

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

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FIRST MID-YEAR COORDINATION MEETING

8 July 2019

Niamey, Niger

MYCM/AU/5(I)
Original : English

DRAFT PROTOCOL
AMENDING THE 2008 PROTOCOL
ON
RELATIONS BETWEEN
THE AFRICAN UNION (AU)
AND
THE REGIONAL ECONOMIC COMMUNITIES (RECs)

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PREAMBLE

THE PARTIES

INSPIRED by the objectives of the Constitutive Act of the African Union and the Treaty Establishing the African Economic Community (AEC), and the treaties establishing the Regional Economic Communities, particularly regarding the need to accelerate the political and socio-economic integration of the continent through the integration process of the Regional Economic Communities;

RECALLING the Declarations and commitments made by Member States of the African Union intended to accelerate integration, such as the Sirte Declaration (1999), the Lusaka Declaration (2001) and the Durban Declaration (2002);

TAKING into account the role of the African Union, in terms of the provisions of the Constitutive Act of the African Union and the Treaty Establishing the African Economic Community on the promotion of closer cooperation among the Regional Economic Communities, in particular, through the coordination and harmonisation of their policies, measures, programmes and activities in all fields and sectors;

AWARE of the need to establish a mechanism for the harmonisation and strategic planning of programmes by the African Union and the Regional Economic Communities taking into account the need to accelerate the implementation of integration agenda in Africa;

AGREEING on the need to establish a co-operation mechanism between the Union and the RECs in the promotion of good governance, human rights, rule of law, humanitarian concerns and a democratic culture in Africa;

CONSCIOUS of the need for the coordination and the harmonisation of the integration activities of the Regional Economic Communities with the activities of the African Economic Community so as to accelerate the establishment of the African Common Market;

AWARE of the responsibility placed on both the African Union and the Regional Economic Communities to ensure that the latter are integrated in the most economic and effective manner and the integration process of Africa is accelerated to enable Africa to face the challenges of globalisation;

STRESSING the need for relations between the African Union, the Regional Economic Communities and the Regional Mechanisms intended to emphasize the principle of gender equality in all areas of cooperation;

AGREEING on the need to enhance integration in the economic, social, cultural and political areas, including the need to maintain peace and security in conformity with the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, the Memorandum of Understanding on Cooperation in the Area of Peace and

Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa, and the African Peace and Security Architecture;

AWARE of the need to define the role of the Union and that of the RECs taking into account the principles of subsidiarity and comparative advantage, thereby allowing the RECs to advance the continental integration agenda in specific areas;

CONVINCED of the need to establish an institutional framework to govern relations between the African Union and the Regional Economic Communities;

NOW THEREFORE IT IS HEREBY AGREED as follows:

**CHAPTER ONE
PRELIMINARY PROVISIONS
ARTICLE 1**

Definitions

In this Protocol, unless the context otherwise requires:

"Assembly" shall mean the Assembly of Heads of State and Government of the Union;

"AUDA-NEPAD" shall mean the African Union Development Agency - New Partnership for Africa's Development;

"Bureau of the Assembly" shall mean the Chairperson and Vice-Chairpersons of the Assembly;

"Chairperson" shall mean the Chairperson of the Commission of the African Union;

"Chief Executive" shall mean the Chief Executive Officer of a Regional Economic Community;

"Commission" shall mean the Commission of the African Union established under Article 5(1)(e) of the Constitutive Act of the African Union;

"Commissioner" shall mean a Commissioner of the African Union appointed by the Assembly under Article 9(1) (i) of the Constitutive Act;

"Community" shall mean the African Economic Community (AEC) established by Article 2 of the Treaty Establishing the African Economic Community;

"Committee on Coordination" shall mean the Committee established by Article 6(b) of this Protocol;

"Coordination Secretariat" shall mean the Committee set out in Article 6(c) of this

Protocol;

“Constitutive Act” shall mean the Constitutive Act of the African Union adopted in Lome, Togo, on 11 July 2000;

“Executive Council” shall mean the Executive Council of the African Union;

“Parties” shall mean the Parties to this Protocol, namely the African Union and the Regional Economic Communities;

“Policy organs” shall mean the decision-making organs established by the legal instruments of the African Union and the Regional Economic Communities;

“Protocol” shall mean the present Protocol;

“Regional Economic Community (REC)” shall mean a regional grouping of African states organised into a legal entity by treaty, with economic and social integration as main objective;

“Regional Mechanism (RM)” shall mean an African Regional Mechanism for Conflict Prevention, Management and Resolution;

“Specialized Technical Committees (STCs)” shall mean the Specialized Technical Committees of the African Union established under Article 5 of the Constitutive Act and the Specialized Technical Committees of the RECs established under the treaties establishing the Regional Economic Communities;

“Treaty” shall mean the Treaty Establishing the African Economic Community;

“Treaties” shall mean the treaties establishing the Regional Economic Communities;

“Union” shall mean the African Union established by the Constitutive Act.

ARTICLE 2 SCOPE OF APPLICATION

This Protocol shall apply to the mechanism established by the Parties in the implementation of measures in the economic, social, political, environment, blue economy, migration, the African Governance Architecture (AGA) and cultural fields including gender, peace and security, intended to fulfil the responsibilities placed on them by the Constitutive Act, the Treaty and the Treaties.

ARTICLE 3

Objectives

The objectives of this Protocol are to:

- (a) formalise, consolidate and promote closer cooperation among the RECs and between them and the Union through the coordination and harmonisation of their policies, measures, programmes and activities in all fields and sectors;
- (b) establish a framework for coordination of the activities of the RECs in their contribution to the realisation of the objectives of the Constitutive Act, the Treaty and the Treaties;
- (c) strengthen the RECs in accordance with the provisions of the Treaty and decisions of the Union;
- (d) implement the Sirte Declaration with regard to the acceleration of the integration process;
- (e) set and monitor general and specific benchmarks for the establishment of the African Common Market;
- (f) establish a framework for linking the operations of the STCs and the Sectoral Cluster Committees of the Economic, Social and Cultural Council of the Union (ECOSOCC) and AUDA-NEPAD to the operations of the RECs;
- (g) establish a coordination mechanism of regional and continental efforts for the development of common positions by its members in negotiations at the multilateral level;
- (h) encourage the sharing of experiences in all fields among the RECs and ensure harmonisation of their cooperation with potential donors and international financial institutions;
- (i) ensure that gender is mainstreamed into all the programmes and activities within the relationships among the RECs and between the RECs and the Union.

ARTICLE 4

GENERAL UNDERTAKINGS

The Parties undertake, in conformity with the Constitutive Act, the Treaty and the Treaties to coordinate their policies, measures, programmes and activities with a view to avoiding duplication thereof. To this end, the Parties shall:

- (a) cooperate and coordinate the policies and programmes of the RECs with those of the Union;
- (b) exchange, at all appropriate levels, information and experiences on programmes and activities and implement the provisions of this Protocol;
- (c) promote inter-regional projects in all fields; and
- (d) support each other in their respective integration endeavours and agree to attend and participate effectively in all meetings of each other and in the activities required to be implemented under this Protocol.

ARTICLE 5 SPECIFIC UNDERTAKINGS

1. The RECs which have not yet done so, shall take the necessary steps to review their treaties in order to establish an organic link with the Union and in particular with a view to:
 - (a) strengthening their relations with the Union;
 - (b) aligning their programmes, policies and strategies with those of the Union;
 - (c) providing for an effective implementation of this Protocol; and
 - (d) providing for the eventual absorption, at stage 5 as set out in Article 6(2)(e) of the Treaty, of the RECs into the African Common Market, prelude to the Community.
2. The Union undertakes to discharge fully its responsibility of strengthening the RECs as well as of coordinating and harmonising their activities.

CHAPTER TWO INSTITUTIONAL FRAMEWORK ARTICLE 6 ESTABLISHMENT OF INSTITUTIONAL ORGANS

The following organs for coordinating policies, measures, programmes and activities of RECs and ensuring the implementation of this Protocol are hereby established:

- (a) The Mid-Year Coordination Meeting;
- (b) the Committee on Coordination; and
- (c) the Coordination Secretariat.

ARTICLE 7
THE MID-YEAR COORDINATION MEETING
COMPOSITION AND FUNCTIONS

1. The Mid-Year Coordination Meeting shall be composed of the Bureau of the Assembly and the Chairpersons of the RECs.
2. The Mid-Year Coordination Meeting shall:
 - (a) assess the status of continental integration and coordinate efforts to accelerate the integration process;
 - (b) coordinate the implementation of a clear division of labour and effective collaboration between the Union, RECs, RMs, Member States and other continental institutions, in line with the principle of subsidiarity;
 - (c) identify areas of cooperation and establish mechanisms for regional, continental and global cooperation in each sector or subsector;
 - (d) guide the Union and the RECs 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) assess and review the status of implementation of decisions and legal instruments pertaining to the relations among the Union, RECs and RMs; and
 - (f) consider any functions assigned by the Assembly.
3. The Mid-Year Coordination Meeting shall approve its rules of procedure, which will be then adopted by the Assembly.

ARTICLE 8
THE COMMITTEE ON COORDINATION
COMPOSITION AND FUNCTIONS

1. The Committee on Coordination shall consist of:
 - (a) the Chairperson;
 - (b) the Chief Executives; and
 - (c) The chief executives of the financial institutions of the Union and AUDA-NEPAD.
2. The Committee on Coordination shall be responsible for:

- (a) providing policy orientation pertaining to the implementation of this Protocol;
 - (b) coordinating and harmonising the policies in economic, social, political, environment, blue economy, migration, the African Governance Architecture (AGA) and cultural fields including gender, peace and security;
 - (c) monitoring and keeping under constant review, progress made by each REC towards the implementation of stages 2 through 4 as set out in Article 6 of the Treaty;
 - (d) adopting the budget referred to in Article 23 of this Protocol;
 - (e) determining the modalities of implementing decisions and directives of the Assembly and the Executive Council on the implementation of the Treaty;
 - (f) mobilising resources for the implementation of the Treaty; and
 - (g) considering recommendations of the Coordination Secretariat covering (a) through (c) above.
3. In order to facilitate the harmonious and expeditious implementation of the provisions of the Treaty, the treaties and this Protocol, the Committee on Coordination shall have the power to implement the provisions of this Protocol and submit regular progress reports to their respective policy organs including issues requiring their approval.

ARTICLE 9

MEETINGS OF THE COMMITTEE ON COORDINATION

1. The Committee on Coordination shall meet at least twice a year and shall be chaired by the Chairperson.
2. The decisions of the Committee on Coordination shall be taken by consensus or, failing consensus, by a simple majority of members present and voting. The decisions of the Committee on Coordination shall be forwarded to the Executive Council as recommendations on matters of policy aimed at a harmonised and efficient approach to Africa's integration.
3. At least one of the meetings of the Committee on Coordination shall take place four months before the next ordinary session of the Assembly.
4. The Chief Executive of AUDA-NEPAD shall provide advice to the Committee and shall have no right to vote on such matters as shall be stipulated in the rules of procedure adopted under paragraph 5 of this Article.

5. Subject to the provisions of the Treaty and the Treaties, the Committee on Coordination shall determine its own rules of procedure for the conduct of its meetings.
6. Members of the Committee on Coordination may be accompanied to meetings by experts and advisers.
7. The Committee on Coordination may invite any African institution with expertise in relevant matters to participate in its work and to attend its meetings as an observer.

ARTICLE 10
THE COORDINATION SECRETARIAT
COMPOSITION AND FUNCTIONS

1. The Coordination Secretariat shall consist of:
 - (a) the representatives of the Chairperson responsible for coordination of the activities of the RECs;
 - (b) the representatives of the chief executives of the RECs responsible for the coordination of integration with the Union;
 - (c) the representatives of the AUDA-NEPAD; and
 - (d) the representatives of the chief executives of the financial institutions of the Union.
2. The Coordination Secretariat shall be responsible for:
 - (a) preparing and submitting reports to the Committee on Coordination on:
 - i. policy orientation pertaining to implementation of the Protocol;
 - ii. coordination and harmonisation of the policies in economic, social, political, environment, blue economy, migration, the African Governance Architecture (AGA) and cultural fields including gender, peace and security;
 - iii. monitoring and constantly assessing the progress made by each REC towards the implementation of stages 2 through 4 as set out in Article 6 of the Treaty;
 - (b) preparing the budget referred to in Article 24 of this Protocol;
 - (c) proposing modalities for:

- i. implementing decisions and directives of the Assembly and the Executive Council on the implementation of the Treaty; and
 - ii. mobilising resources for the implementation of the Treaty;
- (d) preparing proposals for consideration by the STCs.

ARTICLE 11
MEETINGS OF THE COORDINATION SECRETARIAT

1. The Coordination Secretariat shall meet at least twice a year prior to the meetings of the Committee on Coordination and shall be chaired by the representative of the Chairperson.
2. The decisions of the Coordination Secretariat shall be taken by consensus or, failing which, by a simple majority of members present and voting.
3. At least one of the meetings of the Coordination Secretariat shall take place two (2) months before the second meeting of the Committee on Coordination.
4. Subject to the provisions of the Treaty and the Treaties, the Coordination Secretariat shall determine its own rules of procedure provided that the rules of procedure so adopted shall follow as closely as possible the rules of procedure of the Committee on Coordination.
5. The Coordination Secretariat may invite any African institution to participate in its work and to attend its meetings as an observer.

CHAPTER THREE
THE ROLE OF THE UNION
AREAS OF COMPETENCE
ARTICLE 12

1. In terms of the provisions of Article 88(1) and Paragraph 2 (a) through (d) of Article 6 of the Treaty, the role of the Union, at stages 1 through 4, is primarily to strengthen existing RECs, establish new ones where none exists and harmonise and coordinate the policies and measures adopted by the RECs into the envisaged African Common Market. To this end the Commission shall:
 - (a) monitor the implementation and evaluation of the policies, measures, programmes and activities of the RECs and their implementation thereof in order to determine the stage at which each REC shall be placed in terms of the stages set-out in paragraph 2(a) through (d) of Article 6 of the Treaty;
 - (b) work towards the coordination and harmonisation of the activities of RECs taking account of the paramount necessity of accelerating the

achievement of a continental integration within the context of the Sirte Declaration;

- (c) in cooperation with the RECs, identify the areas with respect to each REC which requires the assistance of the Commission with a view to strengthening each REC and facilitating the achievement of the objectives of the Treaty and the Treaties.
2. The implementation by the Union, of measures, programmes and activities envisaged under the provisions of Article 6 (3) of the Treaty shall be undertaken jointly with the RECs and shall take into account the agreed division of labour as outlined in Annex X.
3. The Commission shall, in consultation with the RECs, evaluate existing RECs to determine the progress of regional economic integration and thereafter design appropriate programmes to accelerate the integration process.

CHAPTER FOUR
AREAS OF COMPETENCE OF THE
REGIONAL ECONOMIC COMMUNITIES
ARTICLE 13

1. The RECs shall comply with the provisions of Article 3 (c) and (l) of the Constitutive Act which envisage, *inter alia*, the following outputs:
 - (a) accelerate the political and socio-economic integration of the continent; and coordinate and
 - (b) harmonise the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union.
2. The RECs shall also comply with the provisions of Articles 4(2) and 6(2) of the Treaty which envisages, *inter alia*, the following outputs:
 - (a) trade liberalization, facilitation, promotion and development with a view to creating a free trade area and a customs union through the eventual adoption of a common external tariff;
 - (b) sectoral integration based on harmonised macro-economic policies, enabling free market policies, factor movement and measures that aim to reduce transaction costs of doing business across the borders and thus promote increased domestic production in the Parties member states.

ARTICLE 14

1. The Assembly shall decide, if need be, the specific benchmarks to be attained at each stage, in accordance with the guidelines in the Annex to this Protocol;
2. Notwithstanding the provisions of paragraph 1 above, all policies, measures and programmes which shall be implemented in order to achieve a free trade area, a customs union and a common market for each REC shall be implemented latest by the end of the period provided for in the Annex to this Protocol from the date of entry into force of the Treaty;
3. Notwithstanding further the provisions of Article 6 of the Treaty, the coordination and harmonisation of tariff and non-tariff systems among the RECs with a view to establishing, at continental level, a customs union through the adoption of a common external tariff, shall be achieved within a shorter period in accordance with the Sirte Declaration;
4. Any REC may accelerate the process of integration and achieve the objectives set for each stage in advance of the time limits set out in Article 6 of the Treaty;
5. Every REC shall review and modify its existing Technical Committees to align their functions and structures to those of the STCs.

CHAPTER FIVE COOPERATION AMONG THE RECS AND WITH THE UNION ARTICLE 15 CONSULTATIONS ON THE COORDINATION OF ACTIVITIES

The Chairperson and the Chief Executives may, prior to a meeting of the Committee on Coordination, hold consultations.

ARTICLE 16 JOINT PROGRAMMES AND CLOSER COOPERATION

1. The RECs may enter into cooperation arrangements under which they undertake joint programmes or activities or coordinate more closely their policies, measures and programmes;
2. The Commission and the secretariats of the RECs shall cooperate in the preparation of the Mid-Year Coordination Meeting;
3. The Union shall consult the RECs in the preparation of proposals and work programme for consideration by the STCs. The Union shall fully attend the STCs of the RECs, likewise RECs should attend the STCs of the Union to allow closer cooperation in every sector;

4. The Commission, the RECs, AUDA-NEPAD and the financial institutions of the Union shall each designate a focal point with which all the parties may communicate in connection with any matter arising out of the implementation and application of this Protocol and notify such designation to all the parties.

ARTICLE 17
**PARTICIPATION IN MEETINGS AND EXCHANGE OF EXPERTISE,
EXPERIENCE AND INFORMATION AMONG RECS**

1. In order to strengthen horizontal integration, each REC shall invite the others to participate in meetings convened by it in which matters of mutual interest are to be discussed;
2. A REC shall be invited, in line with modalities to be mutually agreed upon, to avail another of its experience by putting at its disposal the services of its personnel. The costs for such exchange of expertise shall be borne by the RECs;
3. Subject to necessary arrangements for the safeguarding of the confidentiality of certain information, the RECs shall exchange information and documents and keep each other informed of their policies, measures, programmes and activities of the implementation of this Protocol with a view to fostering closer coordination and cooperation for the achievement of the objectives of the Treaty and this Protocol.

CHAPTER SIX
**PARTICIPATION IN MEETINGS
AND THE BINDING NATURE OF DECISIONS**

ARTICLE 18
PARTICIPATION IN UNION MEETINGS

1. The RECs shall attend and participate, without voting rights, in meetings of the Union in accordance with the rules of procedure of the Assembly, Executive Council, Permanent Representatives' Committee (PRC) and STCs;
2. Each REC shall submit through the Coordination Committee to the STCs, the Executive Council and the Assembly a report on progress achieved and difficulties encountered in the implementation of the provisions of this Protocol.

ARTICLE 19
COURTESIES TO THE RECS AT UNION MEETINGS

The Chairperson and the Chief Executives or their representatives shall enjoy the same courtesies on the basis of reciprocity.

ARTICLE 20
PARTICIPATION IN MEETINGS OF RECS

1. The Union shall attend and participate, without voting rights, in meetings of the RECs in accordance with their rules of procedure.
2. The Chairperson shall submit a report to the meetings of the policy organs of the Union and RECs on the implementation of the provisions of the Abuja Treaty and this Protocol.

ARTICLE 21
COURTESIES TO THE COMMISSION AT MEETINGS OF RECS

The Chairperson or his or her representative shall enjoy the same rights as the Chief Executives and shall, accordingly, participate in the deliberations of the RECs.

ARTICLE 22
PERMANENT REPRESENTATIONS

1. The Union shall open a permanent representation at the Headquarters of each REC.
2. Each REC shall establish, where it does not exist, a permanent representation to the AU and a national integration structure in each of its Member States.

ARTICLE 23
BINDING UNION'S DECISIONS ON RECS

1. The Union shall take measures, through its principal policy organ, and after due consideration by the Mid-Year Coordination Meeting against a REC whose policies, measures and programmes are incompatible with the objectives of the Treaty or whose implementation of its policies, measures, programmes and activities lag behind the time limits set out in Article 6 of the Treaty or pursuant to this Protocol.
2. Where it is established that the delay in the implementation of the policies, measures, programmes and activities arising from the provisions of Article 6 of the Treaty is the result of action or omission by Member States of any REC, the Assembly or the Executive Council shall address its directives to the relevant Member States of the Union.
3. The decisions of the Assembly and the Executive Council may include any sanctions deemed appropriate, in accordance with the Constitutive Act.

CHAPTER SEVEN
FINANCIAL PROVISIONS

ARTICLE 24
BUDGET

1. The Union shall allocate in its regular budget resources for the implementation of this Protocol and related provisions of the Treaty.
2. A draft budget, for the implementation of the Protocol, for each financial year, shall be prepared by the Chairperson, in consultation with the Chief Executives and the chief executives of the financial institutions of the Union and AUDA-NEPAD.
3. Each REC shall also provide in its regular budget the necessary resources for the implementation of this Protocol and shall bear the relevant secretariat service and local transport costs when hosting meetings to this effect.
4. Notwithstanding the provisions of paragraph 1 of this Article, the resources of the budget may be derived from extrabudgetary sources.

ARTICLE 25
ACCOUNTS AND FINANCIAL REGULATIONS

The RECs shall account for any financial resources provided by the Union in accordance with the provisions of Article 85 of the Treaty.

ARTICLE 26
FINANCIAL AND TECHNICAL SUPPORT

1. The Parties recognise that the main obstacles to the full implementation of the policies, measures and programmes of the RECs include resource constraints, at the levels of the Union, the RECs and Member States to plan, manage, implement, monitor and evaluate the implementation of agreed decisions, policies, measures, programmes and activities.
2. In order to attain the above objectives the parties shall cooperate in:
 - (a) the collective mobilisation of financial resources to assist the RECs to implement, in particular, policies, measures and programmes which shall facilitate the development of respective RECs from one stage to the next as set out in paragraphs 2 (a) through (d) of Article 6 of the Abuja Treaty;
 - (b) human resource capacity and institution-building;

- (c) mobilising technical assistance for the RECs according to expressed needs; and
- (d) monitoring the implementation and the conformity of programmes agreed upon at the level of the RECs and monitoring their compliance thereof so as to expedite the implementation of the Treaty.

CHAPTER EIGHT

GENERAL AND FINAL PROVISIONS

ARTICLE 27

WORKING LANGUAGES

For the purpose of this Protocol, the working languages shall be English and French.

ARTICLE 28

ADMINISTRATIVE ARRANGEMENTS

1. The Union shall be responsible for all secretarial, administrative and conference arrangements for all meetings held at the Union Headquarters relating to the implementation of this Protocol.
2. When the meetings are held at the invitation of one of the RECs, the REC concerned shall be responsible for all secretarial, administrative and conference arrangements.
3. The Union shall facilitate the participation of RECs in meetings of the Union.

ARTICLE 29

EXTERNAL RELATIONS

1. In the context of realising its integration objectives, a regional economic community may enter into co-operation agreements with other international organizations or with third countries provided that such agreements do not conflict with the objectives of the Constitutive Act, the Treaty and the treaties.
2. Copies of the agreements referred to in paragraph 1 of this article shall be transmitted to the Chairperson by the RECs parties to them.

ARTICLE 30

COORDINATING MINISTRIES OR AUTHORITIES

For the purpose of the implementation of the provisions of paragraph 2 of Article 88 of the Treaty and of Article 4 of this Protocol, the Parties agree to invite their Member States to designate the same coordinating Ministry for the implementation of the Treaty and the treaties.

ARTICLE 31
**HARMONISATION OF MECHANISMS FOR PROMOTION OF PEACE,
SECURITY AND STABILITY**

1. For the purpose of implementing the provisions of Article 3(a) of this Protocol and Articles 7(j) and 16 of the Protocol Establishing the Peace and Security Council of the African Union, the Parties agree to undertake the following:
 - (a) harmonise and coordinate their activities in the field of peace, security and stability to ensure that these activities are consistent with the objectives and principles of the Union and those of the RECs;
 - (b) work closely to ensure effective partnership between them in the promotion and maintenance of peace, security and stability; and
 - (c) determine the modalities of the relationship in the promotion of peace, security and stability between the Union and the RECs (to be included in an Annex to this document).
2. Notwithstanding the provisions of Article 16 of the Protocol Establishing the Peace and Security Council of the African Union, the coordination and harmonisation of mechanisms to prevent, manage and resolve conflicts among the RECs with a view to establishing, at continental level, a peace and security architecture.

ARTICLE 32
AMENDMENTS

1. Any Party may propose amendments to this Protocol.
2. Proposals made pursuant to paragraph 1 of this Article shall be submitted, in writing, to the Committee on Coordination, which shall make appropriate recommendations to the Mid-Year Coordination Meeting.
3. Amendments shall enter into force after approval by the Parties.

ARTICLE 33
DISPUTE RESOLUTION

1. Any dispute arising between the parties from the interpretation or application of the provisions of this Protocol shall be resolved amicably by the Parties concerned within the Committee on Coordination.
2. If the Committee on Coordination is unable to resolve the dispute, the dispute shall be referred to the Court of Justice of the Union by any Party for settlement in conformity with the Articles 18 and 19 of the Protocol of the Court.

3. In any dispute arising from the interpretation or applicability of the provisions of the Constitutive Act, the Treaty and the treaties, the Constitutive Act shall prevail, ipso facto, the Constitutive Act and this Protocol shall constitute the legal basis for the Parties which are not signatories to the Treaty.

ARTICLE 34 ENTRY INTO FORCE AND ACCESSION

1. This Protocol shall enter into force when signed by the Chairperson and by the Chief Executives of at least three (3) RECs.
2. This Protocol shall be formally endorsed by the Assembly.
3. Any REC which is not a Party to this Protocol on the date of its entry into force may accede to it.
4. This Protocol shall enter into force in relation to an acceding REC on the date on which its instrument of accession is deposited with the Chairperson.

ARTICLE 35 TERMINATION OF THE PROTOCOL ON RELATIONS BETWEEN THE AFRICAN UNION (AU) AND THE REGIONAL ECONOMIC COMMUNITIES (RECS)

The operation of the Protocol on Relations between the African Union (AU) and the Regional Economic Communities (RECs), which entered into force on 27 January 2008 shall terminate upon the entry into force of this Protocol.

ARTICLE 36 DEPOSITORY

This Protocol, prepared in six original texts in English, French, Arabic Portuguese, Spanish and Swahili languages, the six texts being equally authentic, shall be deposited with the Chairperson, who shall transmit certified copies thereof to the Parties and to their Member States.

IN WITNESS WHEREOF, WE, XXX, HAVE SIGNED THIS PROTOCOL

Done at XXX, in XXX, on the day of XXX, in the year XXXX.

For African Union (AU)

H.E. Mr. Moussa Faki Mahamat

**For Economic Community of
West African States (ECOWAS)**

**For Common Market of Eastern and
Southern Africa (COMESA)**

**For Economic Community of
Central African States (ECCAS)**

**For Southern African Development
Community (SADC)**

**For Intergovernmental Authority
for Development (IGAD)**

**For Community of Sahel-Saharan
States (CEN-SAD)**

For Arab Maghreb Union (UMA)

**For Eastern African Community
(EAC)**

2019-07-08

Draft Protocol Amending the 2008 Protocol on Relations between the African Union (AU) and the Regional Economic Communities (RECs)

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