**

When a matter has been sufficiently discussed and the list of speakers have been exhausted, the Chairperson shall close the debate at his/her discretion.

## **RULE 24**

### **Suspension or Adjournment of the Meeting**

During the discussion of any matter, a National Delegate may move for the suspension or adjournment of the meeting. No discussion on such motions shall be permitted. The Chairperson shall immediately put such motion to a vote.



**RULE 25**  
**Order of Procedural Motions**

Subject to Rule 21, the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:

- a) suspend the meeting;
- b) adjourn the meeting;
- c) Adjourn the debate on the item under discussion;
- d) Close the debate on the item under discussion.

**RULE 26**  
**Voting Rights**

1. Where the matter is purely related to social development, such as but not limited to disability, children, older persons, the African family, each Member State shall have one (1) vote, that of the Government provided that it is present and voting. On other matters, each eligible National Delegation shall have two (2) votes for the Government, one (1) vote for the Employers and one (1) vote for the Workers provided that they are present and voting.
2. National Delegation from Member States, subject to sanctions under Article 23 of the Constitutive Act, shall not have the right to a vote.

**RULE 27**  
**Consensus and Vote on Decisions**

After the debate has been closed, and there is no consensus, the Chairperson shall immediately put to a vote the proposal with all the amendments. The vote shall not be interrupted except on a point of order related to the manner in which the vote is being taken.

**RULE 28**  
**Vote on Amendments**

1. A proposal shall be considered as an amendment to a text if it adds or removes there from.
2. When there is no consensus, the Chairperson shall put all amendments to vote.

**RULE 29**  
**Methods of Voting**

The Methods of Voting shall be determined by the STC on Social Development, Labour and Employment.

**RULE 30**  
**Decisions and Reporting**

5. The Ministerial session of the STC shall take decisions on issues falling within its competence, except where there are attendant financial and structural implications in accordance with Decision/Assembly/AU/Dec.582(XXV) on streamlining of the AU Summits and its working methods.
6. Without prejudice to sub paragraph 1 of this Rule, the Executive Council may, if necessary, consider decisions of the STC at the request of any Member State.

**RULE 31**  
**Evaluation of Implementation of Recommendations**

The Commission shall present a report to the STC on Social Development, Labour and Employment on the implementation of its previous recommendations

**RULE 32**  
**Implementation**

The STC on Social Development, Labour and Employment may develop guidelines and supplementary measures to give effect to these Rules.

**RULE 33**  
**Amendments**

The STC on Social Development, Labour and Employment may propose to the Executive Council amendments to these Rules.

**RULE 34**  
**Entry into Force**

**These Rules shall enter into force upon their approval by the Executive Council.**

Adopted by the.....Ordinary Session of the Executive Council, held.....

**AFRICAN UNION**

**الاتحاد الأفريقي**



**UNION AFRICAINE**

**UNIÃO AFRICANA**

---

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone 002511-115 517 700 Cables: OAU, Addis Ababa  
website : [www.africa-union.org](http://www.africa-union.org)

---

**DRAFT**  
**RULES OF PROCEDURE OF THE SPECIALIZED**  
**TECHNICAL COMMITTEE ON YOUTH, CULTURE AND**  
**SPORT**

## **GENERAL PROVISION**

The Executive Council,

Having regard to the Constitutive Act of the African Union, and in particular Article 16,

**HAS ADOPTED THESE RULES OF PROCEDURE:**

### **RULE 1 Use of terms**

In these Rules:

**“Assembly”** means the Assembly of Heads of State and Government of the African Union;

**“Chairperson”** means the Chairperson of the Specialized Technical Committee on Youth, Culture and Sports;

**“Commission”** means the Secretariat of the African Union;

**“Constitutive Act”** means the Constitutive Act of the African Union;

**“Executive Council”** means the Executive Council of Ministers of the African Union;

**“Member State”** means a Member State of the African Union;

**“STC”** means a Specialized Technical Committee of the African Union;

**“Union”** means the African Union established by the Constitutive Act;

**“Vice-Chairpersons”** unless specified otherwise, means the Vice-Chairpersons of the STC on Youth, Culture and Sports.

### **RULE 2 Status**

The STC on Youth, Culture and Sports is an Organ of the Union in accordance with Article 5 (1) (g) of the Constitutive Act. It shall be responsible to the Executive Council.

### **RULE 3 Composition**

1. The STC on Youth, Culture and Sports be composed of Ministers in charge of Youth, Culture and Sports from Member States.

2. The session of the STC on Youth, Culture and Sports is preceded and prepared by a meeting of Experts from Member States responsible for sectors falling within the areas of competence of the STC on Youth, Culture and Sports. The meeting of Experts shall be governed, *mutatis mutandis*, by relevant provisions of these Rules.

#### **RULE 4 Accreditation**

Delegations of Member States to sessions of the STC on Youth, Culture and Sports shall be duly accredited representative of Member States.

#### **RULE 5 Powers and Functions**

- a) In addition to the functions provided for in Article 15 of the Constitutive Act of the Union, the STC on Youth, Culture and Sports shall, inter-alia:
- b) consider and approve the report from the AUC regarding the implementation of Decisions of AU Policy Organs on Youth, Culture and Sports development;
- c) consider policies and strategies for the harmonization/rationalization of the Ministerial different portfolios at the national level with the STC's portfolio and mandate;
- d) consider resources mobilization and institutional partnership strategies for the sustainable development of the sectors and for the funding of the Committee meetings;
- e) consider the progress made in the implementation of the Plan of action for the Decade for youth development 2009-2018 including the Youth Volunteer Corps, the youth capacity building and the TVET project in post conflict countries;
- f) consider the progress made regarding the ratification and implementation of the African Youth Charter, the Charter for the African Cultural Renaissance and the Policy Framework for the Sustainable development of Sport in Africa;
- g) consider the progress made in the implementation of programmes and policies relating to the promotion of the youth, culture and sports;
- h) consider the progress made regarding the establishment of the new Architecture for Sport development;
- i) consider the progress made regarding the establishment of the new Architecture for culture development in Africa: Pan African Cultural Institute and the Pan African Film Commissions;

- j) consider the progress made in the implementation of the adult education and lifelong learning;
  - k) carry out any other functions assigned to it by the Executive Council or the Assembly.
2. The STC on Youth, Culture and Sports may set up Sub-committees and temporary working groups, as it deems necessary.
  3. The functioning, mandate, composition of such Sub-committees and temporary working groups shall be determined by the STC on Youth, Culture and Sports. .

#### **RULE 6** **Venue**

1. The Ordinary Sessions of the STC on Youth, Culture and Sports shall be held at the Headquarters of the Union.
2. In the event the session is held outside the Headquarters of the Union, the host Member State shall be responsible for all extra expenses incurred by the Commission as a result of holding the session outside the Headquarters.
3. In conformity with Rule 5 (3) of the Rules of Procedure of the Assembly, Member States offering to host sessions of the STC on Youth, Culture and Sports shall not be Member States that are under sanctions and shall be required to meet pre-determined criteria, including adequate logistical facilities and a conducive political atmosphere.
4. Where two (2) or more Member States offer to host a session, the STC on Youth, Culture and Sports shall decide on the venue by simple majority.
5. Where a Member State that had offered to host a session of the STC on Youth, Culture and Sports is unable to do so, the session shall be held at the Headquarters of the Union, unless a new offer is received and accepted by Member States.

#### **RULE 7** **Convening of Sessions**

The Commission shall be responsible for convening and servicing all the meetings of the STC on Youth, Culture and Sports.

#### **RULE 8** **Quorum**

1. The quorum for a session of the STC on Youth, Culture and Sports shall be two-third majority of the Member States eligible to vote.

2. The quorum for meetings of the Sub-committees or temporary working groups of the STC on Youth, Culture and Sports shall be a simple majority.

### **RULE 9 Ordinary Sessions**

The STC on Youth, Culture and Sports shall meet once every two (2) years.

### **RULE 10 Agenda of Ordinary Sessions**

1. The STC on Youth, Culture and Sports shall adopt its Agenda at the opening of each session.
2. The Provisional Agenda of an ordinary session shall be drawn up by Commission in consultation with the Bureau of the STC on Youth, Culture and Sports and may include item (s) proposed by Member States. The Commission shall communicate the provisional agenda and the working documents to Member States at least thirty (30) days before the opening of the session.

### **RULE 11 Other Agenda Items**

Any additional agenda item, which a Member State wishes to raise at a session of the STC on Youth, Culture and Sports, shall only be considered under the agenda item "Any Other Business". Such agenda items shall be for information only and not subject to debate or decision.

### **RULE 12 Extraordinary Sessions**

3. The STC on Youth, Culture and Sports may meet in an extraordinary session at the request of the policy organs of the Union, the STC on Youth, Culture and Sports or the Commission subject to availability of funds.
4. The extraordinary sessions shall be held at the Headquarters of the Union unless a member state invites the STC on Youth, Culture and Sports to meet in its Country.
3. The Rule on Venue for Ordinary Session shall apply to Extraordinary Session.

**RULE 13**  
**Agenda of Extraordinary Sessions**

1. The Commission shall communicate the Provisional Agenda and working documents of an extraordinary session to Member States at least fifteen (15) days before the opening of the session.
2. The Agenda of an extraordinary session shall comprise only of the item(s) requiring the urgent attention of the STC on Youth, Culture and Sports.

**RULE 14**  
**Open and Closed Sessions**

All the sessions of the STC on Youth, Culture and Sports shall be closed. It may, however, decide by simple majority whether any of its sessions shall be open.

**RULE 15**  
**Working Languages**

The working languages of the STC on Youth, Culture and Sports shall be those of the Union.

**RULE 16**  
**Bureau**

1. The STC on Youth, Culture and Sports shall, on the basis of rotation and geographical distribution, elect, after due consultations, a Chairperson and other members of the Bureau, namely, three (3) Vice-Chairpersons as well as a Rapporteur.
2. The Members of the Bureau shall hold office for a period of two (2) years.
3. The Bureau will meet at least once every year.

**RULE 17**  
**Duties of the Chairperson**

7. The Chairperson shall:
  - a) Preside over all the proceedings of the Ordinary and Extraordinary sessions;
  - b) open and close the sessions;
  - c) submit for approval the records of the sessions;
  - d) guide the proceedings;
  - e) submit to a vote matters under discussion and announce the results of the vote taken;
  - f) rule on points of order.



8. The Chairperson shall ensure order and decorum during the proceedings of the sessions.
9. In the absence of the Chairperson or in case of a vacancy, the vice-Chairpersons or the rapporteur in order of their election shall act as the Chairperson.
10. The Chairperson shall attend the sessions of the Executive Council and the annual meeting of the Bureaus of all STCs.

**RULE 18**  
**Attendance and Participation**

1. In accordance with Rule 4, the Ministers in charge of Youth, Culture and Sports shall attend and participate personally in the sessions. In the event that they are not in a position to attend personally, duly accredited representatives shall represent them.
2. The Representatives of the Organs of the Union and Regional Economic Communities (RECs) shall be invited to attend the sessions of the STC on Youth, Culture and Sports.
3. The STC on Youth, Culture and Sports may invite, as Observer, any person or Institution to attend its sessions.

**RULE 19**  
**Majority required for decisions**

6. The STC on Youth, Culture and Sports shall take all its decisions by consensus failing which, by a two-thirds majority of the Member States eligible to vote.
7. Decisions on questions of procedure shall be taken by a simple majority of Member States eligible to vote.
8. Decisions on whether or not a question is one of procedure shall also be determined by a simple majority of Member States eligible to vote.
9. Abstentions by Member States eligible to vote shall not prevent the adoption by the STC on Youth, Culture and Sports of decisions by consensus.

**RULE 20**  
**Adoption of Decisions**

1. A proposed decision or an amendment (s) thereof may at any time, prior to it being submitted to a vote be withdrawn by the initiator.
2. Any other Member State may reintroduce the proposed decision or amendment that has been withdrawn.

**RULE 21**  
**Point of Order**

1. During deliberations on any matter, a Member State may raise a point of order. The Chairperson, in accordance with these Rules, shall immediately decide on the point of order.
2. The Member State concerned may appeal against the ruling of the Chairperson. The ruling shall immediately be put to a vote and decided upon by simple majority.
3. In raising a point of order, the Member State concerned shall not speak on the substance of the issue under discussion.

**RULE 22**  
**List of Speakers and Use of the Floor**

1. The Chairperson shall, subject to Article 23 of the Constitutive Act, during the debate, grant the use of the floor in the order in which the speakers indicate their intention.
2. A delegation or other invitee shall not have the floor without the consent of the Chairperson.
3. The Chairperson may, during the debate:
  - b) read out the list of speakers and declare the list closed;
  - c) call to order any speaker whose statement deviates from the issue under discussion;
  - d) accord the right of reply to any delegation where in his/her opinion a statement made after the list is closed justifies the right of reply; and
  - e) limit the time allowed to each delegation irrespective of the issue under discussion, subject to sub Rule 4 of this Rule.
4. The Chairperson shall, on procedural questions, limit each intervention to a maximum of three (3) minutes.

**RULE 23**  
**Closure of Debate**

When a matter has been sufficiently discussed, the Chairperson shall close the debate at his/her discretion.

**RULE 24**  
**Suspension or Adjournment of the Meeting**

During the discussion of any matter, a Member State may move for the suspension or adjournment of the meeting. No discussion on such motions shall be permitted. The Chairperson shall immediately put such motion to a vote.

**RULE 25**  
**Order of Procedural Motions**

Subject to Rule 21, the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:

- a. suspend the meeting;
- b. adjourn the meeting;
- c. Adjourn the debate on the item under discussion;
- d. Close the debate on the item under discussion.

**RULE 26**  
**Voting Rights**

1. Each eligible Member State shall have one vote.
2. Member States, subject to sanctions under Article 23 of the Constitutive Act, shall not have the right to a vote.

**RULE 27**  
**Vote on Decisions**

After the debate has been closed, the Chairperson shall immediately put to a vote the proposal with all the amendments. The vote shall not be interrupted except on a point of order related to the manner in which the vote is being taken.

**RULE 28**  
**Vote on Amendments**

1. A proposal shall be considered as an amendment to a text if it adds or removes there from.
2. The Chairperson shall put all amendments to vote when there is no consensus.

**RULE 29**  
**Methods of Voting**

The Methods of Voting shall be determined by the STC on Youth, Culture and Sports.

**RULE 30**  
**Decisions and Reporting**

1. The Ministerial session of the STC shall take decisions on issues falling within its competence, except where there are attendant financial and structural implications in accordance with Decision/Assembly/AU/Dec.582(XXV) on streamlining of the AU Summits and its working methods.
2. Without prejudice to sub paragraph 1 of this Rule, the Executive Council may, if necessary, consider decisions of the STC at the request of any Member State.

**RULE 31**  
**Implementation**

The STC on Youth, Culture and Sports may lay down guidelines and supplementary measures to give effect to these Rules.

**RULE 32**  
**Amendments**

The STC on Youth, Culture and Sports may propose to the Executive Council amendments to these Rules.

**RULE 33**  
**Entry into Force**

**These Rules shall enter into force upon their approval by the Executive Council.**

**Adopted by the.....Ordinary Session of the Executive Council, held**

**Draft Rules of Procedure of the Specialized Technical Committee on  
Education, Science and Technology**

## **PREAMBLE**

### **The Executive Council,**

Having regard to Article 25 of the Treaty Establishing the African Economic Community and the Constitutive Act of the African Union, and in particular Articles 14, 15 and 16,

Having regard to Decisions Assembly/Dec. 227 (XII) and Assembly/Dec. 365 (XVII) on Specialized Technical Committees,

**HAS ADOPTED THESE RULES OF PROCEDURE:**

### **RULE 1 Definitions**

In these Rules:

“**AOSTI**” means the African Observatory on Science, Technology and Innovation;

“**Assembly**” means the Assembly of Heads of State and Government of the African Union;

“**Chairperson**” means the Chairperson of the Specialized Technical Committee on Education, Science and Technology;

“**Commission**” means the Commission of the African Union;

“**Constitutive Act**” means the Constitutive Act of the African Union;

“**Education Observatory**” means the Pan-African Institute for Education Development which is a specialized institution of the African Union charged with the responsibility to function as Africa’s Education Observatory;

“**Executive Council**” means the Executive Council of Ministers of the African Union;

“**Member State**” means a Member State of the African Union;

“**Observer**” means any person or institution invited to attend a session of the Specialized Technical Committee on Education, Science and Technology without a right to vote;

“**STC**” means a Specialized Technical Committee of the African Union;

“**Union**” means the African Union established by the Constitutive Act;

**STCs Coordination Mechanism”** means the Bureaus of all STCs of the African Union;

**Vice-Chairpersons”** unless specified otherwise, means the Vice-Chairpersons of the STC on Education, Science and Technology.

## **RULE 2 Status**

The STC on Education, Science and Technology is an Organ of the Union in accordance with Article 5 (1) (g) of the Constitutive Act. It shall be responsible to the Executive Council.

## **RULE 3 Composition**

1. The STC on Education, Science and Technology shall be composed of Ministers in charge of Education, Science and Technology or such other Ministers or authorities duly accredited by the Governments of Member States.
2. The STC on Education, Science and Technology includes Experts from Member States responsible for sectors falling within the areas of competence of the STC on Education, Science and Technology, whose meetings shall precede the Meetings at Ministerial level. Unless specified otherwise, the meetings of Experts shall be governed, *mutatis mutandis*, by relevant provisions of these Rules.

## **RULE 4 Designation of delegates**

Delegations of Member States to sessions of the STC on Education, Science and Technology shall be duly designated and accredited representatives of Member States.

## **RULE 5 Functions and Powers**

1. In addition to the functions provided for in Article 15 of the Constitutive Act of the Union, the STC on Education, Science and Technology shall, inter-alia:
  - a) elaborate, adopt, and monitor the implementation of the African Continental Strategy for Education, the Continental Strategy for Technical and Vocational Education and Training, and other African Union strategies and programmes and plans of action in education and training;
  - b) ensure that Member States provide education data to the African Union Education Observatory;
  - c) ensure that Member States provide Science, Technology and Innovation data to the African Observatory on Science, Technology and Innovation Indicators (AOSTI);

- d) establish performance indicators and receive reports on the performance of national, regional and continental agencies and institutions in education, training, science, technology and innovation;
- e) review and endorse initiatives and proposals to promote the co-ordination and the strengthening of education, training, science, technology and innovation programmes and interventions in the region;
- f) monitor the implementation of the Science, Technology and Innovation Strategy for Africa (STISA 2024) and other African Union strategies, policy frameworks and plans of action in science, technology and innovation at national, regional, and continental levels;
- g) facilitate policy dialogue at the national, regional and continental levels between Member States and between the African Union and Regional Economic Communities on matters of education, training science, technology and innovation;
- h) engage with Member States to mobilize resources to support the implementation of programmes and projects endorsed by the STC Education, Science and Technology;
- i) engage with international development partners and the African Diaspora to mobilize resources to support capacity building programmes for the implementation of identified projects, programmes and priority actions;
- j) monitor , follow-up and evaluate the implementation of decisions taken by the Policy Organs of the Union in the areas of education, training, science, technology and innovation;
- k) ensure the coordination and harmonization of projects and programmes of the Union;
- l) oversee the promotion, co-ordination and the strengthening of Education, Training, Science, Technology and Innovation programmes for the accelerated socio-economic sustainable growth of Africa and in response to the Sustainable Development Goals;
- m) implement programmes and projects in support of the Sustainable Development Goals;
- n) submit to the policy organs of the Union either on its own initiative or at the request of the policy organs, reports and recommendations on the implementation of the provisions of its portfolio;
- o) oversee annual work plans of the Commission on education, training, science, technology and innovation;



- p) carry out any other functions assigned to it by the policy organs of the Union.
2. The STC on Education, Science and Technology may set up such Sub-committees or ad hoc working groups, as it deems necessary and shall determine their mandate, composition and functioning.

## **RULE 6**

### **Venue**

1. The Sessions of the STC on Education, Science and Technology shall be held at the Headquarters of the Union, unless a Member State offers to host any such session.
2. In the event the Session is held outside the Headquarters of the Union, the host Member State shall be responsible for all extra expenses incurred by the Commission as a result of holding the session outside the Headquarters.
3. In conformity with Rule 5 (3) of the Rules of Procedure of the Assembly, Member States offering to host sessions of the STC on Education, Science and Technology shall not be under sanctions and shall be required to meet pre-determined criteria, including adequate logistical facilities and a conducive political atmosphere.
4. Where two (2) or more Member States offer to host a session, the STC on Education, Science and Technology shall decide on the venue by simple majority.
5. Where a Member State that had offered to host a session of the STC on Education, Science and Technology is unable to do so, the session shall be held at the Headquarters of the Union, unless a new offer is received and accepted by Member States.

## **RULE 7**

### **Convening of Sessions**

The Commission shall be responsible for convening and servicing all the meetings of the STC on Education, Science and Technology.

## **RULE 8**

### **Quorum**

1. The quorum for a Ministerial session of the STC on Education, Science and Technology shall be two-thirds majority of the Member States eligible to vote.
2. The quorum for meetings of Experts, Sub-committees or ad hoc working groups of the STC on Education, Science and Technology shall be a simple majority.

**RULE 9**  
**Ordinary Sessions**

The STC on Education, Science and Technology shall meet in ordinary session once every two (2) years.

**RULE 10**  
**Agenda of Ordinary Sessions**

1. The STC on Education, Science and Technology shall adopt its Agenda at the opening of each session.
2. The Provisional Agenda of an ordinary session shall be drawn up by the Commission in consultation with the Bureau of the STC on Education, Science and Technology and may include item (s) proposed by Member States. The Commission shall communicate the provisional agenda and the working documents to Member States at least thirty (30) days before the opening of the session.

**RULE 11**  
**Other Items included in the Agenda**

Any additional agenda item, which a Member State wishes to raise at a session of the STC on Education, Science and Technology, shall only be considered under the agenda item "Any Other Business". Such agenda items shall be for information only and not subject to debate or decision.

**RULE 12**  
**Extraordinary Sessions**

1. The STC on Education, Science and Technology may meet in an extraordinary session, subject to availability of funds, at the request of:
  - a) the policy organs of the Union,
  - b) the STC on Education, Science and Technology or the Commission itself, or
  - c) any Member State, upon approval by a two-thirds majority of the Member States.
2. The extraordinary sessions shall be held in conformity with Rule 6 above.

**RULE 13**  
**Agenda of Extraordinary Sessions**

1. The Commission shall communicate the Provisional Agenda and working documents of an extraordinary session to Member States at least fifteen (15) days before the opening of the session.
2. The Agenda of an extraordinary session shall comprise only the item(s) requiring urgent attention of the STC on Education, Science and Technology.

**RULE 14**  
**Open and Closed Sessions**

All the sessions of the STC on Education, Science and Technology shall be closed. It may, however, decide by simple majority whether any of its sessions shall be open.

**RULE 15**  
**Working Languages**

The working languages of the STC on Education, Science and Technology shall be those of the Union.

**RULE 16**  
**Bureau**

1. The STC on Education, Science and Technology shall, on the basis of rotation and geographical distribution, elect, after due consultations, a Chairperson. He/she shall be assisted by other members of the Bureau, namely, three (3) Vice-Chairpersons as well as a Rapporteur elected on the basis of agreed geographical distribution and after due consultations.
2. The Members of the Bureau shall hold office for a period of two (2) years.
3. The Bureau will meet at least once every year.

**RULE 17**  
**Duties of the Chairperson**

1. The Chairperson shall:
  - a) preside over all the proceedings of the Ordinary and Extraordinary sessions;
  - b) open and close the sessions;
  - c) submit for approval the records of the sessions;
  - d) guide the proceedings;
  - e) in the absence of a consensus submit to a vote matters under discussion and announce the results of the vote taken;
  - f) rule on points of order.
2. The Chairperson shall ensure order and decorum during the proceedings of the sessions.
3. In the absence of the Chairperson or in case of a vacancy, the Vice-Chairpersons or the Rapporteur in order of their election shall act as the Chairperson.
4. The Chairperson shall attend the sessions of the Executive Council and take part in the annual meeting of the STCs Coordination Mechanism.

**RULE 18**  
**Attendance and Participation**

1. In accordance with Rule 4, the Ministers in charge of Education, Science and Technology shall attend and participate personally in the sessions. In the event that they are not in a position to attend personally, duly accredited representatives shall represent them.
2. The Representatives of the Organs of the Union and of Regional Economic Communities (RECs) shall be invited to attend the sessions of the STC on Education, Science and Technology.
3. The STC on Education, Science and Technology may invite, as Observer, any person or Institution to attend its sessions. Such Observer may be invited to make written or oral interventions but shall not be entitled to vote.

**RULE 19**  
**Majority Required for Decisions**

1. The STC on Education, Science and Technology shall take all its decisions by consensus or, failing which:
  - a) at the Ministerial level, by a two-thirds majority of the Member States present and eligible to vote;
  - b) at the Experts level, by a simple majority of the Member States present and eligible to vote
2. Decisions on questions of procedure shall be taken by a simple majority of Member States eligible to vote.
3. Decisions on whether or not a question is one of procedure shall also be determined by a simple majority of Member States eligible to vote.
4. Abstention by a Member State eligible to vote shall not prevent the adoption by the STC on Education, Science and Technology of decisions by consensus.

**RULE 20**  
**Amendment of Decisions**

1. The proposed decision or an amendment thereof may at any time, prior to it being submitted to a vote, be withdrawn by the initiator.
2. Any other Member State may reintroduce the proposed decision or amendment that has been withdrawn.

**RULE 21**  
**Point of Order**

1. During deliberations on any matter, a Member State may raise a point of order. The Chairperson, in accordance with these Rules, shall immediately decide on the point of order.
2. The Member State concerned may appeal against the ruling of the Chairperson. The ruling shall immediately be put to a vote and decided upon by simple majority.
3. In raising a point of order, the Member State concerned shall not speak on the substance of the issue under discussion.

**RULE 22**  
**List of Speakers and Use of the Floor**

1. The Chairperson shall, subject to Article 23 of the Constitutive Act, during the debate, grant the use of the floor in the order in which the speakers indicate their intention.
2. A delegation or other invitee shall not have the floor without the consent of the Chairperson.
3. The Chairperson may, during the debate:
  - a) read out the list of speakers and declare the list closed;
  - b) call to order any speaker whose statement deviates from the issue under discussion;
  - c) accord the right of reply to any delegation where in his/her opinion a statement made after the list is closed justifies the right of reply; and
  - d) limit the time allowed to each delegation irrespective of the issue under discussion, subject to sub Rule 4 of this Rule.
4. The Chairperson shall, on procedural questions, limit each intervention to a maximum of three (3) minutes.

**RULE 23**  
**Closure of Debate**

When a matter has been sufficiently discussed, the Chairperson shall close the debate at his/her discretion.

**RULE 24**  
**Suspension or Adjournment of the Meeting**

During the discussion of any matter, a Member State may move for the suspension or adjournment of the meeting. No discussion on such motions shall be permitted. The Chairperson shall immediately put such motion to a vote.

**RULE 25**  
**Order of Procedural Motions**

Subject to Rule 21, of these Rules of Procedure, the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:

- a) suspend the meeting;
- b) adjourn the meeting;
- c) adjourn the debate on the item under discussion;
- d) close the debate on the item under discussion.

**RULE 26**  
**Voting Rights**

1. Each eligible Member State shall have one vote.
2. Member States, subject to sanctions under Article 23 of the Constitutive Act, shall not have the right to a vote.

**RULE 27**  
**Consensus and Vote on Decisions**

After the debate has been closed, and there is no consensus, the Chairperson shall immediately put the proposal with all the amendments to a vote. The vote shall not be interrupted except on a point of order related to the manner in which the vote is being taken.

**RULE 28**  
**Vote on Amendments**

1. When there is no consensus, the Chairperson shall put all amendments to vote.
2. A proposal shall be considered as an amendment to a text if it adds or removes there from.

**RULE 29**  
**Methods of Voting**

The methods of Voting shall be determined by the STC on Education, Science and Technology.

**RULE 30**  
**Decisions and Reporting**

1. The Ministerial session of the STC shall take decisions on issues falling within its competence, except where there are attendant financial and structural implications in accordance with Decision/Assembly/AU/Dec.582(XXV) on streamlining of the AU Summits and its working methods.
2. Without prejudice to sub paragraph 1 of this Rule, the Executive Council may, if necessary, consider decisions of the STC at the request of any Member State.

**RULE 31**  
**Implementation**

The STC on Education, Science and Technology may lay down guidelines and supplementary measures to give effect to these Rules.

1. RULE 32
2. Amendments

The STC on Education, Science and Technology may propose amendments to these Rules for consideration by the policy organs of the Union.

**RULE 33**  
**Entry into Force**

**These Rules shall enter into force upon their approval by the Executive Council.**

Adopted by the.....Ordinary Session of the Executive Council, held

**AFRICAN UNION**  
**الاتحاد الأفريقي**



**UNION AFRICAINE**

**UNIÃO AFRICANA**

---

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone 002511-115 517 700 Cables: OAU, Addis Ababa  
website : [www.africa-union.org](http://www.africa-union.org)

---

**DRAFT**  
**RULES OF PROCEDURE OF THE SPECIALIZED TECHNICAL**  
**COMMITTEE ON COMMUNICATION AND ICT**



## GENERAL PROVISION

The Executive Council,

Having regard to the Constitutive Act of the African Union, and in particular Articles 14, 15 and 16, thereof

Having regard to Decisions Assembly/Dec. 227 (XII) and Assembly/Dec. 365(XVII) on Specialized Technical Committees,

**HAS ADOPTED THESE RULES OF PROCEDURE:**

### **RULE 1 Use of terms**

In these Rules:

**“Assembly”** means the Assembly of Heads of State and Government of the African Union;

**“Chairperson”** means the Chairperson of the Specialized Technical Committee on Communication and ICT;

**“Commission”** means the Secretariat of the African Union;

**“Constitutive Act”** means the Constitutive Act of the African Union;

**“Executive Council”** means the Executive Council of Ministers of the African Union;

**“Member State”** means a Member State of the African Union;

**“Rapporteur”** unless specified otherwise, means the Rapporteur of the STC on Communication and ICT;

**“STC”** means a Specialized Technical Committee of the African Union;

**“STCs Coordination Mechanism”** means the Bureaus of all STCs of the African Union;

**“Union”** means the African Union established by the Constitutive Act;

**“Vice-Chairpersons”** unless specified otherwise means the Vice-Chairpersons of the STC on Communication and ICT.

**RULE 2**  
**Status**

The STC on Communication and ICT is an Organ of the Union in accordance with Article 5 (1) (g) of the Constitutive Act. It shall be responsible to the Executive Council.

**RULE 3**  
**Composition**

1. The STC on Communication and ICT shall be composed of Ministers of Communication and ICT or such other Ministers or authorities duly accredited by the Governments of Member States.
2. The session of the STC on Communication and ICT includes Experts from Member States responsible for sectors falling within the areas of competence of the STC on Communication and ICT, whose meetings shall precede the Meetings at Ministerial level. Unless specified otherwise, meeting of Experts shall be governed, *mutatis mutandis*, by relevant provisions of these Rules.

**RULE 4**  
**Designation of Delegates**

Delegations of Member States to sessions of the STC on Communication and ICT shall be duly designated representatives of Member States.

**RULE 5**  
**Powers and Functions**

- a) The STC on Communication and ICT shall, inter-alia:
- b) prepare projects and programmes of the Union on issues related to Communication and ICT and submit them to the Executive Council and the Assembly for their consideration;
- c) ensure the supervision, follow-up and the evaluation of the implementation of policies, programmes and decisions taken by the organs of the Union related to Communication and ICT;
- d) ensure the coordination and harmonization of projects and programmes of the Union related to Communication and ICT;
- e) submit to the Executive Council either on its own initiative or at the request of the Executive Council reports and recommendations on the implementation the AU programmes related to Communication and ICT;
- f) carry out any other functions assigned to it for the purpose of ensuring the implementation of the provisions of the African Union Constitutive Act;

- g) Oversee the development and implementation of policies on access to information and freedom of expression including the safety of journalists;
  - h) Oversee the promotion of the capacity of African Media and the strengthening of the Pan African media landscape;
  - i) develop Common African e-strategies;
  - j) discuss resources mobilization and capacity building for the implementation of the African Regional Action Plan on the Knowledge Economy;
  - k) oversee the promotion, co-ordination and the strengthening of Communication and ICT programmes for the accelerated economic growth of Africa;
  - l) develop mechanisms through which Communication and ICT contributes to the establishment of the African information Society;
  - m) promote public investments in Communication and ICT infrastructure services and applications;
  - n) develop frameworks for the harmonization of policies and regulations in the Continent in relation to Communication and ICT;
  - o) carry out any other functions assigned to it by the Executive Council or the Assembly.
2. The STC on Communication and ICT may set up Sub-committees or *ad hoc* working groups, as it deems necessary and shall determine their mandate, composition and functioning.

## **RULE 6**

### **Venue**

1. The Ordinary Sessions of the STC on Communication and ICT shall be held at the Headquarters of the Union, unless a Member State offers to host any such Session.
2. In the event the session is held outside the Headquarters of the Union, the host Member State shall be responsible for all extra expenses incurred by the Commission as a result of the session being held outside the Headquarters.
3. In conformity with Rule 5 (3) of the Rules of Procedure of the Assembly, Member States offering to host sessions of the STC on Communication and ICT shall not be under sanctions and shall be required to meet pre-determined criteria, including adequate logistical facilities and a conducive political atmosphere.
4. Where two (2) or more Member States offer to host a session, the STC on Communication and ICT shall decide on the venue by simple majority.

5. Where a Member State that had offered to host a session of the STC on Communication and ICT is unable to do so, the session shall be held at the Headquarters of the Union, unless a new offer is received and accepted by Member States.

**RULE 7**  
**Convening of Sessions**

The Commission shall be responsible for convening and servicing all the meetings of the STC on Communication and ICT.

**RULE 8**  
**Quorum**

1. The quorum for a Ministerial session of the STC on Communication and ICT shall be a two-thirds majority of the Member States eligible to vote.
2. The quorum for meetings of Experts, Sub-committees or *ad hoc* working groups of the STC on Communication and ICT shall be a simple majority.

**RULE 9**  
**Ordinary Sessions**

The STC on Communication and ICT shall meet in ordinary session once every two (2) years.

**RULE 10**  
**Agenda of Ordinary Sessions**

1. The STC on Communication and ICT shall adopt its Agenda at the opening of each session.
2. The Provisional Agenda of an ordinary session shall be drawn up by Commission in consultation with the Bureau of the STC on Communication and ICT and may include item(s) proposed by Member States. The Commission shall communicate the provisional agenda as well as the working documents to Member States at least thirty (30) days before the opening of the session.

**RULE 11**  
**Other Items included in the Agenda**

Any additional agenda item that a Member State wishes to raise at a session of the STC on Communication and ICT, shall only be considered under the agenda item “Any Other Business”. Such agenda items shall be for information only and not subject to debate or decision.

**RULE 12**  
**Extraordinary Sessions**

1. The STC on Communication and ICT shall meet in an extraordinary session, subject to availability of funds, at the request of:
  - a) the policy organs of the Union,
  - b) the STC on Communication and ICT itself, or
  - c) Any Member State, upon approval by a two-thirds majority of the Member States.
2. The extraordinary sessions shall be held in conformity with Rule 6.

**RULE 13**  
**Agenda of Extraordinary Sessions**

1. The Commission shall communicate the Provisional Agenda and working documents of an extraordinary session to Member States at least fifteen (15) working days before the opening of the session.
2. The Agenda of an extraordinary session shall comprise only the item(s) requiring the urgent attention of the STC on Communication and ICT.

**RULE 14**  
**Open and Closed Sessions**

All the sessions of the STC on Communication and ICT shall be closed. STC on Communication and ICT may, however, decide by simple majority whether any of its sessions shall be open.

**RULE 15**  
**Working Languages**

The working languages of the STC on Communication and ICT shall be those of the Union.

**RULE 16**  
**Bureau**

1. The STC on Communication and ICT shall, on the basis of rotation and geographical distribution, elect, after due consultations, a Chairperson. He/she shall be assisted by other members of the Bureau, namely, three (3) Vice-Chairpersons as well as a Rapporteur, elected on the basis of agreed geographical distribution and after due consultations.
2. The Members of the Bureau shall hold office for a period of two (2) years.
3. The Bureau will meet once every year.

## **RULE 17**

### **Duties of the Chairperson**

1. The Chairperson shall:
  - g) Preside over all the proceedings of the Ordinary and Extraordinary sessions;
  - h) open and close the sessions;
  - i) submit for approval the records of the sessions;
  - j) guide the proceedings;
  - k) submit to a vote matters under discussion and announce the results of the vote taken;
  - l) rule on points of order.
2. The Chairperson shall ensure order and decorum during the proceedings of the sessions.
3. In the absence of the Chairperson or in case of a vacancy, the first vice-Chairperson shall act as the Chairperson.
4. The Chairperson shall attend the sessions of the Executive Council and take part in the annual meeting of the STCs Coordination Mechanism.

## **RULE 18**

### **Attendance and Participation**

1. In accordance with Rule 4, the Ministers of Communication and ICT from Member States shall attend and participate personally in the sessions. In the event that they are not in a position to attend personally, duly accredited representatives shall represent them.
2. The Representatives of the Organs of the Union and Regional Economic Communities (RECs) shall be invited to attend the sessions of the STC on Communication and ICT.
3. The STC on Communication and ICT may invite, as Observer, any person or Institution to attend its sessions. Such Observer may be invited to make written or oral interventions but shall not be entitled to vote.

## **RULE 19**

### **Majority Required for Decisions**

1. The STC on Communication and ICT shall take all its decisions by consensus, failing which:
  - a) at the Ministerial level, by a two-thirds majority of the Member States present and eligible to vote;

- b) at the Experts" level, by a simple majority of the Member States present and eligible to vote.
2. Decisions on questions of procedure shall be taken by a simple majority of Member States eligible to vote.
3. Decisions on whether or not a question is one of procedure shall also be determined by a simple majority of Member States eligible to vote.
4. Abstentions by Member States eligible to vote shall not prevent the adoption by the STC on Communication and ICT of decisions by consensus.

**RULE 20**  
**Amendment of Decisions**

1. A proposed decision or an amendment (s) thereof may at any time, prior to it being submitted to a vote, be withdrawn by the initiator.
2. Any other Member State may reintroduce the proposed decision or amendment that has been withdrawn.

**RULE 21**  
**Point of Order**

1. During deliberations on any matter, a Member State may raise a point of order. The Chairperson, in accordance with these Rules, shall immediately decide on the point of order.
2. The Member State concerned may appeal against the ruling of the Chairperson. The ruling shall immediately be put to a vote and decided upon by a simple majority.
3. In raising a point of order, the Member State concerned shall not speak on the substance of the issue under discussion.

**RULE 22**  
**List of Speakers and Use of Floor**

1. The Chairperson shall, subject to Article 23 of the Constitutive Act, during the debate, grant the use of the floor in the order in which the speakers indicate their intention.
2. A delegation or other invitee shall not have the floor without the consent of the Chairperson.
3. The Chairperson may, during the debate:

- a) read out the list of speakers and declare the list closed;
  - b) call to order any speaker whose statement deviates from the issue under discussion;
  - c) accord the right of reply to any delegation where in his/her opinion a statement made after the list is closed justifies the right of reply; and
  - d) limit the time allowed to each delegation irrespective of the issue under discussion, subject to sub-Rule 4 of this Rule.
4. The Chairperson shall, on procedural questions, limit each intervention to a maximum of three (3) minutes.

**RULE 23**  
**Closure of Debate**

When a matter has been sufficiently discussed, the Chairperson shall close the debate at his/her discretion.

**RULE 24**  
**Suspension or Adjournment of the Meeting**

During the discussion of any matter, a Member State may move for the suspension or adjournment of the meeting. No discussion on such motions shall be permitted. The Chairperson shall immediately put such motion to a vote.

**RULE 25**  
**Order of Procedural Motions**

Subject to Rule 21, the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:

- a) suspend the meeting;
- b) adjourn the meeting;
- c) Adjourn the debate on the item under discussion;
- d) Close the debate on the item under discussion.



**RULE 26**  
**Voting Rights**

1. Each Member State shall have one vote.
2. Member States, subject to sanctions under Article 23 of the Constitutive Act, shall not have the right to a vote.

**RULE 27**  
**Consensus and Vote on Decisions**

After the debate has been closed and there is no consensus, the Chairperson shall immediately put the proposal with all the amendments to a vote. The vote shall not be interrupted except on a point of order related to the manner in which the vote is being taken.

**RULE 28**  
**Vote on Amendments**

1. When there is no consensus, the Chairperson shall put all amendments to vote.
2. A proposal shall be considered as an amendment to a text if it adds or removes there from.

**RULE 29**  
**Methods of Voting**

The Methods of Voting shall be determined by the STC on Communication and ICT.

**RULE 30**  
**Decisions and Reporting**

3. The Ministerial session of the STC shall take decisions on issues falling within its competence, except where there are attendant financial and structural implications in accordance with Decision/Assembly/AU/Dec.582(XXV) on streamlining of the AU Summits and its working methods.
4. Without prejudice to sub paragraph 1 of this Rule, the Executive Council may, if necessary, consider decisions of the STC at the request of any Member State.

**RULE 31**  
**Implementation**

The STC on Communication and ICT may lay down guidelines and supplementary measures to give effect to these Rules.

**RULE 32**  
**Amendments**

The STC on Communication and ICT may propose amendments to these Rules to the Executive Council for consideration.

**RULE 33**  
**Entry into Force**

**These Rules shall enter into force upon their approval by the Executive Council.**

Adopted by the.....Ordinary Session of the Executive Council, held in..... on  
.....2016

**RULES OF PROCEDURE OF THE AFRICAN UNION  
COMMISSION ON INTERNATIONAL LAW**

## GENERAL PROVISIONS

The Executive Council,

Having regard to the Constitutive Act of the African Union, and in particular Articles 14, 15 and 16;

Having regard to Articles 4 to 9 of the Statute of the AUCIL;

Having regard to Decisions Assembly/AU/Dec. 227 (XII) and Assembly/AU/Dec.365(XVII) on Specialized Technical Committees

### **HAS ADOPTED THESE RULES OF PROCEDURE:**

#### **Rule 1 Sessions**

1. The African Union Commission on International Law shall hold two ordinary sessions annually as provided for in the Statute of the AUCIL
2. The duration of each ordinary session shall not exceed twenty-one (21) days
3. The AUCIL may meet in extraordinary sessions for a duration not exceeding fourteen (14) days at the request of the Chairperson or at the request of two-thirds of the members of the AUCIL
4. The bureau shall, in consultation with other members of the AUCIL determine
  - a) dates or duration of sessions of the AUCIL
  - b) venue of meetings

#### **Rule 2 Bodies of the AUCIL**

The following shall, inter alia, constitute the bodies of the AUCIL:

- a) Plenary
- b) Bureau
- c) Special rapporteur(s)
- d) Working Group(s)
- e) Drafting Committee(s)
- f) secretariat

**Rule 3**  
**Composition and Functions of the Plenary**

1. The Plenary shall be constituted by elected members of the AUCIL.
2. The plenary, in accordance with the objectives and functions of the AUCIL as defined in its Statute shall, inter alia, carry out the following functions:
  - a) elect the bureau;
  - b) adopt the agenda and programme of work prepared by the bureau
  - c) consider the reports of Special Rapporteur(s) ;
  - d) consider the reports of the Working Group(s);
  - e) consider the reports of the Drafting Committee(s);
  - f) consider matters that may require its consideration as a whole;
  - g) propose draft articles to the Drafting Committee and to adopt or final draft articles and commentaries;
  - h) consider and adopt its annual report to be submitted to the Assembly through the Executive Council;
  - i) provide broad guidance for selection of topics to the Commission, its functional bodies on the directions to be taken;
3. To ensure that bodies are working along lines broadly acceptable to the Commission as a whole;
4. To consider relations with other organs of the African Union and other organizations in accordance with the AUCIL statute and the Constitutive Act.

**Rule 4**  
**Composition of the Bureau**

The Bureau of the AUCIL shall be composed of the following:

- a. The Chairperson,
- b. The Vice-Chairperson and
- c. The General Rapporteur

**Rule 5**  
**Election of the bureau**

- a. The Chairperson, the Vice-Chairperson and the General Rapporteur shall be elected by a simple majority of all the Members of the AUCIL present and voting.
- b. Where there is only one candidate, standing unopposed, for election to any office of the bureau, the Members of the AUCIL shall cast their ballot to determine that such an unopposed candidate attains the simple majority of the members of the AUCIL present and voting.
- c. The vote in all elections shall be taken by secret ballot.

**Rule 6**  
**Functions of the Bureau**

The Bureau shall, inter alia, perform the following functions:

- a) prepare the agenda and programme of work;
- b) consider issues relating to the organization and methods of the AUCIL's work;
- c) deal with other organizational matters relating to AUCIL sessions;
- d) deal with any other functions assigned by the Plenary;
- e) act on behalf of the AUCIL under the guidance of the Chairperson, in between sessions.

**Rule 7**  
**Functions of the Chairperson of the Bureau**

1. The Chairperson of the Bureau shall, inter alia, perform the following functions:

- a. act as spokesperson of the AUCIL;
- b. convene ordinary and extraordinary sessions of the AUCIL;
- c. preside over meetings of the AUCIL including:
  - i. establishing a list of speakers in the order in which a member may indicate an intention to speak;
  - ii. allocating a reasonable time to a member granted the floor to speak;
  - iii. opening, suspension and closing of meetings;
- d. liaise and consult with the African Union Commission and other organs of the African Union, upon prior consultations with the AUCIL;
- e. address to member states on behalf of the AUCIL a detailed request to furnish to the AUCIL the texts of law, regulations, decrees, judicial decisions, treaties, diplomatic correspondence and any other documents relevant to the topic(s) being studied as the AUCIL considers necessary.

2. The Vice-Chairperson, shall, in the absence of the Chairperson or where he or she is unable to discharge his or her duties, perform the functions of the Chairperson.

**Rule 8**  
**Functions of the General Rapporteur**

The General Rapporteur shall, inter alia, perform the following functions:

- a) be responsible for the preparing and drafting of sessional and annual reports of the AUCIL to be submitted to the Assembly after its consideration by the plenary of the AUCIL;
- b) liaise with the AUCIL Secretariat/Office of the Legal Counsel of the African Union;
- c) prepare report(s) at the end of each session for approval by the plenary before releasing them.

### **Rule 9 Special Rapporteur**

1. The Special Rapporteur shall be appointed by the Plenary.
2. The Special Rapporteur shall perform such functions as may be assigned to him or her from time to time by the plenary including:
  - a) undertaking preliminary studies on the topic(s) assigned,
  - b) preparing progress reports on such topics,
  - c) presenting such reports to the plenary, working group(s), or drafting committee (s) as appropriate,
  - d) making recommendations on the outcome of his/her topic assigned
  - e) assisting and contributing to the working group and or the Drafting Committee on the topic, and
  - f) elaborating commentaries to draft articles.

### **Rule 10 Composition and Functions of the Working Group**

1. Working Groups may be established as and when deemed necessary.
2. A working group may be constituted by members as may be determined by the plenary.
3. The working group shall inter alia, perform the following functions:
  - a) recommend topics for inclusion in the Commission's programme of work;
  - b) review and consider ways of improving the methods of work of the AUCIL;
  - c) undertake preliminary studies and recommend the scope and direction of assigned responsibilities.

### **Rule 11 The Composition and Function of the Drafting Committee**

1. A Drafting Committee may be established as and when deemed necessary.
2. It shall be constituted by members determined and approved by the Plenary.

3. The membership shall reflect an equitable representation of the principal legal systems and the various official working languages of the African Union within limits compatible with its drafting responsibilities.
4. The Drafting Committee shall, inter alia, perform the following functions:
  - a) Harmonize various drafting proposals;
  - b) Prepare draft reports;
  - c) Introduce the draft report for the consideration of the Plenary;
  - d) Pronounce itself on substantive issues.

### **Rule 12 Functions of the Secretariat**

1. There shall be a secretariat of the AUCIL as provided for under article 21 of the Statute.
2. The Secretariat shall, inter alia, perform the following functions:
  - a) arrange and, facilitate meetings of the AUCIL;
  - b) Prepare and transmit to Members of the AUCIL the draft agenda, programme of work and documents of each session at least one week before the opening each session;
  - c) Provide staff, material resources and logistical support as necessary for the effective discharge of the functions of the AUCIL;
  - d) facilitate communications of the AUCIL with Members States of the African Union, Organs or Institutions of the African Union an other organizations;
  - e) facilitate cooperation between the AUCIL and other organs of the African Union as well as other organizations.

### **Rule 13 Decision-making**

Decisions of the AUCIL including those relating to the adoption of reports or other outcome documents may be taken on the basis of consensus failing which such decisions may be put to the vote by a simple majority.

### **Rule 14 Amendments**

Amendments to these Rules of Procedure may be adopted by two thirds of the members of the AUCIL subject to Executive Council decision.





**AFRICAN UNION**  
**الاتحاد الأفريقي**



**UNION AFRICAINE**  
**UNIAO AFRICANA**

---

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone: 251 11 5517700 Fax: 251 11 5517844  
Website: [www.au.int](http://www.au.int)

---

## **REVISED STATUTE OF THE PAN AFRICAN UNIVERSITY**

## STATUTE OF THE PAN AFRICAN UNIVERSITY

### Preamble

#### The Member States of the African Union,

**RECALLING** the Decision Assembly/AU/Dec.290 (XV) adopted by the Assembly of Heads of State and Government of the African Union during its Fifteenth Ordinary Session in July 2010 in Kampala, Uganda creating the Pan African University.

**AWARE** of the central role that higher education and scientific and technological research play as a cornerstone of social integration, economic development and competitiveness.

**ACKNOWLEDGING** that the establishment of the Pan African University is a first step towards the creation of high quality continental institutions that promote quality training, research and innovation within Africa, ensure a steady nurturing of new ideas and also a continuous injection of highly skilled human resources to meet the developmental needs of the continent.

**INSPIRED** by the Plan of Action for the Second Decade of Education for Africa 2006-2015, and the Consolidated Plan of Action for Science and Technology 2006-2011.

**INSPIRED** by the African Union's Agenda 2063 – The Africa We Want, the Science Technology and Innovation Strategy for Africa 2024 (STISA-2024) and the roles articulated therein for higher education, science, technology and innovation as drivers of the continent's rapid development.

**RECOGNIZING** that to meet its objectives, the Pan African University must achieve financial sustainability by mobilizing adequate resources from the African Union Commission, African Union Member States and other potential partners.

**AWARE** that sound financial management is key to the Pan African University assuring allocation and timely disbursement of funds.

**HAVE AGREED AS FOLLOWS:**

## **Article 1 Definitions**

In this Statute:

“**Academic staff**” means staff of PAU engaged in teaching, lecturing and research

“**African Disapora**” consists of people of African origin living outside the continent irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent and the building of the African Union defined by the Executive Council in Decision EX. CL/Dec. 221 (VII)

“**Assembly**” means the Assembly of Heads of State and Government of the African Union;

“**AU**” means the African Union established by the Constitutive Act of the African Union;

“**Board**” means the Board of a PAU Institute;

“**Centre**” means a Centre of the PAU;

“**Commission**” means the African Union Commission;

“**Executive Council**” means The Executive Council of the African Union;

“**Graduate Study**” or “**Graduate Studies**” means any studies undertaken after the first university degree including all post-graduate studies.

“**Host Country**” means a State that has formally entered into an agreement with the African Union to host the Rectorate, an Institute, a Centre or other facilities and installations of the PAU within its geographical territory.

“**Host University**” means a university or consortium of universities located within the geographical territory of a Host Country formally offered by the Host Country to serve as the seat of a PAU Institute, Centre, facility or installation.

“**Institute**” or “**PAU Institute**” means an Institute of the PAU;

“**Institution Affiliated to the PAU**” means an academic institution or a unit thereof not forming part of the PAU network of Institutes and Centres but which the PAU Council nevertheless designates as an institution affiliated to the PAU on the basis of academic excellence.

**“Key Partner”** means a development partner supporting the PAU in a manner that is not limited to any one of the thematic Institutes or areas of the PAU. The description of a key partner may be qualified based on the nature of the support it provides to the PAU (e.g., Key Funding Partner or Key Technical Partner);

**“PAU”** means the Pan African University established by the African Union;

**“Pau Council”** means the Council of the Pan African University;

**“PAU Senate”** means the senate of the Pan African University

**“Programme Department”** refers to a department of a PAU Institute or to a Centre designated as such by the PAU Council;

**“RECs”** means the Regional Economic Communities of the African Union;

**“Rector”** means the Chief Executive of the PAU, also known as Vice Chancellor;

**“Statute”** means the present Statute of the Pan African University;

**“STC”** means Scientific and Technical Committee of the African Union in charge of Education, Science and Technology;

**“Thematic Partner”** means a development partner engaging in support of one or more of the thematic areas of the PAU.

## **Article 2 Principles**

1. The Pan African University is a continental academic, research and innovation institution based on the following guiding principles:
  - a) Academic freedom, autonomy and accountability;
  - b) Quality assurance;
  - c) Strengthening existing African institutions at the graduate studies level to enable them to serve the whole continent;
  - d) Promotion of African integration through the mobility of students, academic and administrative staff, as well as the development of collaborative research linked to the challenges faced by African countries;
  - e) Excellence and international partnerships in academic and research activities;
  - f) Institution of an appropriate framework and a conducive environment to enable the African Diaspora to contribute towards the development of higher education, research and innovation in Africa;
  - g) Promotion of inter-disciplinary and multidisciplinary research programmes integral to policy making processes in Africa;
  - h) Promotion and harnessing of productive linkages with the industrial sector for innovation and dissemination of new knowledge and technology;

- i) Strengthening of research particularly in the thematic areas of the PAU;
  - j) Promotion of optimal use of Information and Communication Technologies for pedagogy, research and management;
  - k) Promotion of gender equity at all levels and in all university functions;
  - l) Promotion of access to higher education for persons with disabilities.
2. The PAU shall take into account basic principles of the Constitutive Act of the AU, AU Instruments and Policies on Higher Education, Science, Technology and Innovation, Agenda 2063, the African Charter on Human and People's Rights as well as other regional and international human rights instruments.

### **Article 3 Objectives**

1. The PAU shall undertake training, research and innovation focused on priority issues in order to attain the following objectives:
- a) develop continent-wide and world-class graduate study programmes in science, technology, innovation, humanities, social sciences and governance;
  - b) stimulate collaborative, internationally competitive, cutting-edge fundamental and applied research, in areas having a direct bearing on the scientific, technological, economic and social development of Africa;
  - c) enhance the mobility of students and academic staff among African universities to improve on training, research and innovation;
  - d) contribute to the capacity building needs of present and future stakeholders of the African Union;
  - e) improve on the attractiveness of African higher education and research institutions to attract and retain talented young professionals on the African continent;
  - f) initiate and invigorate mutually beneficial partnerships with public and private sectors within Africa and the Diaspora as well as internationally; and,
  - g) facilitate the emergence and strengthening of an African higher education and research platform.

### **Article 4 Legal Capacity and Autonomy of the PAU**

1. The PAU is an autonomous institution of the African Union and in conformity with the African Union rules and regulations, shall possess legal personality and capacity to:
- a) Enter into agreements
  - b) Acquire and dispose of moveable and immovable property;
  - c) Institute legal proceedings
2. The PAU shall enjoy the basic principles applicable to all institutions of higher education, which are required for the achievement of its objectives. The

observance and respect of these principles, particularly academic freedom, autonomy and accountability shall enable the PAU to function under the best attainable conditions and standards within the framework of the common rules governing the institutions of the African Union.

3. The PAU as well as its host countries and host universities shall grant full academic freedom and self-governance in teaching and research to all members of the academic and research staff of the university. Students of the PAU shall equally be entitled to full learning rights and privileges.

### **Article 5 Privileges and Immunities**

1. The PAU and its staff shall enjoy within the territory of each Member State of the African Union, the status, privileges and immunities provided in the 1965 General Convention on the Privileges and Immunities of the Organization of African Unity and other international agreements and Assembly Decisions relating to the status, privileges and immunities of the African Union and its institutions;
2. PAU Council members and staff of the PAU travelling on official business of the PAU shall, on request by the Rector, be issued with appropriate African Union travel documents in accordance with relevant AU policies and regulations on travel documents. Students of the PAU shall travel using their own national passports. Host countries shall facilitate access by PAU students to campuses and facilities of the PAU located within their geographical territory.

### **Article 6 Structure and Organization of the PAU**

1. The PAU is a unitary academic, research and innovation institution comprising thematic Institutes hosted in different geographic regions by existing academic institutions operating at the graduate studies level.
2. The Institutes of the PAU shall be dedicated to the following thematic areas and shall be located in the corresponding geographic regions set out below:
  - a) Space Sciences in Southern Africa;
  - b) Water and Energy Sciences (including climate change) in Northern Africa;
  - c) Life and Earth Sciences (including health and agriculture) in Western Africa;
  - d) Basic Sciences, Technology and Innovation in Eastern Africa; and
  - e) Governance, Humanities and Social Sciences in Central Africa;
3. The Assembly may establish additional thematic Institutes of the PAU in any geographic location.
4. Each Institute of the PAU shall have a network of Centres under it, working within the same thematic area as the Institute. Each Centre shall be regarded as forming a constituent part of its corresponding thematic Institute.

5. The Centres of the PAU Institutes shall be identified following a competitive process and they shall be located in a manner that ensures equitable geographical representation among the five regions of the continent.
6. The PAU Council may, on the recommendation of the Board of an Institute, create Programme Departments and any other sub-structures related to training, research, innovation and extension activities within the Institutes and Centres of the PAU.
7. The Council may in consultation with the PAU Senate and the corresponding organ of the host university concerned designate, on grounds of academic excellence, other institutions or parts thereof not forming part of the PAU network as “Institutions Affiliated to the PAU”, on such terms and conditions as may be determined by the PAU Council. Institutions affiliated to the PAU shall not form an integral part of the PAU.

**Article 7**  
**Governance and Management of the PAU**

1. The Assembly has supreme overall responsibility of overseeing the PAU.
2. The management organs of the PAU shall be:
  - a. The PAU Council;
  - b. The Rectorate;
  - c. The PAU Senate;
  - d. Boards of Institutes; and
  - e. Directorates of Institutes
3. The Chairperson of the Commission or his/her designated representative shall preside over all PAU graduation ceremonies.

**Article 8**  
**Functions of the PAU Council**

1. The PAU Council shall be the highest governing body of the university and shall have oversight of the policy, finances and property of the PAU. Unless otherwise provided in this Statute, the PAU Council shall have authority to adopt regulations and to issue directives, policies and guidelines to govern all activities and operations of the PAU.
2. The PAU Council shall:
  - a) Approve the recruitment, promotion and discipline of academic and research staff of the PAU;
  - b) Approve staff regulations and rules for the PAU taking into account recommendations from the PAU Senate on the selection and recruitment of academic staff. PAU staff regulations and rules approved by the PAU Council shall be presented to the Executive Council for approval;



- c) Approve Codes of Conduct for PAU staff and students following recommendations by the PAU Senate;
- d) Approve all other PAU regulations, rules, measures directives, policies and procedures which shall govern the activities and operations of the PAU;
- e) Promote socio-cultural activities of the PAU;
- f) Designate new Centres of the PAU and Institutions Affiliated to the PAU as well as Programme Departments within the Institutes and Centres of the PAU in consultation with the PAU Senate and the corresponding organ of the host university concerned;
- g) Approve work plans and adopt the budget of the PAU on the basis of proposals submitted to it by the Rector;
- h) Consider the Rector's annual activity report covering the work of the PAU and the status of implementation of its work plans;
- i) Approve the multi-annual strategic development plan and operational plans of the PAU;
- j) Approve any agreements, contracts and other arrangements of a legal nature to be signed by the Rector on behalf of the PAU;
- k) Consider and approve the appointment of members of the PAU Senate nominated by the Rector;
- l) Report annually on the work of the PAU to the Assembly;
- m) Perform all other functions within its mandate as are necessary for the smooth operation and development of the PAU.
- n) The Council may constitute committees or working groups and outline the membership and respective roles thereof as it deems necessary; and

## **Article 9**

### **Composition of the PAU Council**

#### **1. The PAU Council shall be constituted as follows:**

- a) President;
- b) Vice President;
- c) The Commissioner for Human Resources, Science and Technology or his/her representative;
- d) The Vice-Chancellors/Vice-Rectors of all host universities of PAU Institutes;
- e) The Chairperson of the STC in charge of education or his/her representative;
- f) The PAU Rector (ex-officio)
- g) The Directors of all PAU Institutes;
- h) A representative of the United Nations Educational, Scientific and Cultural Organization (UNESCO);
- i) A representative from each of the RECs;
- j) Two scholars from the African Diaspora, appointed by the Chairperson of the Commission;
- k) A representative of the Association of African Universities (AAU);
- l) A representative of the African Academy of Sciences (AAS);
- m) A representative of the Key and Thematic Partners on a rotational basis;
- n) A representative of academic staff of the PAU;
- o) A representative of administrative staff of the PAU;

- p) Two representatives of students of the PAU;
- 2. **The** Executive Council shall elect the President and Vice President of the PAU Council from a list of five candidates presented by the Bureau of the STC. The candidates presented shall be citizens of AU Member States.
- 3. The Chairperson of the Commission shall appoint all other members of the PAU Council following consultations with the Bureau of the STC and the respective organisations enumerated in sub-article 1 of this article. The Chairperson of the Commission shall ensure merit and competence with due consideration for gender equity and geographical representation in deciding on the appointment of the members of the PAU Council

**Article 10**  
**Term of Office of the PAU Council**

- 1. PAU Council members shall serve a three-year term renewable once.
- 2. Half of the members of the PAU Council shall be replaced at the end of their three-year term. This half shall be determined by a lot at the time of their assumption of office as members of the PAU Council.

**Article 11**  
**Functions of the President of PAU Council**

- 1. The President of the PAU Council shall:
  - a) Set the agenda of the PAU Council sessions in consultation with the Rector;
  - b) Summon the members of the PAU Council to attend PAU Council sessions;
  - c) Preside over the meetings of the PAU Council;
  - d) Monitor discussions;
  - e) Represent the PAU Council;
  - f) Receive all communications addressed to the PAU Council; and
  - g) Sign all official documents issued by the PAU Council.
  - h) Perform such other functions as may be specifically assigned by the PAU Council.
- 2. In the absence of the President, the Vice-President shall perform the functions of the President.

**Article 12**  
**Meetings of the PAU Council**

- 1. The PAU Council shall meet twice a year in ordinary session. It may meet in extraordinary session at the request of the President or at least simple majority of the total membership of the PAU Council, in consultation with the Rectorate;
- 2. The quorum for a meeting shall be a simple majority of the total membership of the PAU Council;

3. Decisions of the PAU Council shall be adopted by a two-thirds majority of the Members present;
4. Except as otherwise determined by the PAU Council, all meetings of the PAU Council shall be held at the Rectorate;
5. Minutes of PAU Council sessions shall be sent to the Commission for information;
6. The Rector shall serve as secretary to the PAU Council.

### **Article 13 The Rectorate**

1. The Rectorate shall be responsible for the day-to-day management of the PAU and shall be headed by the Rector who is the Chief Executive Officer of the PAU.
2. In the performance of his/her functions, the Rector shall be directly responsible to the PAU Council for the discharge of her/his duties and shall be supported by:
  - a) A Vice-Rector for Academic and Students Affairs;
  - b) A Vice-Rector for Research, Development and Cooperation; and
  - c) Such other staff members as are required for the efficient running of the Rectorate.
3. The Chairperson of the Commission shall appoint the Rector and Vice Rectors upon recommendation of the PAU Council following a competitive recruitment process.
4. The Rector shall appoint all other staff of the Rectorate with the approval of the PAU Council.
5. The Rector and Vice Rector shall be appointed for a term of five (5) years renewable once and shall be subject to annual performance evaluation by the PAU Council.

### **Article 14 Functions of the Rector**

1. The Rector shall be responsible for implementing the general policy and multi-annual strategic development plan of the PAU. He/she shall also be responsible for the corporate and public image of the University, including its external relations. He/she shall specifically be in charge of the following:
  - a) Preparing and presenting the annual activity report of the PAU to the PAU Council;
  - b) Ensuring the implementation of the decisions and directives of the PAU Council;
  - c) Ensuring the required co-ordination between Directors of Institutes and Coordinators of Programme Departments and Centres;

- d) Ensuring the implementation and the periodic monitoring of the PAU's multi-annual strategic development plan as approved by the PAU Council;
- e) Authorizing and managing the disbursement of budgetary allocations;
- f) Managing the personnel of the PAU;
- g) Concluding agreements, contracts or other arrangements between the PAU and other competent bodies for pedagogic, research, management and funding purposes with the approval of the PAU Council;
- h) Providing services necessary for the proper functioning of the PAU Council;
- i) Reporting regularly to the PAU Council on the functioning of the PAU Senate, and
- j) Setting specific consultative committees related to the formulation or the implementation of the multi-annual strategic development plan of the PAU.
- k) Performing all other functions as are necessary for the proper administration, smooth operation and development of the PAU.

## **Article 15 Functions of The PAU Senate**

1. The PAU Senate shall be in charge of academic affairs, research and innovation activities of the PAU and shall be responsible for:
  - a. Organizing, promoting and monitoring all training research and innovation activities of the PAU;
  - b. Making recommendations to PAU Council on the recruitment and establishment of PAU academic staff;
  - c. Admission, assessment and examination of students, as well as the award and revocation of degrees;
  - d. Developing and recommending PAU administrative and academic rules and regulations for consideration and approval by the PAU Council;
  - e. Considering and approving annual academic performance reviews from Institute Boards on organization of studies, academic staff performance, and promotion
  - f. Considering recommendations made by Institute Boards and host university Senates on assessment of written research work, projects or similar presentations where there is unanimity amongst the members of the Board of Examiners, and deciding on final assessments;
  - g. Deciding on activity reports covering the work of the Institutes as submitted by the respective Directors;
  - h. Ensuring the well-being and discipline of students;
  - i. Making recommendations to the PAU Council on the designation of Institutions Affiliated to the PAU;
  - j. Making recommendations to the PAU Council on modalities for closer collaboration between Institutes, Centres and host universities to develop policies for the realization of PAU goals; and,
  - k. Deciding on the creation of Programme Departments, Research Laboratories and Teaching Programmes;
  - l. Appointing committees to assist it in the conduct of its work including, but not limited to, the following:

- i. Standing Committee on Academic Staff responsible for:
    - Developing rules and regulations for PAU academic staff
    - Deciding on the academic establishment (list of approved academic positions) for each Institute and Centre and launching recruitment processes upon the recommendation of the Institute Boards
    - Approval of recommendations from Institute Boards for the appointment of academic staff
  - ii. The Committee of Directors of Institutes;
  - iii. The Academic Policy, Standards and Quality Assurance Committee;
  - iv. The Finance and Administrative Committee; and,
  - v. The Committee on Research and Innovation.
- m. Any other matters relevant to the academic affairs, research and innovation activities of the PAU.

### **Article 16 Composition of the PAU Senate**

1. The PAU Senate shall be composed as follows:
  - a) The Rector;
  - b) A representative of the Department in charge of Education within the Commission;
  - c) Vice Rector for Academic and Students Affairs;
  - d) Vice Rector for Research, Development and Cooperation;
  - e) Director of Administration and Finance;
  - f) The Deputy Vice Chancellors/Deputy Rectors responsible for academic affairs at all host universities of PAU Institutes;
  - g) The Directors of all PAU Institutes;
  - h) One representative of the academic and research staff of each PAU Institute appoint by the PAU Council on the recommendation of the Rector;
  - i) One student representative from each PAU Institute appoint by the PAU Council on the recommendation of the Rector.

### **Article 17 Meetings of the PAU Senate**

1. The PAU Senate shall meet twice a year in ordinary session. It may meet in extraordinary session at the request of the Rector or at least simple majority of the total membership of the PAU Senate;
2. The quorum for a meeting shall be a simple majority of the total membership of the PAU Senate;
3. Decisions of the PAU Senate shall be taken by a two-thirds majority of the Members present;

4. Meetings of the PAU Senate shall be held at the Rectorate or at any other convenient place within the PAU Institutes as the Rector shall determine;
5. The Rector shall serve as the chairperson of the PAU Senate. In the absence of the Rector, the Vice Rector for Research Development and Cooperation shall preside over the meetings of the PAU Senate; and
6. The Vice Rector for Academic and Student Affairs shall serve as secretary to the PAU Senate.

**Article 18**  
**Directorates of Institutes**

1. Each Institute shall be headed by a Director who shall be responsible to the Rector in the discharge of her/his duties.
2. In the performance of her/his functions the Director shall be assisted by a Deputy Director and such other staff as may be required for the effective functioning of the Institute.
3. The Rector shall appoint all Directors, Deputy Directors and other staff of the Directorates of PAU Institutes in consultation with the PAU Council and the respective host universities, following a competitive recruitment process.

**Article 19**  
**Functions of the Director**

1. The Director shall be responsible for the day-to-day management and administration of the Institute.
2. In particular, the Director shall perform the following functions:
  - a) Ensure effective co-ordination between the Coordinators of all Programme Departments and Centres falling under his/her Institute;
  - b) Preside over the Annual General Meeting of the Coordinators of Programme Departments and Centres of the Institute in order to draw up the report of the Institute, including an activity report covering the work of the Institute for consideration and decision by the PAU Senate;
  - c) Liaise between the host university, host country and the PAU Rectorate;
  - d) Prepare and submit to the Rectorate activity reports covering the work of the Institute on a per semester basis;
  - e) Ensure implementation of the decisions of the PAU Council at the level of the Institute;
  - f) Ensure the implementation and periodic monitoring of the multi-annual strategic development plan of PAU at the level of the Institute, its Programme Departments and Centres;
  - g) Ensure the commitment and release of funds for which provision has been

- made in the budget approved by the PAU Council and serve as the authorizing officer for the Institute;
- h) Effectively manage the personnel, property, equipment and facilities of the Institute;
  - i) With the approval of the Rector, sign agreements pertaining to voluntary donations or contributions from governments, national or international organizations, or any other private or public donor organization for the benefit of the Institute;
  - j) Sign contracts and other agreements on behalf of the Institute;
  - k) Keep accurate records on the academic progress of each student, and in this connection, receive from Coordinators of Programme Departments and Centres recommendations for the de-registration or withdrawal of students whose academic performance is unsatisfactory, and forward such recommendations to the PAU Senate for appropriate action when there is sufficient cause;
  - l) Ensure the appointment of Boards of Examiners or juries for postgraduate theses, projects or other related academic or research work;
  - m) Send out invitations to examiners to participate in the evaluation of postgraduate research work on the recommendation of the relevant Programme Departments or Centres of the Institute;
  - n) Arrange for official delivery to examiners of written research work, projects or similar presentations duly submitted by PAU students;
  - o) Receive from the examiners official assessments of such written research work, projects or similar presentations;
  - p) Convene Board of Examiners meetings in consultation with the Programme Departments or Centres concerned;
  - q) Forward recommendations of the Board of Examiners jointly to the Vice Chancellor of the host university and the PAU Rector for approval on behalf of the respective Senates where the verdict of such Board is unanimous; provided that in the absence of unanimity, the recommendations of the Board of Examiners shall be deliberated upon by the Board of the Institute and recommendations made thereon to the Senates of the host university and the PAU respectively;
  - r) Report annually to the Rector on the individual academic accomplishments of academic and research staff employed at the Institute and its Centres; and,
  - s) Undertake any other work or responsibility as may be assigned to him/her by the Rector of the PAU or as may be necessary for the efficient functioning of the Institute.

## **Article 20**

### **Boards of Institutes**

1. Each PAU Institute shall have a Board whose mandate shall be to supervise, guide and support the Directorate in the management and administration of the Institute.
2. The membership of the Board shall consist of the following:

- a) A Vice Rector of the PAU appointed by the Rector in consultation with the PAU Senate, who will serve as chairperson of the Board
  - b) The Director of the Institute who will serve as the secretary of the Board;
  - c) Two (2) Coordinators of Programme Departments within the Institute (on rotational basis);
  - d) The Coordinators of all Centres of the Institute (on rotational basis);
  - e) All full-time academic staff of the Institute;
  - f) Two representatives of the Senate of the host university;
  - g) A representative of the Thematic Partner(s) of the Institute (on rotational basis); and
  - h) The Board shall have power to invite other scholars from the host university to attend its meetings in an advisory capacity only and without the right to vote at such meetings.
3. The Board shall be responsible for the supervision of the academic, administrative, and financial management of the Institute. In this regard, its functions shall include:
- a) Making recommendations to PAU Senate with regard to the creation of Programme Departments, Research Laboratories and Teaching Programmes; organization of studies, and recruitment and promotion of Research and Teaching Staff in accordance with rules, regulations and guidelines established by the PAU Senate;
  - b) Making recommendations to the Rector for the appointment of non-professorial academic staff;
  - c) Deliberating upon any unanimous assessments made by the Board of Examiners on written research work, projects or similar student presentations and make recommendations thereon to the Senates of the host university and the PAU respectively;
  - d) Supervising the Directorate in the areas of:
    - i. Management of personnel, facilities, equipment and finance;
    - ii. Planning and budgeting;
    - iii. Curriculum development, regulations and teaching;
    - iv. Research and cooperation;
    - v. Postgraduate theses;
    - vi. Research projects;
    - vii. Nominations of supervisors for all Master and PhD theses;
    - viii. Student affairs.
4. The Board of each Institute may constitute such committees or working groups, as it deems necessary to assist it in the performance of its duties. Notwithstanding the foregoing, the Board shall appoint a Standing Committee on Human Resources responsible for:
- a) Considering and approving recommendations from Selection Committees for the appointment non-professorial academic staff;
  - b) Making recommendations to the PAU Senate Standing Committee on Academic Staff on the academic establishment of the Institute;



- c) Developing annual academic performance reviews for approval by the PAU Senate.

### **Article 21 Meetings of the Board**

1. All meetings of the Board shall require a quorum of simple majority of its membership.
2. Decisions of the Board shall be adopted by a simple majority of members present. In the event of equality of votes, the chairperson shall have a casting vote on the matter.
3. The Board shall meet at least twice a year. The chairperson of the Board shall convene meetings of the Board in consultation with the Institute Director.

### **Article 22 Programme Departments of the Institutes**

1. Each Programme Department shall be headed by a Coordinator appointed by the Rector in consultation with the Institute Director and the host university.
2. In addition to her/his academic duties and responsibilities, the Coordinator of a Programme Department shall:
  - a. Ensure effective co-ordination between the Programme Department and the Institute as well as the host university as the case may be;
  - b. Liaise between the host university, the PAU Institute and the host country;
  - c. Prepare and submit to the Institute Director monthly reports covering the activities of the Programme Department;
  - d. Ensure implementation of the decisions of the PAU Council, PAU Senate and the Board at the level of the Programme Department;
  - e. Ensure the implementation and monitoring of the multi-annual strategic development plan of the PAU at the level of the Programme Department;
  - f. Ensure the commitment and release funds for which provision has been made in the budget approved by the PAU Council of which he/she shall be the authorizing officer for the Programme Department;
  - g. Effectively manage the personnel, property, facilities and equipment of the Programme Department;
  - h. Be in charge of executing the academic and research programmes of the Programme Department with the assistance of programme officers. He/she shall particularly follow up on the: recruitment and professional development of staff; admission continuous assessment and graduation of students; promotion of good relationships between staff and students; and management of internships;
  - i. Act as the representative of the Institute Director and administer the rules, regulations and policies of the PAU at the level of the Programme Department;
  - j. Act as the academic and administrative head of the Programme Department;

- k. Hold regular Programme Department meetings and ensure that staff members attend such meetings where the Coordinator and the entire staff have the opportunity to exchange ideas on policy matters;
  - l. Represent the Programme Department on relevant committees and other governing bodies of the host university as may be required;
  - m. Ensure that proper and acceptable standards of teaching and research are maintained at the Programme Department;
  - n. Prepare and submit to the Institute Director budgets, procurement plans and annual reports covering the performance of the Programme Department;
  - o. Undertake any other tasks or responsibilities as may be assigned to him/her by the Institute Director
3. The terms and conditions of service of Programme Department and Centre Coordinators, including the rights and privileges to which they shall be entitled shall be determined in the PAU Staff Regulations and Rules, on the basis of recommendations made by the PAU Council.

### **Article 23 PAU Staff**

1. The academic and administrative staff of the PAU shall be selected with a view to achieving its stated objectives. The basic criteria for selection shall be the highest standards of qualification, competence, efficiency and integrity.
2. The staff of the PAU shall comprise the following categories:
  - a. Full-time and part-time academic and administrative staff from host countries;
  - b. Full-time and part-time academic and administrative staff from other Member States of the African Union;
  - c. Full-time and part-time academic staff from the African Diaspora and from countries that are not member states of the African Union;
  - d. Staff provided by host universities and partners on secondment to the PAU; and,
  - e. Visiting academic staff from host countries, Member States, non-Member States of the African Union, the African Diaspora and partners.
3. The African Union Staff Regulations and Rules shall apply to the PAU staff except the provisions on age and quota as it relates to Academic staff and such other exceptions as may be identified taking into account the unique nature of the PAU as an academic institution. Such exceptions shall be submitted for the consideration and approval of the Executive Council.
4. The PAU Council shall recommend an appropriate retirement age for the Academic staff for the approval of the AU Policy Organs.
5. Part-time academic and administrative staff put at the disposal of the PAU by the host countries, host universities or partners of the PAU shall remain employees of the host government, Host University or partner. This includes:

- a) Academic staff
  - b) Administrative personnel;
  - c) Technical personnel; and
  - d) Support personnel.
6. PAU Institute Directors shall request and obtain a mission order signed by the Rector of the PAU before recruiting or accepting visiting academic and research staff at their respective Institutes.

#### **Article 24 PAU Students**

1. Admission to PAU shall open to candidates who demonstrate a capability to undertake, complete and benefit from graduate studies involving training, research and innovation in accordance with the academic standards set by the PAU Senate.
2. Notwithstanding the provisions in sub-article (1) above, admission of women, persons of disability, and the maintenance of fair representation of citizens of all AU Member States, shall be encouraged at all times.
3. Upon admission, continued studentship at the PAU shall be based on compliance with academic and disciplinary rules and regulations laid down by the PAU Senate.

#### **Article 25 Intellectual Property Rights**

1. All innovations emanating from the research/activities performed by students, academic and research staff at the PAU shall be registered in the host country in the joint names of the innovator(s), host university and the PAU. The PAU shall, in consultation and concurrence with the host university/country, develop a policy document on the registration of such intellectual property rights, and the sharing of proceeds realized from their subsequent commercialization.
2. The policy document referred to in sub-article 1 above shall be reviewed in line with relevant international treaties and conventions on intellectual property rights.
3. The host country's laws and regulations on intellectual property shall have supremacy over other policies in the event of ambiguity.

#### **Article 26 PAU Research Policy**

1. The PAU shall develop its own research policy, which may vary from one institute to another depending on the nature of their activities and programmes.

2. The research policy shall take into consideration priority research areas identified by the African Union.

**Article 27**  
**Budgeting and Financing of the PAU**

1. All African Union Member States pledge to support and finance the PAU.
2. Capital costs, recurrent and operational costs of the PAU shall be met from:
  - a) Annual budget appropriations made by the Assembly;
  - b) Cash and in-kind contributions, grants and subventions for the PAU made by governments of host countries of the PAU, other Member States of the AU and foreign countries, directly to the PAU or through the Commission;
  - c) Cash and in-kind contributions, grants and subventions made by non-governmental entities, including key and thematic partners, intergovernmental organizations, foundations, corporate entities, universities and individuals, directly to the PAU or through the Commission.
  - d) Tuition fees and related charges paid by or on behalf of students of the PAU.
3. The Rector shall prospect for additional funding opportunities for the PAU and may, with the prior approval of the PAU Council, conclude and sign agreements and contracts for the purpose of securing additional funding or support for the activities and programmes of the PAU in accordance with Financial Rules and Regulations of the African Union
4. The Financial Rules and Regulations of the African Union shall govern all financial operations of the PAU.
5. Prior to the commencement of each fiscal year, the Rector shall prepare and submit to the PAU Council for approval a consolidated annual budget for the PAU in accordance with the Financial Rules and Regulations of the African Union. The consolidated annual budget of the PAU shall incorporate budget estimates for all activities of:
  - a) The PAU Council
  - b) The PAU Senate
  - c) The Rectorate
  - d) All PAU Institutes and Centres including activities of their respective Directorates and Boards
  - e) The PAU Project Management or Coordinating Unit located within the Commission
6. Following the approval of the consolidated annual budget by the PAU Council, the Rector shall proceed to execute the budget in conformity with the provisions of the Financial Rules and Regulations of the African Union.

**Article 28**  
**The Endowment Fund**

1. An Endowment Fund shall be created for the PAU based on voluntary contributions.
2. The following may be contributors to the Endowment Fund:
  - a. Member States of the African Union;
  - b. Regional Economic Communities (RECs);
  - c. Development Partners and relevant Donors;
  - d. Public and private sources;
  - e. Other sources as the PAU Council may determine.
3. The management of the Endowment Fund shall be in conformity with the Financial Rules and Regulations of the African Union.
4. Each host country of a PAU an Institute, the Rectorate of the PAU shall commit additional resources to support the university.

**Article 29**  
**Seat**

1. Unless otherwise decided by the Assembly, the headquarters of the Rectorate shall be located in Yaoundé, Cameroon;
2. Host agreements shall be signed between the African Union and host countries and Universities for the Rectorate, Institutes and Centres of the PAU.

**Article 30**  
**Disciplinary Committees**

1. The PAU Senate shall, acting on the recommendations of the Board, set up a Staff Disciplinary Committee in each PAU Institute and Centre comprising not less than seven (7) members, provided that the total membership of the committee must always be an odd number.
2. The PAU Senate shall, acting on the recommendations of the Board, set up a Student Disciplinary Committee in each PAU Institute and Centre comprising not less than seven (7) members, provided that the total membership of the committee must always be an odd number.
3. The Disciplinary Committees shall conduct hearings and make decisions on acts of indiscipline committed by staff and students in contravention of the relevant rules and regulations applicable to staff and students of the PAU.
4. Students may appeal to the Rector against decisions of the Student Disciplinary Committee. Staff may appeal to the PAU Council against decisions of the Staff

Disciplinary Committee. Appeals shall be brought in accordance with procedures and timelines set out in the relevant rules and regulations.

**Article 31**  
**Award of Scholarships, Degrees and Examination Regulations**

1. The regulations and criteria for the award of Pan African University Scholarships to PAU students shall be determined by the PAU Senate and approved by the PAU Council.
2. Degrees shall be jointly awarded by the PAU and the host universities. The PAU Senate shall, in consultation with the host universities, issue examination regulations and the modalities for the award of joint degrees subject to the approval of the Councils of the respective institutions.

**Article 32**  
**Amendments**

1. This Statute may be amended by the Assembly upon recommendation of the PAU Council through the relevant STC
2. The amendments shall come into force upon their adoption by the Assembly.

**Article 33**  
**Working Languages**

The working languages of the PAU shall be those of African Union, where applicable.

**Article 34**  
**Entry into Force**

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

**Adopted by the ... Ordinary Session of the Assembly held in Addis Ababa,  
Ethiopia on ...**

2016

Report of the second ordinary session  
of the STC on justice and legal affairs,  
Addis Ababa, Ethiopia, 12-14  
November 2015

African Union

African Union

---

<http://archives.au.int/handle/123456789/4922>

*Downloaded from African Union Common Repository*