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**EXECUTIVE COUNCIL**

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**DRAFT RULES OF PROCEDURE OF THE  
AFRICAN PEER REVIEW PANEL OF EMINENT PERSONS**



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AFRICAN PEER REVIEW PANEL OF EMINENT PERSONS**

## PREAMBLE

The Executive Council,

**HAVING REGARD** to the Constitutive Act of the AU, and in particular Articles 3 and 4 on the objectives and principles of the African Union;

**RECALLING** Articles 10, 11, 12, 13 and 14 of the Statute of the APRM establishing its governance structures;

RECALLING, the Assembly Decision, Assembly/AU/Dec.198 (XI) and Assembly Decision/AU/Dec.527 (XXIII) on the integration of the APRM into the African Union

FURTHER RECALLING the Executive Council Decision, EX.CL.Dec. 1063 (XXXV) on the review of the Rules of Procedure of the APRM;

**HEREBY ADOPTS THESE RULES OF PROCEDURE:**

## SECTION I: GENERAL PROVISIONS

### RULE 1 Definitions

In these Rules:

“**APR**” means the African Peer Review;

“**APRM**” means the African Peer Review Mechanism;

“**APR Forum**” means the of Heads of State and Government of Participating States of the African Peer Review Mechanism;

“**APR Focal Points Committee**” means the Ministerial body comprising of the Personal Representatives of the Heads of State and Government of the Participating States of the African Peer Review Mechanism;

“**APR Focal Point**” means personal representatives of Heads of States and Government of the Participating States;

“**APR Panel**” means the Panel of Eminent Persons of the African Peer Review Mechanism;

“**APRM Secretariat**” means the Continental Secretariat of the African Peer Review Mechanism;

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

“**AU**” means the African Union; “**CEO**” means Chief Executive Officer of the Continental Secretariat of the African Peer Review Mechanism;

“**Chairperson**” means the Chairperson of the APR Panel

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

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

“**ECOSOCC**” means the Economic, Social and Cultural Council of the African Union;

“**Eminent Persons**” means persons of high moral stature, integrity, objectivity, impartiality and independence, who have distinguished themselves in careers that are considered relevant to the work of the APRM, and shall have demonstrated commitment to the ideas of Pan Africanism;

“**Executive Council**” means the Executive Council of the African Union;

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

“**NGC**” means the National APRM Governing Council;

“**Participating States**” means Member States that have voluntarily acceded to the African Peer Review Mechanism;

“**Statute**” means the present Statute of the African Peer Review Mechanism;

“**Technical Research Institutions**” means Independent research institutions contracted by the APR National Structure to conduct the country self-assessment

“**Union**” means the African Union

“**Vice Chairperson**” means the Vice Chairperson of the APR Panel.

## **RULE 2** **Status**

1. The APR Panel shall be a body of Eminent Africans nominated by the APR Forum and endorsed by the Assembly with the responsibility to lead the voluntary country review process.
2. The APR Panel shall report directly to the APR Forum.

## **RULE 3** **Composition**

1. The APR Panel shall be composed of a minimum of five (5) and a maximum of ten (10) Eminent Africans nominated by the APR Forum and endorsed by the Assembly.
2. The composition of the Panel shall reflect equitable geographical distribution and gender balance in line with AU Rules and Regulations.

## **RULE 4** **Powers and Functions**

The APR Panel shall:

- a) be responsible for leading the voluntary country reviews and other reviews in line with the processes and stages outlined in the APRM Base Documents;
- b) ensure the integrity, independence, professionalism and credibility of the voluntary country review process;
- c) serve in their personal capacity and not as representatives of their respective Governments. They shall neither seek nor receive instructions from any authority external to the APR Forum;
- d) ensure and sustain the African ownership of the voluntary country review process;
- e) propose a comprehensive system of policies and procedures for effective implementation of the voluntary country review process to the APR Forum for adoption;
- f) ensure ethical behavior and compliance with relevant laws and regulations, APRM principles and the APRM governing documents and the code of conduct during the voluntary country review process;
- g) act above and beyond the minimum requirements and benchmark performance against international best practices;
- h) submit reports on its activities to the APR Forum at least once (1) a year;
- i) act responsibly towards the APRM's relevant stakeholders and enhance relations with them;
- j) make recommendations to the APR Forum independently, impartially and in good faith and shall not be influenced by ideological; and political preferences or any other interest whatsoever;
- k) propose to the APR Forum modalities for enhancing and improving the APRM;
- l) not be involved in the day to day issues of the APRM Secretariat;
- m) Observe the utmost discretion and confidentiality, with regard to all matters relating to the peer review process, while they serve on the APR Panel and thereafter.

**Rule 5  
Selection Criteria**

1. The APR Panel members shall be African nationals from the Participating States::
  - a) who are of high moral stature, integrity, objectivity, impartiality and independence, who have distinguished themselves in careers that are considered relevant to the work of the APRM, and shall have demonstrated commitment to the ideals of Pan Africanism; and
  - b) who have the capacity to engage with high level stakeholders.

**Rule 6  
Conflict of Interest and Disqualifying Factors**

1. The APR Panel members must not be active in politics nor high ranking Government officials and should not hold positions that would lead to conflict of interest under the APRM.
2. The APR Panel members shall not engage in any activity that is incompatible with the proper discharge of their mission with the APRM or that is in conflict with any selection criteria.
3. Each Member of the APR Panel shall be forbidden from gaining any benefit from a contract award or remuneration undertaken by the APRM.
4. Each member of the APR Panel, shall declare and bring to the attention of the Chairperson of the APR Forum, on an annual basis, such conflict of interest and/ or inefficiency and in effectiveness in the discharge of duties.
5. Each member of the APR Panel shall declare any prior interest in such contractual or review process matters that the APRM may undertake.

**Rule 7  
Appointment Procedures**

1. The APR Forum shall nominate and submit the five (5) Panel Members to the Assembly for endorsement and the remaining Panel members shall be nominated through the Panel Search Committee of the APR Focal Points Committee having taken into account the equitable geographical distribution and gender balance. Each of the five (5) AU Regions (East, Central, North, South and West) shall nominate two nominees (one male and female) to the APR Focal Points Committee. Only the nominees who satisfy the criteria specified in the Statute and this Rules of Procedure shall be considered by the APR Focal Points Committee for recommendation to the APR Forum.

2. The APR Forum shall nominate the remaining Panel members to the Assembly for endorsement through a Panel Search Committee established by the APR Focal Points Committee to head-hunt qualified persons for the Panel who meet the selection criteria specified in the Statute and these Rules of Procedure. Special regard shall however be given to bring more talent to the Panel so as to enhance its technical and professional quality taking into account equitable geographical distribution and gender balance.
3. The Chairperson of the APR Focal Points Committee shall submit a recommended list of Panel Members nominated for endorsement by the APR Focal Points Committee to the APR Forum, having regard to geographical distribution, gender balance, , expertise in the four (4) thematic areas of the APRM.
4. The APR Forum shall ensure an integrated, balanced and technically competent and professional Panel.
5. The APR Focal Points Committee shall recommend new Panel Members whenever vacancies occur and on the basis of the criteria and principles set out above. If a vacancy occurs and is from a particular region, the region will be asked to nominate new candidates for consideration by the APR Focal Points Committee. If it is one of the other Panel Members appointed through Panel Search Committee, the Search Committee shall be organized to assist in the process of selection of Panel Members in line with the procedure described in these Rules of Procedure.

#### **Rule 8**

#### **Remuneration and other benefits of APR Panel**

1. The APR Panel shall be entitled to honorarium in terms of AU Rules and Regulations when on official business of the APRM. The honorarium shall be subject to periodic review in line with AU Rules and Regulations.
2. The APR Panel shall not enjoy any other benefit in dealing, directly or indirectly with the APRM. The APR Panel shall not accept in connection with the conduct of APRM activities, any remuneration, benefits, favour or gift of significant value from governments, entities or persons and shall declare any gifts.
3. The APR Panel shall be covered with a requisite travel and health insurance during their travel on APR Panel missions in line with AU Rules and Regulations.

#### **Rule 9**

#### **Term of Office of Panel Members**

1. The APR Panel Members shall serve for up to four (4) years non-renewable.

2. The APR Focal Points Committee may recommend the termination of the appointment of any member of the APR Panel to the APR Forum on the basis of non-performance, misconduct or conflict of interest.
3. APR Panel members shall be removed from office if declared bankrupt or convicted of a criminal offence.

**Rule 10  
Leadership of the Panel**

1. The APR Panel shall be led by the Chairperson and Vice Chairperson selected by the APR Forum from amongst members of the Panel on the basis of geographical rotation and gender balance.
2. The term of office of the Chairperson and Vice Chairperson of the APR Panel shall be one (1) year non-renewable.

**SECTION II:  
SESSIONS OF THE APR PANEL**

**Rule 11  
Ordinary Sessions of the APR Panel**

The APR Panel shall hold four (4) Ordinary Sessions a year.

**RULE 12  
Venue**

1. The APR Panel shall endeavor to host its Ordinary Sessions at the headquarters of the APRM Continental Secretariat.
2. In the event that an AU Member State undertakes to host a session of the APR Panel in its country, the host country shall be responsible for all extra expenses to be incurred by the APRM Secretariat as a result of the Ordinary Session being held outside the headquarters of the APRM Continental Secretariat.
3. Member State offering to host sessions of the APR Panel shall not be under AU sanctions and shall be required to meet pre-determined criteria of the AU for hosting, including adequate logistical facilities and a conducive political atmosphere.
4. Where an AU Member State that had offered to host a session of the APR Panel is unable to do so, a new venue shall be determined through appropriate consultations between the Chairperson of the APR Panel and the CEO of the APRM Secretariat.



5. Where two or more Member States offer to host a session of the APR Panel, the APR Panel shall decide on the venue by simple majority.

**RULE 13**  
**Open and Closed Sessions**

All the sessions of the APR Panel shall be closed. The APR Panel may, however, decide by two-thirds majority whether any of its sessions shall be open.

**RULE 14**  
**Attendance and Participation**

1. The Members of APR Panel shall participate personally in the sessions of the APR Panel.
2. The APRM Secretariat shall also attend the sessions of the APR Panel for support services.
3. The APR Panel may, after due consideration, invite multilateral development institutions and/or any other partners or eminent African personalities with observer status to attend the session of the APR Panel subject to the agenda items under consideration.
4. A member of the Panel who fails to attend four (4) consecutive meetings of the Panel shall automatically cease to be a member of the Panel.

**RULE 15**  
**Resignation and Vacancy**

1. A member of the Panel may submit his/her resignation to the Chairperson of the Panel at any time during the term of office.
2. The Chairperson of the Panel shall inform the Chairperson of the Focal Points and the APR Forum of any vacancy in the APR Panel.

**RULE 16**  
**Opening and Closing Ceremonies**

1. During the opening ceremonies of each session, the following shall be entitled to address the APR Panel:
  - a) Chairperson of the Focal Points Committee;
  - b) Chairperson of the APR Panel;
  - c) The CEO of the APRM Continental Secretariat

2. During the closing ceremony, the Chairperson of the APR Panel shall address the session.
3. The APR Panel may, after due consideration, invite any other high personality to address the APR Panel at the opening and closing ceremonies.

#### **RULE 17**

##### **Provisional agenda for Ordinary Sessions**

1. The provisional agenda of ordinary sessions shall be drawn up by the Secretariat of APRM in consultation with the Chairperson of the APR Panel.
2. The provisional agenda of ordinary sessions may comprise of the following:
  - a) items which the APRM Panel decides to place on its agenda;
  - b) items proposed by the APRM Secretariat; and
  - c) items proposed by the Focal Points.
3. The CEO, in consultation with the Chairperson of the APR Panel, shall communicate the provisional Agenda of an ordinary session to the APR Panel at least thirty (30) days before the opening of the session.
4. The APR Panel shall adopt the Agenda of the ordinary session at the opening of each session.

#### **RULE 18**

##### **Extra-Ordinary Sessions of the APR Panel**

1. The APR Panel may hold such additional extra-ordinary sessions as may be required for the effective implementation of the APRM review process. The Special Session shall be held in consultation with the CEO of the APRM.
2. The CEO, in consultation with the Chairperson of the APR Panel, shall notify all APR Panel members of the request within seven (7) working days of the receipt of such request and advise them to communicate, in writing, their response within seven (7) days.
3. If the specified period in paragraph 2 this Rule has elapsed and the two-thirds majority required has not been attained, the CEO shall notify all Members that the extra-ordinary shall not take place.
4. The extra-ordinary of the APR Panel shall be held at the Headquarters of the APRM unless an AU Member State invites APR Panel to hold the session in its country.

**RULE 19**  
**Provisional Agenda for Extra Ordinary Sessions**

1. The CEO, in consultation with the Chairperson of the APR Panel, shall communicate the provisional Agenda of an extra ordinary session to the APR Panel members at least fifteen (15) days before the opening of the session.
2. The Agenda of an extra ordinary session shall comprise only of the item(s) submitted for consideration in the request for convening the session.
3. The APR Panel shall adopt the Agenda of the extra ordinary session at the opening of the session.

**RULE 20**  
**Other Agenda Items**

Additional agenda items, which a Member of the APR Panel wishes to raise at a session of the APR Panel, 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 21**  
**Quorum**

The quorum for a session of the APR Panel shall be two-thirds of the total membership of the APR Panel.

**Rule 22**  
**Functions of the Chairperson of the APR Panel**

1. The Chairperson shall:
  - a) convene the sessions of the APR Panel;
  - b) open and close the sessions of the APR Panel;
  - c) submit for approvals the minutes of sessions for consideration of the APR Forum after consultation with the CEO of the APRM Secretariat;
  - d) obtain consensus on matters before the APR Panel;
  - e) rule on points of order;
  - f) present APR Panel conclusions and recommendations to the APR Forum for consideration and adoption;
  - g) coordinate with the APR Forum and APR Focal Point Committees; and

- h) call for the convening of an extra-ordinary, if necessary.
2. The Chairperson shall ensure order and decorum of the proceedings of the APR Panel.
  3. In between sessions, the Chairperson of APR Panel, in consultation with the CEO of the APRM Secretariat, shall represent the APRM as deemed appropriate.
  4. In the absence of the Chairperson of the APR Panel or in case of a vacancy, the Vice-Chairperson of the APR Panel shall act as the Interim Chairperson of the APR Panel.

#### **SECTION IV: DECISION MAKING PROCEDURES**

##### **RULE 23**

##### **Majority Required for Decision-making**

1. The APR Panel shall take all its decisions by consensus or failing which, by a two-thirds majority of the APR Panel members.
2. Decision on questions of procedure and whether or not a question is one of procedure shall be taken by a simple majority of APR Panel present at the meeting.
3. Abstentions by the APR Panel members shall not prevent the adoption of decisions by consensus by the APR Panel.

##### **RULE 24**

##### **Voting Rights and Methods of Voting**

1. Each Member in the APR Panel shall have one (1) vote.

Voting shall be taken by secret ballot or any method as may be determined by the APR Panel.

##### **RULE 25**

##### **List of Speakers and Use of Floor**

1. The Chairperson, during debates, shall give the floor in the order in which speakers indicate their intention.
2. 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 on the issue under discussion subject to Paragraph 3 of this Rule.
3. The Chairperson shall, on procedural questions, limit each intervention to an appropriate time.

**RULE 26**  
**Point of Order**

1. During deliberations on any item, APR Panel member may raise a point of order. The Chairperson shall immediately decide on the point of order.
2. The APR Panel member concerned may appeal against the ruling of the Chairperson. The ruling shall immediately be put to vote and decided upon by simple majority.
3. In raising a point of order, the APR Panel member concerned shall not speak on the substance of the issue under discussion.

**RULE 27**  
**Closure of Debate**

1. When a matter has been sufficiently discussed, or during the discussion of any matter, APR Panel member may move for the closure or adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two (2) Members may briefly speak in favour of and two (2) others against such motion.
2. The Chairperson shall consult with the Members and thereafter decide on the motion.

**Rule 28**  
**Adjournment of the Debate**

During the discussion of any matter, an APR Panel member may move for the adjournment of a debate on the item under discussion. In addition to the proposition of the motion, one (1) APR Panel Member may speak in favour of and another against the motion. The Chairperson shall immediately thereafter put the motion to a vote. A simple majority shall be required to decide on the motion.

**RULE 29**  
**Suspension or Adjournment of the Meeting**

During the discussion of any matter, APR Panel member 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. A simple majority shall be required to decide on the motion.

**RULE 30**  
**Order of Procedural Motions**

1. Subject to Rule 26, the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:
  - a) suspension of the meeting;
  - b) adjournment of the meeting;
  - c) adjournment of the debate on the item under discussion; and
  - d) closure of the debate on the item under discussion.

**RULE 31**  
**Conclusions and Recommendations to the APR Forum**

The APR Panel conclusions and recommendations adopted by the APR Forum shall become decisions of the APR Forum.

**SECTION V: FINAL PROVISIONS**

**RULE 32**  
**Implementation**

The APR Panel may recommend guidelines and supplementary measures to give effect to these Rules to the APR Forum, after proper consultations with the APR Committee of Focal Points.

**RULE 33**  
**Working Languages**

The working languages of the APR Panel shall be those of the AU.

**RULE 34**  
**Amendments**

1. The APR Panel may propose the amendment of these Rules to the APR Forum.

2. The APR Forum shall endorse the amendments by a two-thirds majority and thereafter recommend amendments to the Executive Council for consideration and adoption.

**RULE 35**  
**Authentic Texts**

These Rules of Procedure are drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.

**RULE 36**  
**Entry into Force**

These Rules shall enter into force upon adoption by the Executive Council.

Adopted by the.....Ordinary Session of the  
Executive Council.

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# Draft Rules of Procedure of the African Peer Review Panel of Eminent Persons

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