

**AFRICAN UNION**

**الاتحاد الأفريقي**



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**DRAFT REVISED PROTOCOL ON RELATIONS BETWEEN THE  
AFRICAN UNION AND THE REGIONAL ECONOMIC COMMUNITIES**

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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, 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);

**FURTHER RECALLING** Decision Assembly/AU/Dec.635 (XXVIII) adopted at the 28<sup>th</sup> Ordinary Session of the Assembly on the need for clear division of labour and effective collaboration between the African Union, Regional Economic Communities, Regional Mechanisms, Member States and other continental institutions;

**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 in line with the aspirations contained in the African Union Agenda 2063;

**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 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, as well 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 strengthen the institutional framework to govern relations between the African Union and the Regional Economic Communities, through revision of the Protocol on Relations between the African Union and the Regional Economic Communities, which entered into force on 27 January 2008;

**NOW THEREFORE IT IS HEREBY AGREED** as follows:

## **CHAPTER ONE PRELIMINARY PROVISIONS**

### **ARTICLE 1 DEFINITIONS**

In this Protocol, unless the context otherwise requires:

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

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

"**Abuja Treaty**" means the Treaty Establishing the African Economic Community;

"**AEC**" means the African Economic Community;

"**African Common Market**" means a single African liberalized market for goods and services, facilitated by movement of persons in order to deepen the economic integration of the African continent, as envisaged in the Abuja Treaty.

"**African Financial Institutions**" means the Financial Institutions established under Article 19 of the Constitutive Act;

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

"**Bureau**" means the Chairperson and Vice-Chairpersons and Rapporteur of the Assembly;

“**Chairperson**” means the Chairperson of the African Union Commission.

“**CEO**” means the Chief Executive Officer of a Regional Economic Community;

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

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

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

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

“**Protocol**” means this Revised Protocol on Relations between the African Union and the Regional Economic Communities;

“**Regional Economic Community (REC)**” means the Regional Economic Communities recognised by the African Union;

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

“**Sirte Declaration**” means the Assembly Declaration EAHG/Decl.(IV) Rev.I adopted during the fourth Extra Ordinary Session of the Assembly in Sirte, Libya, where Heads of State and Government agreed to establish the AU, accelerate the process of integration in the continent and to address social, economic and political problems affecting the continent in accordance with the Treaty Establishing the African Economic Community (Abuja Treaty).

“**Specialized Technical Committees (STCs)**” means 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;

“**Treaties**” means the treaties establishing the Regional Economic Communities;

“**Union**” means the African Union established by the Constitutive Act.

## **ARTICLE 2 SCOPE OF APPLICATION**

This Protocol shall apply to the coordination between the Parties in the implementation of measures that serve the principles and objectives of the Constitutive Act, the Abuja Treaty, the Treaties and any other relevant AU instruments.

### **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 in line with the principle of subsidiarity and complementarity;
- (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, as well as other relevant AU instruments;
- (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) coordinate AU and REC policies, measures, programmes and activities with a view to avoiding duplication;
- (f) set and monitor general and specific benchmarks for the establishment of the African Common Market;
- (g) 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;
- (h) establish a coordination mechanism of regional and continental efforts for the development of common positions by its members in negotiations at the multilateral level;
- (i) encourage the sharing of experiences in all fields among the RECs and ensure harmonisation of their cooperation with potential donors and international financial institutions;
- (j) 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**

## **MUTUAL UNDERTAKINGS**

The Parties undertake, in conformity with the Constitutive Act, the Abuja 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 SPECIAL UNDERTAKINGS**

1. The RECs shall take the necessary steps to review their treaties with the Union in order to establish an organic link 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 Abuja Treaty, of the RECs into the African Common Market, prelude to the AEC.
2. The Union undertakes to discharge fully its responsibility of strengthening the RECs as well as of coordinating and harmonising their policies in line with Article 4 (1) and (2) of the Abuja Treaty.

## **CHAPTER TWO INSTITUTIONAL FRAMEWORK**

### **ARTICLE 6 ESTABLISHMENT OF THE COORDINATION STRUCTURES**

The following structures are established for the purpose of coordinating policies, measures, programmes and activities of the Parties towards implementation of this Protocol:

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

**ARTICLE 7**  
**THE MID-YEAR COORDINATION MEETING**

1. In place of the June/July Summit, the Bureau of the Assembly shall hold a coordination meeting with the RECs with the participation of the Chairpersons of the RECs, the Commission and RMs.
2. The Commission shall coordinate and harmonise the activities of the Parties for the Mid-Year Coordination Meeting.
3. 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, complementarity and comparative advantage;
  - (c) coordinate and harmonize AU and REC policies with a view to accelerating Africa's integration process
  - (d) identify areas of cooperation and establish mechanisms for regional, continental and global cooperation in each sector or subsector;
  - (e) 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;
  - (f) review and assess the status of implementation of decisions and legal instruments pertaining to the relations among the Union, RECs and RMs; and
  - (g) consider any functions assigned by the Assembly.
  - (h) any other requests assigned by the Assembly.

**ARTICLE 8**  
**THE COMMITTEE ON COORDINATION**

1. The Committee on Coordination shall consist of the:

- (a) Senior officials of Member States participating in the Mid-year coordination meeting;
  - (b) Chairperson of the Commission;
  - (c) CEOs of RECs; and
  - (d) CEOs of the Financial Institutions; and
  - (e) CEO of AUDA-NEPAD.
2. The Committee on Coordination shall be responsible for:
- (a) overseeing the implementation of this Protocol;
  - (b) coordinating and harmonising the policies to enhance integration in the economic, social, cultural and political areas, as well as in the field of peace and security;
  - (c) monitoring, evaluating and reviewing progress made by each REC towards the implementation of stages two (2) to four (4) as set out in Article 6 of the Abuja Treaty;
  - (d) proposing the budget of the Committee on Co-ordination referred to in Article 22 of this Protocol;
  - (e) collaborative implementation of decisions and directives of the Assembly and the Executive Council on the implementation of the Abuja Treaty;
  - (f) mobilising resources for the implementation of the Abuja Treaty; and
  - (g) considering recommendations of the Coordination Secretariat covering paragraphs (a) to (c) above in order to facilitate the harmonious and expeditious implementation of the provisions of the Abuja Treaty, the Treaties and this Protocol;
  - (h) implementing the provisions of this Protocol and submit regular progress reports to their respective policy organs including issues requiring their approval.
  - (i) submit its report for consideration by the Mid-Year Coordination Meeting.

## **ARTICLE 9**

### **MEETINGS OF THE COMMITTEE ON COORDINATION**

1. The Committee on Coordination chaired by the Chairperson shall meet at least twice a year and one of these meetings shall take place at least three (3) months before the annual Mid-Year Coordination Meeting.

2. The recommendations of the Committee on Coordination shall be taken by consensus or, failing consensus, by a simple majority of members present and voting. The recommendations of the Committee on Coordination shall be forwarded to the Executive Council, through the Committee of Permanent Representatives, as recommendations on matters of policy aimed at a harmonised and efficient approach to Africa's integration.
3. 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 4 of this Article.
4. Subject to the provisions of the Abuja Treaty and the Treaties, the Committee on Coordination shall determine its own rules of procedure for the conduct of its meetings.
5. Members of the Committee on Coordination may be accompanied to meetings by experts and advisers.
6. 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**

1. The Coordination Secretariat shall consist of:
  - (a) the representative of the Chairperson responsible for coordination of the activities of the RECs;
  - (b) the representative of the chief executives of the RECs responsible for the coordination of integration with the Union;
  - (c) the representative of the AUDA-NEPAD; and
  - (d) the representative of the chief executives of the financial institutions of the Union.
2. The Coordination Secretariat shall be responsible for:
  - (a) Supporting the mandate of the Committee on Coordination;
  - (b) preparing and submitting reports to the Committee on Coordination on:
    - i. coordination and harmonisation of the policies to enhance integration in the economic, social, cultural and political areas, as well as in the field of peace and security;

- ii. status of implementation on the progress made by each REC towards the implementation of stages 2 through 4 as set out in Article 6 of the Abuja Treaty;
- (c) preparing the budget referred to in Article 22 of this Protocol;
- (d) proposing modalities for:
  - i. implementing decisions and directives of the Assembly and the Executive Council on the implementation of the Abuja Treaty; and
  - ii. mobilising resources for the implementation of the Abuja Treaty;
- (e) 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, bearing in mind the provisions of Article 9 (1) of the present Protocol.
2. The conclusions and recommendations 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 Abuja 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 AREAS OF COMPETENCE**

##### **ARTICLE 12 ROLE OF THE UNION**

1. In terms of the provisions of Article 88(1) and Paragraphs 2 (a) to (d) of Article 6 of the Abuja Treaty, the role of the Union, at stages 1 through 4, is primarily to strengthen the RECs 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) 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;
  - b) 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 Abuja 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 Abuja Treaty shall be undertaken jointly with the RECs and shall take into account the division of labour agreed on between the Union and the RECs.
  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, including in relation to the stages set-out in paragraph 2(a) through (d) of Article 6 of the Abuja Treaty.

### **ARTICLE 13 ROLE OF THE REGIONAL ECONOMIC COMMUNITIES**

1. The RECs shall comply with the provisions of Article 3 of the Constitutive Act which envisages, *inter alia*:
  - (a) accelerate the political and socio-economic integration of the continent;
  - (b) coordinate and harmonise the policies between the RECs for the gradual attainment of the objectives of the Union.
2. The RECs shall also comply with the provisions of Articles 4 and 6 of the Abuja Treaty which envisages, *inter alia*:
  - (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.

## **CHAPTER FOUR REGIONAL INTEGRATION**

### **ARTICLE 14 ACCELERATION OF THE REGIONAL INTEGRATION AGENDA**

1. The Assembly shall consider specific benchmarks to be attained at each stage, bearing in mind the guidelines outlined by the division of labour agreed on between the Union and the RECs;
2. Notwithstanding the provisions of Article 6 of the Abuja 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;
3. 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 Abuja Treaty;
4. Each REC shall review and modify its existing Technical Committees to align their functions and structures to those of the STCs.

### **ARTICLE 15 COORDINATING MINISTRIES OR AUTHORITIES**

For the purpose of the implementation of the provisions of paragraph 2 of Article 88 of the Abuja 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 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. The Commission should submit the preparation of the Mid-Year Coordination Meeting for consideration by AU Member States through the appropriate Policy Organs of the Union;
3. The Commission shall consult the RECs in the preparation of proposals and work programme for consideration by the STCs. The Parties shall attend their relevant STCs or equivalent meetings to allow for 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.

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

**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 may 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 Abuja Treaty and this Protocol.

**ARTICLE 18  
PARTICIPATION IN MEETINGS OF THE UNION**

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**

## **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 inform the meetings of the RECs on the implementation of the provisions of the Abuja Treaty and this Protocol.

## **ARTICLE 20 PERMANENT REPRESENTATIONS**

1. The Union and the RECs shall continue to take steps to have a permanent representation at their respective Headquarters.

## **ARTICLE 21 COMPLIANCE WITH THE PROTOCOL AND BINDING DECISIONS OF THE UNION**

1. The Parties agree to comply with this Protocol and binding Decisions of the Union.
2. The Union may, through its supreme organ, and after due consideration by the Mid-Year Coordination Meeting, take measures to address a situation where any party is undertaking policies, measures and programmes which are incompatible with the objectives of the Abuja Treaty or whose implementation of its policies, measures, programmes and activities lag behind, without sufficient reason, the time limits set out in Article 6 of the Treaty or pursuant to this Protocol.
3. 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 any party, the Assembly shall take measures, after consultation with the party concerned and shall address its directives to this concerned party.
4. The Assembly shall take measures deemed appropriate. The modalities of such measures shall be agreed upon by the Assembly in line with the Constitutive Act and its Rules of Procedure.

## **CHAPTER SIX FINANCIAL PROVISIONS**

### **ARTICLE 22 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 programs, measures and policies in this Protocol and shall bear the relevant secretariat service and local transport costs when hosting meetings to this effect.
4. In the event of financial appropriation by the Union to a REC, the benefiting REC shall account for any financial resources provided by the Union.
5. Notwithstanding the provisions of paragraph 1 of this Article, the resources of the budget may be derived from extra budgetary sources.

**ARTICLE 23**  
**FINANCIAL AND TECHNICAL SUPPORT**

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 and agree to cooperate through:

- (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 SEVEN**  
**GENERAL AND FINAL PROVISIONS**

**ARTICLE 24**  
**ADMINISTRATIVE ARRANGEMENTS**

1. The African Union Commission 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. In the event that the meetings are held outside the Headquarters of the Union, the offering Member State shall be responsible for all extra expenses incurred as a result of the meeting being held outside the Headquarters.
3. When the meetings are held at the invitation of one of the RECs, the Executive Secretariat of the REC concerned shall be responsible for all secretarial, administrative and conference arrangements.
4. The Union shall facilitate the participation of RECs in meetings of the Union, while bearing in mind the applicable Rules of Procedure.

#### **ARTICLE 25 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 Abuja 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 26 HARMONISATION OF MECHANISMS FOR PROMOTION OF PEACE, SECURITY AND STABILITY**

1. For the purpose of implementing the provision of Article 3 (a) of this Protocol, the Parties recall that the Protocol Establishing the Peace and Security Council of the African Union, stipulates, inter-alia, in 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. The modalities of such partnership shall be determined by the comparative advantage of each and the prevailing circumstances
  - (c) The Parties shall be guided by their Memorandum of Understanding on Cooperation between the Commission and the RMs in line with Article 16 (9) of the protocol establishing the Peace and Security Council.

#### **ARTICLE 27 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. The conclusions of the Mid-Year Meeting shall be submitted to the Assembly.
3. Amendments shall enter into force after consideration by the Parties and approval by the Assembly.

#### **ARTICLE 28 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.
2. Upon failure to resolve the dispute amicably, the matter shall be referred to the Mid-Year Coordination meeting.
3. Should the dispute remain unresolved, any concerned party may request the referral of the matter to the Court of Justice of the Union in conformity with the Articles 18 and 19 of the Protocol of the Court. Pending the establishment of the Court, any dispute should be submitted to the Assembly, by a two-third vote.

#### **ARTICLE 29 APPLICABLE LAW AND INTERPRETATION**

1. The Parties shall be governed by their respective legal instruments. In the event of inconsistency between the legal instruments and this Protocol, the latter, shall prevail.
2. Any issues of interpretation arising from the application or implementation of this Protocol shall be referred to the Court of Justice or the Assembly in accordance with Article 28 (3).

#### **ARTICLE 30 WORKING LANGUAGES**

For the purpose of this Protocol, the working languages shall be the AU working languages as stated in the AU Constitutive Act.

#### **ARTICLE 31 ENTRY INTO FORCE AND ACCESSION**

1. This Protocol shall be formally endorsed by the Assembly.
2. This Protocol shall enter into force when signed by the Chairperson and by the Chief Executives of at least three (3) RECs.
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 32  
TERMINATION OF THE 2008 PROTOCOL**

1. 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 entry into force of this Protocol.
2. Notwithstanding Para 1 above, the termination shall not affect the completion of all ongoing programs and activities being carried out in accordance with its provisions and not fully executed at the time of its termination.

**ARTICLE 33  
DEPOSITORY**

This Protocol, prepared in all AU working languages, all 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**

\_\_\_\_\_  
**H.E. Mr. Moussa Faki Mahamat**

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

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

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

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

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

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

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**For Arab Maghreb Union (UMA)**

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**For Eastern African Community  
(EAC)**

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2020-02-10

# Draft Revised Protocol on Relations between the African Union and the Regional Economic Communities

African Union

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