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REPORT ON THE REINSTATEMENT OF THE MINISTERIAL DRAFTING COMMITTEE

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I. Introduction

1. The Ministerial Drafting Committee existed from the time of the Organisation of African Unity (OAU). Its main mandate was to ensure that decisions were well drafted. After 2002, when the African Union was established, this Ministerial Committee was replaced by an ad hoc Ministerial Committee, which was elected at each session of the Assembly at the same time as the Bureau of the Union. It was chaired by the Rapporteur of the Bureau of the Union. This Committee functioned until January 2016 before it was dissolved, on the recommendation of the Executive Council, by decision Assembly/AU/Dec.597(XXVI). This Decision was adopted at the 26th Ordinary Session of the Assembly held in January 2016 in Addis Ababa, Ethiopia and it focused on "*Streamlining of the AU Summits and the Working Methods of the African Union*". It states, in paragraph iv, the following:

> "*The Assembly decides to dissolve the Ministerial Drafting Committee as currently constituted in view of the fact that the AU has since improved its decision making process with the Commission proposing draft decisions which are considered by the PRC, before submission to the Assembly through the Executive Council*"

2. As a matter of fact, the ad hoc Ministerial Drafting Committee faced many challenges. Although composed of fifteen (15) members, it was open to all Member States and the participation of the latter in the work prolonged deliberations beyond the prescribed time limits. In addition, the Committee went beyond its mandate by including in draft decisions new elements that had not been the subject of deliberations by the Executive Council. Furthermore, the sessions of the Committee were held concurrently with those of the Executive Council and the Assembly, thus affecting the smooth running of these other meetings. These failings were the motivation for its dissolution. Thereafter, the Commission took over the work of the Ministerial Drafting Committee.

3. However, some Member States noted that some draft decisions were submitted at the last minute, which left policy organs insufficient time to consider them. In other respects, it was also noted that, sometimes, the degree of conformity of the final versions of Executive Council and Assembly decisions to related deliberations of the policy organs was deemed unsatisfactory. These States believe that the decisions which are made public were tainted with either omissions or new elements. To put an end to such a situation, the work of finalizing decisions, which consists mainly of incorporating the amendments made during consideration and adoption of the decisions, is now carried out jointly by the Bureau of the PRC and the Office of the Secretary-General of the Commission. This collegial practice was not deemed adequate in meeting the expectations of certain Member States, which have constantly stressed the urgent need to reinstate the Drafting Committee which, in their view, is the only way to guarantee a perfect match between the decisions adopted and the deliberations and conclusions of

policy organs. The issue was raised several times during PRC sessions. The general trend was to reinstate the Ministerial Drafting Committee.

4. At its meeting of 17 December 2018, the PRC Bureau requested the Secretary-General of the Commission to submit a preliminary draft report on the reinstatement of the Ministerial Drafting Committee at its meeting of 8 January 2019, prior to its consideration by the PRC.

5. This draft was effectively submitted on 8 January 2019. The PRC Bureau considered it and added remarks and comments that helped to redefine the configuration of the Ministerial Drafting Committee in its new format.

6. This report reflects the guidance provided by the PRC Bureau on the mandate, functioning and composition of the Ministerial Drafting Committee.

II. Mandate

7. The mandate of the Ministerial Drafting Committee is to review the draft decisions of the Executive Council and the Assembly submitted by the Commission and other AU Organs and to finalize them by incorporating therein any amendments that may have been made during the deliberations. It guarantees the accuracy of the content of the decisions to the deliberations and conclusions of the Executive Council and the Assembly.

III. Functioning

8. The Ministerial Drafting Committee has rules of procedure which specify the modalities of its operation. By delegation, the Committee may meet at ambassadorial level. The draft rules of procedure are annexed to this report.

IV. Composition

9. The Ministerial Drafting Committee is composed of fifteen (15) members on the basis of three (3) members per region. It has a Bureau comprising the five (5) bureau members of the Executive Council. It is presided over by the Chairperson of the Executive Council.

V. Operational modalities

10. The present report and the draft rules of procedure annexed hereto are submitted for consideration by the PRC, which will make recommendations to the Executive Council with a draft decision. The adoption of the decision by the Executive Council will mark the entry into office of the Ministerial Drafting Committee.

11. Prior to the adoption of such a decision, the PRC Bureau, in collaboration with the General Secretariat of the Commission, will serve as the Drafting Committee.

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DRAFT RULES OF PROCEDURE OF THE MINISTERIAL DRAFTING COMMITTEE

Summary

Rule 1 **Reinstatement and Composition**
Rule 2 **Mandate**
Rule 3 **Meetings**
Rule 4 **Agenda and Working Documents**
Rule 5 **Quorum**
Rule 6 **Working Languages**
Rule 7 **Secretariat**
Rule 8 **Decision Making**
Rule 9 **Amendments**
Rule 10 **Entry Into Force**

Rule 1
Reinstatement and Composition

1. The Ministerial Drafting Committee is hereby reinstated.

2. The Drafting Committee shall consist of fifteen (15) Member States of the African Union, on the basis of three (3) members per region: Central, East, North, Southern and West.

Rule 2
Mandate

1. The Ministerial Drafting Committee shall review draft decisions of the Executive Council and the Assembly submitted by the Commission and other AU Organs and finalize them by incorporating therein any amendments that may have been made during the deliberations. It shall guarantee the conformity of the content of decisions with the deliberations and conclusions of the Executive Council and the Assembly.

Rule 3
Meetings

1. Meetings of the Ministerial Drafting Committee shall be convened by its Chairperson;

2. The Ministerial Drafting Committee shall hold its meetings in the manner described below:

   i. At the end of the first day of the session of the Executive Council to finalize the draft decisions relating to the items on the agenda of the Executive Council that were considered;
   ii. At the end of the second day to finalize the draft decisions relating to the items on the agenda of the Executive Council that were considered on the second day;
   iii. At the end of the first day of the session of the Assembly to finalize the draft decisions relating to the items of the agenda of the Assembly that were considered;
   iv. Before the end of the Assembly session to finalize the draft decisions related to the agenda items of the Assembly that were considered on the second day.

Rule 4
Agenda and Working Documents

1. The agenda of meetings of the Ministerial Drafting Committee shall be limited to consideration of draft decisions of the Executive Council and the Assembly;

2. The working documents of meetings of the Ministerial Drafting Committee shall be limited to the draft decisions of the Executive Council and the Assembly.

Rule 5
Quorum

The quorum for meetings shall be two-thirds of the members of the Ministerial Drafting Committee.

Rule 6
Working Languages

The working languages of the Ministerial Drafting Committee shall be Arabic, English, French and Portuguese.

Rule 7
Secretariat

The secretarial services of the Ministerial Drafting Committee shall be provided by the Office of the Secretary General of the Commission.

Rule 8
Decision Making

The Ministerial Drafting Committee shall adopt its decisions by consensus.

Rule 9
Amendments

Any Member State may propose amendments to these Rules of Procedure.

Rule 10
Entry Into Force

1. These Rules of Procedure shall enter into force upon adoption by the Executive Council of the African Union.

2. Amendments to these Rules of Procedure shall enter into force upon their adoption by the Executive Council of the African Union.

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