

**AFRICAN UNION**

**الاتحاد الأفريقي**



**UNION AFRICAINE**

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**EXECUTIVE COUNCIL**

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**REPORT OF THE COMMISSION ON THE ALIGNMENT OF  
THE LEGAL INSTRUMENTS**

**REPORT ON THE ALIGNMENT OF THE STATUTES OF THE COMMISSION, RULES  
OF PROCEDURE OF THE ASSEMBLY AND RULES OF PROCEDURE OF THE  
EXECUTIVE COUNCIL**

**I. INTRODUCTION**

1. The Assembly of the African Union in its extraordinary session held in Addis Ababa, Ethiopia from 17 -18, 2018, have issued a number of decisions, one of which relates to the Institutional reform of the African Union. In its decision the Assembly had requested that the Commission to align all relevant legal instruments in line with Assembly decisions Ext/Assembly/AU/Dec.1(XI) and Ext/Assembly/AU/Dec.3(XI) by February 2019.
2. The Assembly vide Assembly decisions Ext/Assembly/AU/Dec.1(XI) and Ext/Assembly/AU/Dec.3(XI) made amendments to its Rules of Procedures and requested that all legal instruments be aligned accordingly, and further requested that the Commission reports by February 2019.
3. Further to the decision, the Bureau meeting of the Permanent Representatives Committee, on its meeting on 17 December 2018, have requested the Office of the Legal Counsel to report on the alignment of legal instruments as per the Assembly decision.

**II. LEGAL INSTRUMENTS TO BE ALIGNED**

4. The following instruments will be aligned to incorporate the changes made by Assembly decisions Ext/Assembly/AU/Dec.1(XI) and Ext/Assembly/AU/Dec.3(XI):
  - a) Rules of Procedure of the Assembly,
  - b) Rules of Procedure of the Executive Council,
  - c) Statutes of the Commission, and
  - d) Protocol establishing the Peace and Security Council.

**III. ALIGNMENT OF RELEVANT LEGAL INSTRUMENTS**

**A- RULES OF PROCEDURES OF THE ASSEMBLY OF THE UNION**

5. The Rules of Procedure of the Assembly, will be amended as follows, taking into consideration the Assembly decisions.
6. The standing Rule 4 reads as follows:

RULE 4  
Powers and Functions

1. The Assembly shall:

.....

m) Appoint and terminate the appointment of the Chairperson of the Commission, his/her Deputy and the Commissioners;

7. As per Para. 20 and 22 of decision Ext/Assembly/AU/Dec.1(XI), Rule 4 will be amended as follows:

RULE 4  
Powers and Functions

**m) Elect and appoint the Chairperson and his/her deputy and terminate the appointment of the Chairperson of the Commission, his/her Deputy and the Commissioners;**

8. The standing Rule 35 reads as follows:

RULE 35  
Sanctions for Arrears

1. The Assembly shall determine, on the basis of recommendations of the Executive Council and the PRC, as well as information provided by the Commission, sanctions to be imposed under Article 23 (1) of the Constitutive Act.
2. Subject to paragraph 1 of this Rule, sanctions against a Member State that defaults in the payment of its contributions to the budget of the Union shall be implemented by the Assembly in the following manner:
  - a) When in arrears of payment amounting to two (2) years but not exceeding five (5) years of its assessed contributions, suspension of the Member State's right to:
    - i) Speak, vote and receive documentation at meetings of the Union;
    - ii) Offer to host sessions of the Assembly or of the Executive Council or any other meetings of the Union; and
    - iii) Present a candidate for any position or post within the Union;

- b) When in arrears of payment of contributions amounting to five (5) years or more, in addition to the sanctions in paragraph 2 (a) of this Rule, suspension of the Member State's right to:
  - i) Have the contracts of employment of its nationals renewed; and
  - ii) Provision, by the Union, of funds for new projects in the Member State.
- 3. When a Member State is under sanctions for non-payment of its contributions as described in the preceding paragraphs, the sanctions may be lifted temporarily if the Member State pays at least 50% of its outstanding arrears, provided that such payment is made at least thirty (30) days before the commencement of the session of the Executive Council preceding that of the Assembly.
- 9. As per Para. 3 of the Ext/Assembly/AU/Dec.3(XI), Rule 35 will be amended as follows:

**RULE 35**  
**Sanctions for Arrears**

- 1. **The Assembly shall determine, on the basis of recommendations of the Executive Council and the PRC, as well as information provided by the Commission, sanctions to be imposed under Article 23 (1) of the Constitutive Act.**
- 2. **Subject to paragraph 1 of this Rule, sanctions against a Member State that defaults in the payment of its contributions to the budget of the Union shall be implemented by the Assembly in the following manner:**
  - a) **Those Member States which fail to meet their obligations and have not settled at least 50% of their current assessed contributions after the second quarter (6 months) of each financial year in which the contribution is due shall be deemed to be in arrears considering the budget cycles of Member States;**
  - b) The period for Member States to be in arrears are :
    - **the short-term arrears shall be for six (6) months,**
    - **the intermediate arrears shall be for one (1) year and ;**
    - **the long-term arrears shall be for two (2) years.**
  - c) **Sanctions shall be applied in three categories namely:**
    - i. **Cautionary sanctions shall apply to short-term arrears, which deprives Member States of their rights to speak at meetings of the African Union**

ii. Intermediate sanctions shall apply to intermediate arrears, which includes sanctions under Article 23 (1) of the Constitutive Act, Rules 5 (3), 26 (2), of the Rules of Procedure of the Assembly; Article 78 (6) of the AU Financial Rules and Regulations; Article 21 (8) Statute of the Commission. Member State shall also be deprived of the right to:

- speak, vote and receive documentation at meetings of the Union
- offer to host sessions of the Assembly or of the Executive Council or any other meetings of the Union;
- present a candidate for any position or post within the Union;
- be a member of a Bureau of any Organ of the Union; host any Organ, Institution or Office of the Union;
- have its nationals participate in electoral observation missions, human rights observation missions; or be invited for any meeting organized by the Union;
- have its nationals appointed as elected and non-elected staff including consultants, volunteers, interns etc.

iii. Comprehensive sanctions shall include all the sanctions in paragraphs (i) and (ii) above. It shall also deprive Member State of its rights to participate in meetings of the Union; have the contracts of employment of its nationals renewed; and provision, by the Union, of funds for new projects.

1. When a Member State is under sanctions for non-payment of its contributions as described in the preceding paragraphs, the sanctions may be lifted temporarily by the Chairperson of the Commission if the Member State pays at least 50% of its outstanding arrears, provided that such payment is made at least thirty (30) days before the commencement of the session of the Executive Council preceding that of the Assembly.
2. The Assembly may consider requests from Member States experiencing force majeure circumstances making them temporarily unable to pay their assessed contributions. Member States shall notify the Assembly in writing. The Assembly may consider such requests and take a decision.

10. The standing Rule 38 (including Section title), reads as follows:

SECTION I  
MEMBERS OF THE COMMISSION

RULE 38  
Election of the Chairperson and Deputy Chairperson

1. The Assembly shall elect the Chairperson of the Commission and his/her Deputy by secret ballot and two-thirds majority of Member States eligible to vote.
  2. The Chairperson of the Commission and his/her Deputy shall be competent women or men with proven experience in the relevant field, commensurate leadership qualities and a good track record in government, parliament, international organizations or other relevant sectors of society.
  3. Candidatures for the Office of the Chairperson of the Commission and his/her Deputy shall be circulated to Member States at least three (3) months before the election.
  4. The Chairperson of the Commission and his/her Deputy shall not be from the same region.
11. As per Para. 17 of decision Ext/Assembly/AU/Dec.1(XI), Rule 38 will be amended as follows:

SECTION I  
CHAIRPERSON AND DEPUTY CHAIRPERSON OF THE COMMISSION

RULE 38  
Election of the Chairperson and Deputy Chairperson

1. The Assembly shall elect the Chairperson of the Commission and his/her Deputy by secret ballot and two-thirds majority of Member States eligible to vote.
2. The Chairperson of the Commission and his/her Deputy shall be competent women or men with proven experience in the relevant field, commensurate leadership qualities and a good track record in government, parliament, international organizations or other relevant sectors of society.
3. Candidatures for the Office of the Chairperson of the Commission and his/her Deputy shall be circulated to Member States at least ten (10) months before the election.

- 4. The Chairperson of the Commission and his/her Deputy shall not be from the same region. The principle of rotational gender parity shall be applied to the posts of Chairperson and Deputy Chairperson ensuring that if the Chairperson is male then the Deputy Chairperson shall be a female and vice versa.**
- 5. The selection process should ensure the appointment of the best possible candidate who embodies the highest standards of efficiency, competence and integrity as well as demonstrating a firm commitment to Pan-Africanism and the objectives, principles and values of the AU, proven managerial abilities, extensive experience in international relations and strong diplomatic and communications skills.**
12. Rule 39 (Commissioners) of the Rules of Procedure of the Assembly of the Union have been deleted in its entirety as the election and appointment has now been given to the Executive Council as per Para. 20(d) of decision Ext/Assembly/AU/Dec.1(XI).
13. Two new rules have been added, namely, **Rule 39 (Selection and Election timeline)** and **Rule 40 (Transparency and meritocracy)** as per Para,18, 19 and 20 of the decision Ext/Assembly/AU/Dec.1(XI), the full wording is as follows:

**RULE 39**  
**Selection and Election Timeline**

**The timeline for selection and election of the senior leadership shall be as follows:**

- a) **The announcement of the Candidates for the senior leadership posts shall start in March of the year preceding the election of the new Commission.**
- b) **The announcement of the candidatures for the Office of the Chairperson of the Commission and his/her Deputy posts shall start in March of the year preceding the election;**
- c) **The independent assessment of candidates for Senior leadership posts shall be from August to December of the year preceding the election;**
- d) **The election and appointment of the Chairperson and the Deputy Chairperson by the Assembly shall be in January/February of the election year ;**
- e) **The election and appointment of the Commissioners by the Executive Council shall be in January/February of the election year.**

14. The timeline and the announcement of candidature as reflected in Article 39(b) is a repetition of 39(a), which covers all the Senior Leadership. Therefore it is proposed that Article 39(b) should be deleted.
15. **Rule 39 (b) has been aligned to read as “senior leadership” instead of “Commissioners” in line with Para. 13 of the decision Ext/Assembly/AU/Dec.1(XI).**

#### RULE 40

#### Transparency and Meritocracy

**To enhance the transparency and meritocracy in the selection process, the following steps shall be observed:**

- a) **All the candidates shall provide a curriculum vitae, along with vision statements outlining how they intend to address the most pressing issues facing the AU. These shall be posted on a dedicated webpage on the AU website;**
- b) **All candidates for the position of the Chairperson of the Commission shall participate, at least six months before the election, in a public debate which shall be broadcasted live on the AU website during which they shall present their visions and ideas on the implementation of Agenda 2063. AU Member States shall be encouraged to broadcast this on their national outlets; and**
- c) **Prior to election, candidates for the position of the Chairperson of the Commission shall make a formal presentation to the AU Assembly outlining their vision and the proposed priorities for their term of office.**
16. The Standing Rule 41 reads as follows;

#### RULE 41

#### Termination of Appointment

The Assembly may, by two-thirds majority and following due process conducted by the Executive Council, terminate the appointment of the Chairperson of the Commission, his/her Deputy and the Commissioners on grounds of incompetence, gross misbehaviour or inability to perform the functions of his/her office for reason of permanent incapacity certified by a medical board.

17. As per Para. 22 of decision Ext/Assembly/AU/Dec.1(XI), Rule 41 will be amended as follows:



**RULE 41**  
**Termination of Appointment**

1. **The Assembly may, by two-thirds majority and following due process conducted by the Executive Council, terminate the appointment of the Chairperson of the Commission, his/her Deputy and the Commissioners on grounds of incompetence, gross misbehaviour or inability to perform the functions of his/her office for reason of permanent incapacity certified by a medical board.**
  
2. **The procedure for the termination for the Chairperson and Deputy Chairperson shall take place as follows:**
  - a) **In order to initiate termination procedures, a group of Member States, constituting at least 4, one per region, excluding the region from which the official being recommended for termination is from, may recommend to the Bureau of the Assembly of the Union, through written notification, the termination of appointment with respect to the Chairperson or Deputy Chairperson of the Commission based on the provisions outlined below;**
  - b) **The Bureau of the Assembly shall communicate the written notification to the Assembly;**
  - c) **The Bureau of the Assembly shall review the recommendation in order to assess whether there are sufficient grounds for the termination of appointment within three to six months;**
  - d) **The Bureau of the Assembly may consider proposing to the Assembly the suspension of the Chairperson or Deputy Chairperson pending their investigation if the claims, prima facie, prove serious and grave in nature;**
  - e) **In conducting this review, the Bureau may call upon any resources required to ensure a transparent and fair process;**
  - f) **The Bureau of the Assembly shall make its recommendation to the AU Assembly;**
  - g) **The AU Assembly shall consider the matter and take a decision.**
  
3. **The procedure for termination of the appointment of Commissioners shall take place as follows:**
  - a) **The Chairperson of the Commission, may recommend to the Executive Council, through written notification to the Bureau of**

the Executive Council, the termination of appointment with respect to Commissioners based on the provisions below;

- b) The Bureau of the Executive Council shall communicate the written notification to the Executive Council;
- c) The Bureau of the Executive Council shall review the recommendation in order to assess whether there are sufficient grounds for the termination of appointment within three to six months;
- d) The Bureau of the Executive Council may consider proposing to the Executive Council the suspension of the Commissioner pending their investigation if the claims, prima facie, prove serious and grave in nature;
- e) In conducting this review, the Bureau may call upon any resources required to ensure a transparent and fair process;
- f) The Bureau of the Executive Council shall make its recommendation to the Executive Council;
- g) The Executive Council shall consider the matter and take a decision on that recommendation.

18. The standing Rule 42 reads as follows:

#### **Rule 42**

##### Voting Procedure for the Election of the Members of the Commission

1. The voting shall commence with the election of the Chairperson of the Commission, followed by the Deputy Chairperson, thereafter the Assembly shall appoint the Commissioners elected by the Executive Council.
2. In any election for the Chairperson of the Commission, or his/her Deputy, the balloting shall continue until one (1) of the candidates obtains the two-thirds majority required. Provided that, if the third ballot remains inconclusive, the next ballot shall be restricted to the two (2) candidates who obtained the highest number of votes in the third ballot.
3. If after three (3) further ballots neither of the two (2) candidates obtains the majority required, the candidate with fewer votes shall withdraw.
4. Where there are only two (2) candidates initially and neither candidate obtains the majority required after the third ballot, the candidate with fewer votes shall withdraw and the remaining candidate shall proceed to the next round.

5. If the remaining candidate, fails to obtain the two-thirds majority required in that round, the Chairperson shall suspend the election.
  6. Where there is only one (1) candidate initially and he or she fails to obtain the two-thirds majority required after the third ballot the Chairperson shall suspend the election.
  7. The Deputy Chairperson of the Commission shall take over the Chairmanship of the Commission on an interim basis until new elections are held. If the impasse is in respect of the Deputy Chairperson, the most senior Commissioner by length of tenure, or by age where length of tenure is the same, shall be designated to act as the Deputy Chairperson until new elections are held.
  8. This voting procedure provided for in paragraphs 2, 3, 4 and 5 above shall be applicable to all elections conducted by the Assembly in respect of other Organs of the Union.
19. The title of Rule 42 has been amended to reflect the changes made in the structure of the Commission. Sub (1) of Article 42 and Sub (8) of Article 42 has also been aligned to reflect that Commissioners are elected and appointed by the Executive Council as per Para. 20 of decision Ext/Assembly/AU/Dec.1(XI), as well as to include the omission of Paragraph 6 of the same Article on voting procedures.
20. Rule 42 (1) and (8) shall read as follows:

**RULE 42**

**Voting Procedure for the Election of the Chairperson  
and Deputy Chairperson**

1. **The voting shall commence with the election of the Chairperson of the Commission, followed by the Deputy Chairperson.**  
**.....**
  8. voting procedure provided for in paragraphs 2, 3, 4, 5 **and 6** above shall be applicable to all elections conducted by the Assembly in respect of other Organs of the Union.
21. **The Standing Rules ( from 40 to 46 ) have all been renumbered without any change to the wording of the rules as follows : Rule 40 (Term of Office renumbered to 43), Rule 43 (Implementation renumbered to 44 ), Rule 44 (Saving Clause renumbered to 45 ), Rule 45 (Amendments renumbered to 46 ) and Rule 46(Entry into force renumbered to 47 ).**

**B- RULES OF PROCEDURES OF THE EXECUTIVE COUNCIL**

22. **The Rules of Procedure of the Executive Council**, will be amended as follows, taking note of the Assembly decision.
23. The standing Rule 5 (e) reads as follows:

**RULE 5**  
**Powers and Functions**

1. The Executive Council shall:
- a) prepare the sessions of the Assembly;
  - b) determine the issues to be submitted to the Assembly for decision;
  - c) coordinate and harmonize the policies, activities and initiatives of the Union in areas of common interest to Member States;
  - d) monitor the implementation of the policies, decisions and Agreements adopted by the Assembly
  - e) elect the Commissioners to be appointed by the Assembly;
  - f) elect members of the African Commission on Human and Peoples' Rights, and the African Committee of Experts on the Rights and Welfare of the Child and submit to the Assembly for appointment;
  - g) take appropriate action on issues referred to it by the Assembly;
  - h) examine the Programme and Budget of the Union and submit them to the Assembly for consideration;
  - i) promote cooperation and coordination with the RECs, the African Development Bank (ADB), other African Institutions and the United Nations Economic Commission for Africa (UNECA);
  - j) determine policies for cooperation between the Union and Africa's partners, and ensure that all activities and initiatives regarding Africa are in line with the objectives of the Union;

- k) decide on the dates and venues of its sessions on the basis of criteria adopted by the Assembly;
  - l) appoint its Chairperson and the other office bearers in conformity with the Bureau of the Assembly;
  - m) receive, consider and make recommendations on reports and recommendations from other Organs of the Union that do not report directly to the Assembly;
  - n) set up such ad-hoc committees and working groups as it may deem necessary;
  - o) consider the reports, decisions, projects and programmes of the Committees;
  - p) approve the Rules of the Committees, oversee, monitor and direct their activities;
  - q) consider the Staff Rules and Regulations, and the Financial Rules and Regulations of the Union and submit them to the Assembly for adoption;
  - r) approve the agreements for hosting the Headquarters, other Organs and Offices of the Union;
  - s) consider the structures, functions and Statutes of the Commission and make recommendations thereon to the Assembly;
  - t) determine the conditions of service including salaries, allowances and pensions of the Staff of the Union;
  - u) ensure the promotion of gender equality in all programmes of the Union.
2. The Executive Council may delegate any of its powers and functions to the Committees.
  3. The Executive Council may give instructions to the PRC.
  4. The Executive Council may assign tasks to the Commission.
24. As per Para. 20 and 22 of decision Ext/Assembly/AU/Dec.1(XI), Rule 5 will be amended as follows:

**RULE 5**  
**Powers and Functions**

1. **The Executive Council shall:**

**.....**

e) **elect and appoint the Commissioners;**

25. As per Rule 41 of the Rule of Procedure of the Assembly, a new power and function have been added to Rule 5, which reads as follows:

1. **The Executive Council shall:**

f) **conduct the procedure for the termination of Commissioners, in conformity with Rule 41 of the Rules of Procedure of the Assembly;**

26. The Standing Rule 5 (f) to (u) have been renamed to Rule 5 (g) to (v) to accommodate the inclusion of the new Rule 5(f), there is not substantive changes to the rules.

27. The standing Rule 6, which did not have a title, have now been amended to read as, **Rule 6 (Venue)**.

28. The standing title of Chapter II and Rule 37 reads as follows:

**CHAPTER II**  
**APPOINTMENT OF THE COMMISSIONERS**

**RULE 37**  
**Commissioners**

1. The Executive Council shall, in accordance with the Rules of Procedure of the Assembly and the Statutes of the Commission, elect eight (8) Commissioners on the basis of equal geographical distribution and submit the names to the Assembly for appointment. In this regard, the respective regions from which the Chairperson of the Commission and his/her Deputy shall be appointed by the Assembly, shall be entitled to only one (1) Commissioner each.
2. The Commissioners shall be competent women or men with proven experience in the relevant field, commensurate leadership qualities and a good track record in government, parliament, international organizations or other relevant sectors of society.

29. As per Para. 12 and 19 of decision Ext/Assembly/AU/Dec.1(XI), the title of Chapter II and Rule 37, will read as follows:

**CHAPTER II**  
**ELECTION AND APPOINTMENT OF THE COMMISSIONERS**

**RULE 37**  
**Commissioners**

1. **The Executive Council shall, in accordance with this Rules of Procedure and the Statute of the Commission, elect and appoint six (6) Commissioners on the basis of equal geographical distribution. The six (6) Commissioner posts shall be equally distributed by gender and across the three regions that are not represented at Chairperson and Deputy Chairperson level.**
  2. **The Commissioners shall be competent women or men with proven experience in the relevant field, commensurate leadership qualities and a good track record in government, parliament, international organizations or other relevant sectors of society.**
30. As per Para. 20 a new Rule 38 (Election timeline) has been added, it reads as follows:

**RULE 38**  
**Selection and Election Timeline**

**The timeline for selection and election of the Commissioners shall be as follows:**

- a. **The announcement of the candidatures for the Commissioners posts shall start in March of the year preceding the election;**
  - b. **The independent assessment of candidates for Commissioner post shall start from August to December of the year preceding the election;**
  - c. **The election and appointment of the Commissioners by the Executive Council shall be in January/February of the election year.**
31. The standing Rules ( from 38 to 43) have been renumbered without any substantive changed to the wording and reads as follows : Rule 38 (Voting Procedure renumbered to 39 ), Rule 39 (Financial Year renumbered to 40 ), Rule 40 (Implementation renumbered to 41), Rule 41 (Saving Clause renumbered to 42 ), Rule 42 (Amendments renumbered to 43 ), and Rule 43 (Entry into Force renumbered to 44 ).

## C- STATUTES OF THE COMMISSION OF THE AFRICAN UNION

32. The title called “Statutes in plural ‘shall be amended to be read “the Statute” of the Commission, therefore the later will be amended as follows, taking note of the Assembly decision.
33. The Standing Article 2(1) of the Statute, reads as follows:

### Article 2 Composition

1. The Commission shall be composed of the following members:
    - a) a Chairperson;
    - b) one (1) Deputy Chairperson; and
    - c) eight (8) Commissioners.
  2. The Assembly may, when it deems necessary, review the number of Commissioners.
  3. The Members of the Commission shall be assisted by the necessary staff for the smooth functioning of the Commission.
34. As per Para. 3 of decision Ext/Assembly/AU/Dec.1(XI), Article 2(1) will be amended as follows:

### Article 2 Composition

1. The Commission shall be composed of the following members:
  - a) a Chairperson;
  - b) one (1) Deputy Chairperson; and
  - c) **Six (6) Commissioners.**
2. The Assembly may, when it deems necessary, review the number of Commissioners.
3. The Members of the Commission shall be assisted by the necessary staff for the smooth functioning of the Commission.



35. The standing Article 6 of the Statute reads as follows:

Article 6  
Election of Members of the Commission

1. The election of Members of the Commission shall be governed by the Rules of Procedure of the Assembly, of the Executive Council and these Statutes.
  2. The region from which the Chairperson and the Deputy Chairperson are appointed, shall be entitled to one (1) Commissioner each. All other regions shall be entitled to two (2) Commissioners.
  3. At least one (1) Member of the Commission from each region shall be a woman.
36. As per Para.12 (iv) of decision Ext/Assembly/AU/Dec.1(XI), Article 6 of the Statute of the Commission will be amended as follows:

Article 6  
Election of Members of the Commission

1. The election of Members of the Commission shall be governed by the Rules of Procedure of the Assembly, of the Executive Council and these **Statute.**
  2. The regions from which the Chairperson and the Deputy Chairperson are appointed, **shall not be eligible for consideration for the six remaining Commissioner posts. The other three regions shall be entitled to two (2) Commissioners each, equally distributed by gender.**
37. The standing Article 10 reads as follows:

Article 10  
Term of Office and Termination of Office

1. The term of office of the members of the Commission shall be four (4) years. The Members may be eligible to compete for re-election for another term of four (4) years.
2. When so required for the good functioning of the Union, the Assembly may terminate the appointment of a Member of the Commission, based on the provisions of these Statutes.
3. Where, due to any reason, a Commissioner is unable to take up office or complete his/her term of office, the region from which that Commissioner

was appointed, shall be given the opportunity to present a candidate to complete the remaining term.

38. As per Para. 22 of decision Ext/Assembly/AU/Dec.1(XI) and Rule 41 of the Rules of Procedure of the Assembly, Article 10 (2) and (3) is amended and reads as follows:

Article 10

Term of Office and Termination of Office

1. The term of office of the members of the Commission shall be four (4) years. The Members may be eligible to compete for re-election for another term of four (4) years.
2. When so required for the good functioning of the Union, the Assembly **and the Executive Council** may terminate the appointment of a Member of the Commission, based on the provisions of **Rule 41 of the Rules of Procedure of the Assembly.**
3. Where, due to any reason, **the Chairperson, the Deputy Chairperson or any Commissioner is unable to take up office or complete his/her term of office, the region from which he/she was appointed, shall be given the opportunity to present a candidate to complete the remaining term.**

39. The Standing Article 12 of the Statute reads as follows:

Article 12

Portfolios of the Commission

1. The portfolios of the Commission shall be as follows:
  - a) Peace And Security (Conflict Prevention, Management and Resolution, and Combating Terrorism...);
  - b) Political Affairs (Human Rights, Democracy, Good Governance, Electoral Institutions, Civil Society Organizations, Humanitarian Affairs, Refugees, Returnees and Internally Displaced Persons...);
  - c) Infrastructure and Energy (Energy, Transport, Communications, Infrastructure and Tourism...);
  - d) Social Affairs (Health, Children, Drug Control, Population, Migration, Labour and Employment, Sports and Culture...);
  - e) Human Resources, Science and Technology (Education, Information Technology Communication, Youth, Human Resources, Science and Technology...);

- f) Trade and Industry (Trade, Industry, Customs and Immigration Matters...);
  - g) Rural Economy and Agriculture (Rural Economy, Agriculture and Food Security, Livestock, Environment, Water and Natural Resources and Desertification...);
  - h) Economic Affairs (Economic Integration, Monetary Affairs, Private Sector Development, Investment and Resource Mobilization...).
2. Considering that gender issues are cross-cutting through all the portfolios of the Commission; a special unit shall be established in the Office of the Chairperson to coordinate all activities and programmes of the Commission related to gender issues.
40. As per Para. 3 (i) and (ii) of decision Ext/Assembly/AU/Dec.1(XI), the former Article 12 (1) has been amended and reads as follows:

**Article 12**  
**Portfolios of the Commission**

1. **The portfolios of the Commission shall be as follows:**
- a) **Agriculture, Rural Development, Blue Economy and Sustainable Environment;**
  - b) **Economic Development, Trade, Industry and Mining;**
  - c) **Education, Science, Technology and Innovation;**
  - d) **Infrastructure and Energy;**
  - e) **Political Affairs, Peace & Security;**
  - f) **Health, Humanitarian Affairs and Social Development.**
2. Considering that gender issues are cross-cutting through all the portfolios of the Commission, a special unit shall be established in the Office of the Chairperson to coordinate all activities and programmes of the Commission related to gender issues.
41. The standing Article 13 of the Statute reads as follows:

**Article 13**  
**Nomination of the Commissioners**

There shall be a pre-selection process at the regional level. Each region shall nominate two (2) candidates, including a woman, for each portfolio. The nomination process shall be based on modalities to be determined by the region.

The candidates selected at the regional level shall form part of the continental pool without prejudice to the scrupulous respect of the provisions of Article 6 (2) of these Statutes.

42. As per Para. 19 of decision Ext/Assembly/AU/Dec.1(XI), the former Article 13 of the Statute, has been amended and renumbered as follows:

**Article 13**  
**Nomination of the Commissioners**

1. **A skill and competency based assessment and shortlisting of candidates shall be undertaken by a High Level Panel of Eminent Africans (1 per region) assisted by an independent African firm to generate a ranked pool of pre-qualified candidates nominated by the relevant AU regions from which Commissioners shall be elected and appointed by the Executive Council;**
  2. **Candidates shall be assessed through an initial review of applications and CVs. Shortlisted candidates will be invited for assessment against the skills and competency criteria established for the leadership posts.**
43. As per Para.12 of decision Ext/Assembly/AU/Dec.1(XI), a new Article has been added as **Article 14 (Guiding principle for the selection process of the Commission)** and reads as follows:

**Article 14**  
**Guiding Principles for the Selection Process**

**The following principles shall guide the selection process of the senior leadership of the Commission:**

- a) **Equitable regional representation and gender parity;**
  - b) **Predictable inter and intra-regional rotation following the English alphabetical order to be applied to each senior leadership position;**
  - c) **Attracting and retaining Africa's top talent;**
  - d) **Accountable and effective leadership and management;**
  - e) **Transparent and merit-based selection.**
44. As per Para. 13, 15 and 16 of decision Ext/Assembly/AU/Dec.1(XI) a new Article has been added to the Statute as **Article 15 (High Level Panel of Eminent Africans)** and reads as follows:

**Article 15**  
**High Level Panel of Eminent Africans**

1. **The High-Level Panel of Eminent Africans shall be composed of five (5) eminent personalities, one per region.**
  2. **The High-Level Panel of Eminent Africans shall oversee the pre-selection of candidatures of the senior leadership of the Commission and shall be technically assisted by an independent African consultancy firm, to be selected by the Panel.**
  3. **Job profiles and competency requirements for the senior leadership of the Commission shall be developed by the Panel of Eminent Africans. These shall include generic leadership skills and competencies as well as expert and thematic skills in relation to specific portfolios. In addition to the key principles referred to above, the assessment process for all candidates shall be based on the skills and competencies identified for each senior leadership position.**
45. As per Para.17 and 20 of decision Ext/Assembly/AU/Dec.1(XI) a new Article has been added to the Statute as Article 16 (**Selection and Election Timeline**) and reads as follows:

**Article 16**  
**Selection and Election Timeline**

**The timeline for selection and election for the senior leadership of the Commission shall be as follows:**

- 1) **The announcement of the Candidates for the senior leadership posts shall start in March of the year preceding the election of the new Commission.**
  - 2) **Candidatures for the Office of the Chairperson of the Commission and his/her Deputy shall be circulated to Member States at least ten (10) months before the election.**
  - 3) **The independent assessment of candidates for Commissioners shall start from August to December of the year preceding the election.**
46. The timeline and the announcement of candidature as reflected in Article 16(2) is a repetition of 16(1), which covers all the Senior Leadership. Therefore it is proposed that Article 16(2) should be deleted.
47. As reflected in the new Article 16(3), the assessment to be taken from August to December only covers the Commissioners, while it should have covered all

Senior Leadership as reflected in Para. 13 and 16 of the decision Ext/Assembly/AU/Dec.1(XI). Therefore, the new Article 16(3) reads as follows:

3) The independent assessment of **the Senior Leadership** shall start from August to December of the year preceding the election.

48. In addition to the above it is not clear when the commission will circulate the final list of the proposed senior leadership to the Member States. In the previous Rules of the Procedure of the Assembly, the time line for the commission to circulate the final list for the senior leadership was three (3) months as per the deleted Rule 39 of the Assembly Rules of Procedures and deleted Sub-paragraph (1) of Article 16 of the Statutes of the Commission.

49. The standing Article 14 of the Statute reads as follows:

Article 14  
Central Pre-selection Process

1. A panel consisting of two (2) representatives from each region shall be established for the central pre-selection exercise.
2. The panel shall be made up of Ministers assisted by a team of independent consultants.

The panel shall submit, for election by the Executive Council, a list of at least two (2) candidates for each portfolio. The shortlist of candidates shall take into account the agreed regional geographic distribution formula.

50. The former Article 14 has been deleted in its entirety and replaced by new Article 15 mentioned above on the High Level panel.

51. The standing Article 16 of the Statutes reads as follows:

Article 16  
Voting Procedure for Election of Commissioners

1. Nominations for the office of Commissioners shall be circulated to Member States at least three (3) months before election.
2. Where no candidate obtains, in the first ballot, the two-thirds majority required for his/her election, the balloting shall continue until one (1) of the candidates obtains the two-thirds majority required. If the third ballot remains inconclusive, the next ballot shall be restricted to the two (2) candidates who obtain the greatest number of votes in the third ballot.

3. Where there are only two (2) candidates initially and neither candidate obtains the majority required at the third ballot, the candidate with fewer votes shall withdraw.
  4. If after three (3) further ballots neither of the two (2) candidates obtains the majority required, the candidate with the fewer votes shall withdraw.
  5. If the remaining candidate fails to secure the required two-thirds majority, the election shall be suspended until the next session of the Executive Council. The Chairperson shall, in consultation with the Chairperson of the Executive Council, appoint one (1) of the Commissioners to act until a new Commissioner has been appointed in accordance with these Statutes.
  6. Where there is only one (1) candidate initially and he or she fails to obtain the two-thirds majority required after the third ballot, the Chairperson of the Executive Council shall suspend the elections and the provisions in para.5 above shall apply.
52. **As per Para.20 of decision Ext/Assembly/AU/Dec.1(XI), Sub. 1 of the Article 16 is deleted and remaining Paragraphs will be renumbered.**
53. The standing Article 15 (Qualifications and Experience of the Commissioners becomes Article 17 ), Article 16 (Voting Procedure for Election of Commissioners becomes Article 18), Article 17 (Rules of Procedure becomes Article 19), Article 18 (Appointment of other Staff of the Commission becomes Article 20), Article 19 (Privileges and Immunities becomes Article 21), Article 20 (Programme and Budget becomes Article 22), Article 21 (Financial Resources becomes Article 23), Article 22 (General Fund becomes Article 24), Article 23 (Special Funds becomes Article 25), Article 24 (Gifts and Other Donations becomes Article 26), Article 25 (Deposit of Funds becomes Article 27), Article 26 (Accounts and Auditing becomes Article 28), Article 27 (Amendments becomes Article 29) and Article 28 (Entry into Force becomes Article 30).

#### **IV. PROTOCOL ESTABLISHING THE PEACE AND SECURITY COUNCIL**

54. The standing Article 10(4) of the Protocol Establishing the Peace and security Council, reads as follows:

##### **Article 10**

##### **The Role of the Chairperson of the Commission**

4. In the exercise of his/her functions and powers, the Chairperson of the Commission shall be assisted by the Commissioner in charge of Peace and Security, who shall be responsible for the affairs of the Peace and Security Council. The Chairperson of the Commission shall rely on human and material resources available at the Commission, for servicing and

providing support to the Peace and Security Council. In this regard, a Peace and Security Council Secretariat shall be established within the Directorate dealing with conflict prevention, management and resolution.

55. As per Para. 3(ii)(e) of decision Ext/Assembly/AU/Dec.1(XI), Article 10(4) would read as follows:

**Article 10**  
**The Role of the Chairperson of the Commission**

4. In the exercise of his/her functions and powers, the Chairperson of the Commission shall be assisted by the Commissioner in charge of **Political Affairs and Peace and Security**, who shall be responsible for the affairs of the Peace and Security Council. The Chairperson of the Commission shall rely on human and material resources available at the Commission, for servicing and providing support to the Peace and Security Council. In this regard, a Peace and Security Council Secretariat shall be established within the Directorate dealing with conflict prevention, management and resolution.

56. To apply the alignment requested by the Assembly, there are three options, in regards to Protocol Establishing the Peace and security Council :

- a. The amendment of this Article will require the application of Article 22(6) of the Protocol on Amendment:  
**“Any amendment of revision of the present Protocol shall be in accordance of Article 32 of the Constitutive Act”.**

The Constitutive Act in Article 32, states as follows:

**Article 32**  
**Amendment and Revision**

1. Any Member State may submit proposals for the amendment or revision of this Act.
2. Proposals for amendment or revision shall be submitted to the Chairman of the Commission who shall transmit same to Member States within thirty (30) days of receipt thereof.
3. The Assembly, upon the advice of the Executive Council, shall examine these proposals within a period of one year following notification of Member States, in accordance with the provisions of paragraph 2 of this Article.
4. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority and submitted for ratification by all Member States in accordance with their respective constitutional procedures. They shall enter into force thirty (30) days after the deposit of the instruments of ratification with the Chairman.



Therefore the process provided by Article 32 should be applied to amend the Protocol Establishing the Peace and Security Council.

- b. There will not be a need to amend Article 10(4) of the Protocol, if the name as adopted in the Assembly decision, could be changed from **Commissioner Political Affairs, Peace and Security** to the wording of the Protocol: **Commissioner in charge of Peace and Security**.
  - c. In light of the Vienna Convention of the Law of Treaties, in Article 31(3) on General Rule of Interpretation, the Protocol can be interpreted in line with the Assembly decision without any further amendment to Article 10(4) of the Protocol . . . In addition, the usage of the wording “in Charge of” in Article 10(4) of the Protocol is in line with the mandate of the relevant Commissioner and not the formal title.
57. To avoid unnecessary amendment, which was neither intended nor required, by the policy organs or State Parties, the Commission is of the view that, in the future any legal instrument **should not** make reference to a particular commissioner, but only to the Commission itself.

#### **V. OUTSTANDING ISSUES TO BE RESOLVED**

58. As per Rule 42(7) of the rules of Rules of Procedure of the Assembly (Voting Procedure for the Election of the Chairperson and Deputy Chairperson) states that, “**The Deputy Chairperson of the Commission shall take over the Chairmanship of the Commission on an interim basis until new elections are held. If the impasse is in respect of the Deputy Chairperson, the most senior Commissioner by length of tenure, or by age where length of tenure is the same, shall be designated to act as the Deputy Chairperson until new elections are held**”. While the rules are clear, the practice since 2002, while the election of the Chairperson is conducted, even though there were impasses previously the provision have not been used as Member States choose to extend the election to the next ordinary meeting of the Assembly in contradiction to sub-paragraph 42(7), hence it should be deleted as the practice of the Assembly is against it.
59. In addition, there should be a provision same as Article 9(2) of the Statute of the Commission, that address the unavailability of a Chairperson of the Commission and what needs to be done during such exigencies. In this regard the following text is presented for consideration: **“In case of absence, death, temporary or permanent incapacity of the Chairperson, the Chairperson of the Assembly with consultation with the Bureau of the Assembly, appoint the Deputy Chairperson, to act as Chairperson of the Commission, pending the return of the incumbent or the election of a new Chairperson, as the case may be.”**

60. The Commission while going through the alignment process , would like to highlight the need to review the different Legal instruments for consistency and alignment , in this regard the office of the Legal Counsel should be requested to prepare a report on all inconsistencies in different legal instruments when its relevant to the smooth functioning of the Union and report back to the policy organ in January 2020 ,

## **VI. RECOMMENDATIONS**

61. The alignments made based on Decision Ext/Assembly/AU/Dec.1 (XI) and Decision Ext/Assembly/AU/Dec.3 (XI), therefore the amended legal instruments should be submitted to the Executive Council and Assembly of the Union for consideration and adaption. The three instruments are:
- a) Amended Rules of Procedure of the Assembly,
  - b) Amended Rules of Procedure of the Executive Council, and
  - c) Amended Statute of the Commission.  
Request the Commission (Office of the Legal counsel) to report on the inconsistencies in different legal instruments by January 2020.

**AFRICAN UNION**

**الاتحاد الأفريقي**



**UNION AFRICAINE**

**UNIÃO AFRICANA**

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**EX.CL/1121 (XXXIV) Rev.1**  
**Annexes**

**ANNEXES**

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**RULES OF PROCEDURE OF THE ASSEMBLY ,**

**AND**

**RULES OF PROCEDURE OF THE THE EXECUTIVE COUNCIL AND,**

**THE STATUTES OF THE COMMISSION AND**

**RULES OF PROCEDURE OF THE PERMANENT REPRESENTATIVES' COMMITTEE**

ADOPTED BY THE FIRST ORDINARY SESSION OF THE ASSEMBLY,  
HELD IN DURBAN, SOUTH AFRICA,

IN JULY 2002

AND AMENDED BY THE EIGHTH ORDINARY SESSION OF THE  
ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA,

IN JANUARY 2007

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**AMENDED RULES OF PROCEDURE OF THE ASSEMBLY  
OF THE UNION**

**GENERAL PROVISION**

The Assembly of the Union,

Having regard to the Constitutive Act of the African Union, and in particular Article 8,

**HAS ADOPTED THESE RULES OF PROCEDURE:**

**RULE 1**  
**Definitions**

In these Rules:

“**Assembly**” means the Assembly of Heads of State and Government of the Union;  
“**Chairperson**” unless specified otherwise means the Chairperson of the Assembly;  
“**Commission**” means the Secretariat of the Union;  
“**Committee**” means a Specialized Technical Committee of the Union;  
“**Constitutive Act**” means the Constitutive Act of the African Union;  
“**Council**” means the Economic, Social and Cultural Council of the Union;  
“**Court**” means the Court of Justice of the Union;  
“**Executive Council**” means the Executive Council of Ministers of the Union;  
“**Member State**” means a Member State of the Union;  
“**Members of the Commission**”, means the Chairperson, the Deputy Chairperson and the Commissioners;  
“**OAU**” means the Organization of African Unity;  
“**Parliament**” means the Pan-African Parliament of the Union;  
“**PRC**” means the Permanent Representatives’ Committee of the Union;  
“**PSC**” means the Peace and Security Council of the African Union;  
“**RECs**” means the Regional Economic Communities;  
“**Union**” means the African Union established by the Constitutive Act;  
“**Vice-Chairpersons**” unless specified otherwise means the Vice-Chairpersons of the Assembly;

CHAPTER I

**THE ASSEMBLY**

**SECTION I**

**COMPOSITION, POWERS AND FUNCTIONS**

**RULE 2**

**Status**

The Assembly shall be the supreme organ of the Union.

### **RULE 3**

#### **Composition**

The Assembly shall be composed of Heads of State and Government or their duly accredited representatives.

### **RULE 4**

#### ***Powers and Functions***

1. The Assembly shall:
  - a) determine the common policies of the Union, establish its priorities and adopt its annual programme;
  - b) monitor the implementation of policies and decisions of the Union as well as ensure compliance by all Member States through appropriate mechanisms;
  - c) accelerate the political and socio-economic integration of the continent;
  - d) give directives to the Executive Council, the PSC or the Commission on the management of conflicts, wars, acts of terrorism, emergency situations and the restoration of peace;
  - e) decide on intervention in a Member State in respect of grave circumstances namely, war crimes, genocide and crimes against humanity;
  - f) decide on intervention in a Member State at the request of that Member State in order to restore peace and security;
  - g) determine the sanctions to be imposed on any Member State for non payment of assessed contributions, violation of the principles enshrined in the Constitutive Act and these rules, non-compliance with the decisions of the Union and unconstitutional changes of government;
  - h) consider and decide on requests for membership of the Union;
  - i) adopt the budget of the Union, oversee and direct the financial matters of the Union in accordance with the Financial Rules and Regulations of the Union;
  - j) establish any other organ of the Union;
  - k) establish new Committees as it may deem necessary;



- l) establish such Specialized Agencies, *Ad hoc* Committees and Commissions, and temporary working groups, as it may deem necessary;
  - m) elect and appoint the Chairperson and his/her deputy and terminate the appointment of the Chairperson of the Commission, his/her Deputy and the Commissioners~~appoint and terminate the appointment of the Chairperson of the Commission, his/her Deputy and the Commissioners;~~
  - n) appoint and terminate the appointment of the judges of the Court;
  - o) receive, consider and take decisions on reports and recommendations from the other organs of the Union;
  - p) elect the Chairperson and other Office bearers of the Assembly;
  - q) decide on the venue of its meetings;
  - r) amend the Constitutive Act in conformity with the laid down procedures;
  - s) interpret the Constitutive Act pending the establishment of the Court;
  - t) determine the structure, functions and regulations of the Commission; and
  - u) determine the structure, functions, powers, composition and organization of the Council.
2. The Assembly may delegate any of its powers and functions to any other organ of the Union.

## **SECTION II**

### **SESSIONS**

#### **RULE 5 Venue**

1. The January Sessions of the Assembly shall be held at the Headquarters of the Union. The July Sessions shall also be held at the Headquarters of the Union unless a Member State invites the Assembly to hold a session in its country.
2. In the event a Member State invites the Assembly to hold a session in its country, that Member State shall be responsible for all extra expenses incurred by the Commission as a result of the session being held outside the Headquarters.
3. Member States offering to host sessions of the Assembly shall not be under sanctions and shall be required to meet pre-determined criteria to be adopted by

the Assembly, including adequate logistical facilities and a conducive political atmosphere.

4. Where two (2) or more Member States offer to host a session, the Assembly shall decide on the venue by simple majority.
5. Where a Member State that had offered to host a session of the Assembly is unable to do so, the session shall be held at the Headquarters of the Union, unless a new offer is received and accepted by Member States.

## ***RULE 6***

### ***Quorum***

The quorum for a session of the Assembly shall be two-thirds of the total membership of the Union.

## **RULE 7**

### **Ordinary Sessions**

The Assembly shall meet in ordinary session at least once a year.

## ***RULE 8***

### ***Agenda of Ordinary Sessions***

1. The Assembly shall adopt its Agenda at the opening of each session.
2. The provisional Agenda of an Ordinary Session shall be drawn up by the Executive Council and shall comprise the following:
  - a) Items which the Assembly decided, at a previous session, to place on its agenda;
  - b) Items proposed by the Executive Council;
  - c) Items proposed by the other Organs of the Union that do not report directly to the Executive Council;
  - d) Items proposed by a Member State provided that the proposal is submitted sixty (60) days before the opening of the session and the supporting document(s) and draft decision(s) has been communicated to the Chairperson of the Commission at least thirty (30) days before the opening of the meeting. The Assembly shall examine such items together with the recommendation of the Executive Council.

3. The provisional Agenda shall be divided into two parts as follows:

Part A: Items for adoption without discussion are those on which the Executive Council has reached agreement and for which approval by the Assembly is possible without discussion.

Part B: Items for discussion are those on which agreement has not been reached by the Executive Council, requiring debate before approval by the Assembly.

## **RULE 9**

### ***Other Agenda Items***

**Any additional agenda item, which a Member State wishes to raise at a session of the Assembly, shall only be considered under the agenda item “Any other Business”. Such agenda item shall be for information only and not subject to debate or decision.**

## **RULE 10**

### **Opening and Closing Ceremonies**

1. During the opening ceremony of sessions, the following personalities shall be entitled to address the Assembly:

- a) Chairperson or Head of State or Government of the Host Country;
- b) Outgoing Chairperson;
- c) Incoming Chairperson;
- d) The Secretary General of the UN, in person;
- e) Chairperson of the Commission.

2. During the closing ceremony of sessions, the following personalities shall be entitled to address the Assembly:

- a) Chairperson or Head of State or Government of the Host Country;
- b) The personality pronouncing the Vote of thanks.

3. The Assembly may invite any other personality to address the Assembly at the Opening and Closing ceremonies.

## **RULE 11**

### ***Extraordinary Sessions***

1. The Assembly shall meet in extraordinary session at the request of the Chairperson or any Member State. The extraordinary session shall be held upon approval by a two-thirds majority of the Member States.
2. The Chairperson of the Commission shall notify all Member States of the request within seven (7) days of the receipt of such request and advise them to communicate, in writing, their response within a specified period.
3. If the specified period has elapsed and the two-thirds majority required has not been attained, the Chairperson of the Commission shall notify all Member States that the extraordinary session shall not take place.
4. The extraordinary sessions shall be held at the Headquarters of the Union unless a Member State invites the Assembly to hold the session in its country.

## **RULE 12**

### ***Agenda of Extraordinary Sessions***

1. The Chairperson of the Commission shall communicate the provisional agenda of an extraordinary session to Member States at least fifteen (15) days before the opening of the session.
2. The agenda of an extraordinary session shall comprise only the item(s) submitted for consideration in the request for convening the session.

## **RULE 13**

### ***Open and Closed Sessions***

All the sessions of the Assembly shall be closed. The Assembly may, however, decide by simple majority whether any of its sessions shall be open.

## **RULE 14**

### **Working Languages**

1. The official languages of the Union and all its institutions shall be Arabic, English, French, Portuguese, Spanish, Kiswahili and any other African language\*.
2. The Executive Council shall determine the process and practical modalities for the use of official languages as working languages.
3. Any Head of State or Government may make a statement in any African language provided that he/she makes available simultaneous interpretation into at least one of the working languages, other than an African language, without financial implications to the Union.

## **RULE 15**

### **Election of Chairperson**

1. The Assembly shall, on the basis of rotation and agreed criteria, elect a Chairperson for a period of one (1) year. He/she shall be assisted by other members of the Bureau, namely, four (4) Vice-Chairpersons elected on the basis of agreed geographical distribution and after due consultations.
2. Where the Assembly accepts an invitation from a Member State in conformity with the criteria laid down in Rule 5 of these Rules, the Chairperson shall preside over the Session.
3. The Chairperson shall preside over the proceedings of the Extraordinary Sessions.

## **RULE 16**

### **Duties of the Chairperson**

1. The Chairperson shall:
  - a) convene the sessions of the Assembly;
  - b) open and close the sessions;
  - c) submit for approval the records of the sessions;
  - d) guide the proceedings;
  - e) submit to a vote, where required, matters under discussion and announce the results of the vote taken;
  - f) rule on points of order.
2. *The Chairperson shall ensure order and decorum of the proceedings of the Assembly.*

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\* In line with Article 11 of the Protocol on Amendments to the Constitutive Act of the African Union adopted by the 1<sup>st</sup> Extraordinary Session of the Assembly of the Union in Addis Ababa, Ethiopia on 3 February 2003 and by the 2<sup>nd</sup> Ordinary Session of the Assembly of the Union in Maputo, Mozambique on 11 July 2003.

3. In between sessions, the Chairperson, in consultation with the Chairperson of the Commission, shall represent the Union in conformity with the fundamental objectives and principles enshrined in the Constitutive Act.
4. In the absence of the Chairperson or in case of a vacancy, the first Vice-Chairperson shall act as the Chairperson.

## ***RULE 17***

### ***Attendance and Participation***

1. The Heads of State or Government shall endeavour to participate personally in the sessions of the Assembly. In the event that they are not in a position to attend personally, they shall be represented by duly accredited representatives.
2. The following personalities shall attend the sessions of the Assembly in their official capacity:
  - a) The Chairperson of the Commission, his/her Deputy and the Commissioners;
  - a) The President of the Parliament and the Heads of the other organs of the Union;
  - a) The Chief Executives of the RECs.
3. The Assembly may invite any other personality to attend its sessions.

## ***SECTION III***

### ***DECISION-MAKING PROCEDURES***

## ***RULE 18***

### ***Majority Required***

1. The Assembly shall take all its decisions by consensus or, failing which, by a two-thirds majority of the Member States eligible to vote.
2. Decisions on questions of procedure shall be taken by a simple majority of Member States eligible to vote.
3. Decisions on whether or not a question is one of procedure shall also be determined by a simple majority of the Member States eligible to vote.

4. Abstentions by Member States eligible to vote shall not prevent the adoption by the Assembly of decisions by consensus.

## **RULE 19**

### **Decisions**

1. The text of all proposed decisions shall, upon recommendation by the Executive Council, be submitted in writing to the Assembly for consideration.
2. The original mover of a proposed decision or amendment may at any time, withdraw the decision or amendment. Any Member State may reintroduce the proposed decision or amendment that has been withdrawn.
3. A draft decision shall only be adopted after the Commission has provided its financial implications.

## **RULE 20**

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

1. The Chairperson shall, subject to Rule 35 of these Rules, during the debate, grant the use of the floor in the order in which the speakers indicate their intention.
2. A delegation shall not have the floor without the consent of the Chairperson.
3. The Chairperson may, during the debate: -
  - a) Read out the list of speakers and declare the list closed;
  - b) Call to order any speaker whose statement deviates from the issue under discussion;
  - c) Accord the right of reply to any delegation where in his/her opinion a statement made after the list is closed justifies the right of reply; and
  - d) Limit the time allowed to each delegation irrespective of the issue under discussion, subject to sub Rule 4 of this Rule.
4. The Chairperson shall, on procedural questions, limit each intervention to a maximum of five (5) minutes.

## **RULE 21**

### **Point of Order**

1. During deliberations on any item, a Member State may raise a point of order. The Chairperson, in accordance with these Rules, shall immediately decide on the point of order.
2. The Member State concerned may appeal against the ruling of the Chairperson. The ruling shall immediately be put to vote and decided upon by simple majority.

3. In raising a point of order, the Member State concerned may not speak on the on the substance of the issue under discussion.

### **RULE 22**

#### **Closure of Debate**

When a matter has been sufficiently discussed, a Member State may move for the closure of the debate on the item under discussion. In addition to the proposer of the motion, two (2) other Member States may briefly speak in favour of and two (2) others against such motion. The Chairperson shall immediately thereafter put the motion to a vote.

### **RULE 23**

#### ***Adjournment of Debate***

During the discussion of any item, a Member State may move for the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one (1) Member State may speak in favour of and another against the motion. The Chairperson shall immediately thereafter put the motion to a vote.

### **RULE 24**

#### **Suspension or Adjournment of the Meeting**

During the discussion of any matter, a Member State may move for the suspension or adjournment of the meeting. No discussion on such motions shall be permitted. The Chairperson shall immediately put such motion to a vote.

### **RULE 25**

#### **Order of Procedural Motions**

Subject to Rule 20, the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:

- a) Suspend the meeting;
- b) Adjourn the meeting;
- c) Adjourn the debate on the item under discussion;
- d) Close the debate on the item under discussion.

### **RULE 26**

#### ***Voting Rights***

1. Each Member State shall have one (1) vote, subject to sub Rule 2 of this Rule.



2. Member States subject to sanctions under Article 23 of the Constitutive Act shall not have the right to vote.

## **RULE 27**

### **Vote on Decisions**

After the debate has been closed on an item under discussion, the Chairperson shall immediately put the proposed decision with all the amendments to a vote. The vote shall not be interrupted except on a point of order related to the manner in which the vote is taking place.

## **RULE 28**

### **Vote on Amendments**

1. A proposal shall be considered as an amendment to a text if it adds or removes parts therefrom or modifies it.
2. When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Assembly shall first vote on the amendment furthest removed in substance from the original proposal. The meeting shall then vote on the amendment next furthest removed therefrom, and so on, until all amendments have been put to a vote.
3. If one or several amendments are adopted, the amended proposal is then put to a vote. If no amendment is adopted, the proposal shall be put to the vote in its original form.

## **RULE 29**

### **Vote on Separate Parts of an Amendment**

Parts of an amendment shall be voted on separately when so requested by a Member State. If this is done, the text resulting from the series of votes shall be put to a vote as a whole. If all operative parts of an amendment have been rejected, the amendment shall be considered to have been rejected as a whole.

## **RULE 30**

### **Methods of Voting**

1. Voting on substantive issues shall be by secret ballot of Member States eligible to vote.

2. Voting on procedural matters shall be taken by any other method as may be determined by the Assembly.

### **RULE 31**

#### **Voting at Elections**

*Elections shall be by secret ballot, except in respect of the Chairperson and the Vice-Chairpersons.*

### **SECTION IV**

#### **ASSEMBLY DECISIONS**

##### **RULE 32**

#### **Authentication of Decisions**

Decisions adopted by the Assembly shall be authenticated by the signature of its Chairperson and the Chairperson of the Commission. They shall be published in all the working languages of the Union in the '*Official Journal of the African Union*' within fifteen (15) days after signature and shall be transmitted to all Member States, other organs of the Union and the RECs.

##### **RULE 33**

#### **Categorisation of Decisions**

1. The Decisions of the Assembly shall be issued in the following forms:
  - a) Regulations: these are applicable in all Member States which shall take all necessary measures to implement them;
  - b) Directives: these are addressed to any or all Member States, to undertakings or to individuals. They bind Member States to the objectives to be achieved while leaving national authorities with power to determine the form and the means to be used for their implementation;
  - c) Recommendations, Declarations, Resolutions, Opinions, etc.: these are not binding and are intended to guide and harmonise the viewpoints of Member States.

2. The non-implementation of Regulations and Directives shall attract appropriate sanctions in accordance with Article 23 of the Constitutive Act.

## **RULE 34**

### ***Implementation of Regulations and Directives***

1. Regulations and Directives shall be automatically enforceable thirty(30) days after the date of the publication in the Official Journal of the African Union or as specified in the decision.
2. Regulations and Directives shall be binding on Member States, Organs of the Union and RECs.

## **SECTION V**

### **SANCTIONS**

#### **RULE 35 Sanctions for Arrears**

1. The Assembly shall determine, on the basis of recommendations of the Executive Council and the PRC, as well as information provided by the Commission, sanctions to be imposed under Article 23 (1) of the Constitutive Act.
2. Subject to paragraph 1 of this Rule, sanctions against a Member State that defaults in the payment of its contributions to the budget of the Union shall be implemented by the Assembly in the following manner:
  - d) Those Member States which fail to meet their obligations and have not settled at least 50% of their current assessed contributions after the second quarter (6 months) of each financial year in which the contribution is due shall be deemed to be in arrears considering the budget cycles of Member States;
  - e) The period for Member States to be in arrears are :
    - 3) ~~The short-term arrears period for Member States to be in arrears shall be~~ is six (6) months,
    - 4) the intermediate arrears period for Member States to be in arrears shall be is one (1) year and,

5) the long-term arrears period for Member States to be in arrears shall be is two (2) years;

f) Sanctions shall be applied in three parts categories namely:

i. Cautionary sanctions for the shall apply to short-term arrears, which deprives Member States of their rights to speak at meetings of the African Union

ii. Intermediate sanctions for shall apply to the intermediate arrears, which includes sanctions under Article 23 (1) of the Constitutive Act, Rules 5 (3), 26(2), of the Rules of Procedure of the Assembly; Article 78 (6) of the AU Financial Rules and Regulations; Article 48 21 (8) Statutes of the Commission. Member States shall also be deprived of the right to:

- speak, vote and receive documentation at meetings of the Union
- offer to host sessions of the Assembly or of the Executive Council or any other meetings of the Union;
- present a candidate for any position or post within the Union;
- be a member of a Bureau of any Organ of the Union; host any Organ, Institution or Office of the Union;
- have its nationals participate in electoral observation missions, human rights observation missions; or be invited for any meeting organized by the Union;
- have its nationals appointed as elected and non-elected staff including consultants, volunteers, interns etc.

iii. Comprehensive sanctions shall include all the sanctions in paragraphs (i) and (ii) above. It shall also deprive Member States of their rights to participate in meetings of the Union; have the contracts of employment of its nationals renewed; and provision, by the Union, of funds for new projects .in the Member State.

3. When a Member State is under sanctions for non-payment of its contributions as described in the preceding paragraphs, the sanctions may be lifted temporarily by the Permanent Representatives Committee "PRC" if the Member State pays at least 50% of its outstanding arrears, provided that such payment is made at least thirty (30) days before the commencement of the session of the Executive Council preceding that of the Assembly.

3.4. The Assembly may consider requests from Member States experiencing force majeure circumstances making them temporarily unable to pay their assessed contributions. Member States shall notify the Assembly in writing. The Assembly may consider such requests and take a decision.

## **RULE 36**

### **Sanctions for Non-compliance with Decisions and Policies**

1. The Assembly shall approve, upon the recommendation of the Executive Council, the imposition of sanctions under Article 23 (2) of the Constitutive Act on a Member State that fails, without good and reasonable cause, to comply with the decisions and policies of the Union.
2. Such sanctions may include denial of transport and communication links with other Member States and other measures of a political and economic nature to be determined by the Assembly.
3. When taking any decision in this regard, the Assembly shall stipulate the time frame for compliance and indicate when the failure to comply with that decision will trigger the sanctions regime provided for under Article 23 (2) of the Constitutive Act and this Rule.
4. Member States under sanctions may present their case to the Assembly.

## **RULE 37**

### **Sanctions for Unconstitutional Changes of Government**

1. Pursuant to Article 30 of the Constitutive Act, Member States in which Governments accede to power by unconstitutional means shall be suspended and shall not participate in the activities of the Union.
2. In conformity with the Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government, the situations to be considered as unconstitutional change shall be, among others:
  - a) Military and other coup d'état against a democratically elected Government;
  - b) Intervention by mercenaries to replace a democratically elected government;
  - c) Replacement of democratically elected governments by armed dissident groups and rebel movements; and
  - d) Refusal by an incumbent government to relinquish power to the winning party after a free and fair election.

3. **The overthrow and replacement of a democratically elected government by elements assisted by mercenaries shall also be considered as an unconstitutional change of government.**
4. **Whenever an unconstitutional change of Government takes place, the Chairperson and the Chairperson of the Commission shall:**
  - a) Immediately, on behalf of the Union, condemn such a change and urge the speedy return to constitutional order;
  - b) Convey a clear and unequivocal warning that such an illegal change shall not be tolerated or recognized by the Union;
  - c) Ensure consistency of action at the bilateral, interstate, sub-regional and international levels;
  - d) Request the PSC to convene in order to discuss the matter;
  - e) Immediately suspend the Member State from the Union and from participating in the organs of the Union, provided that exclusion from participating in the organs of the Union shall not affect that State's membership of the Union and its obligations towards the Union.
5. **The Assembly shall immediately apply sanctions against the regime that refuses to restore constitutional order, including but not limited to:**
  - a) Visa denials for the perpetrators of the unconstitutional change;
  - b) Restriction of Government to Government contacts;
  - c) Trade restrictions;
  - d) The sanctions provided for in Article 23 (2) of the Constitutive Act and in these Rules;
  - e) Any additional sanction as may be recommended by the PSC.
6. **The Chairperson of the Commission in consultation with the Chairperson shall:**
  - a) Gather the facts relevant to the unconstitutional change of Government;
  - b) Establish appropriate contacts with the perpetrators with a view to ascertaining their intentions regarding the restoration of constitutional order in the country, without recognizing or legitimizing the perpetrators;
  - c) Seek the contribution of African leaders and personalities in order to get the perpetrators of the unconstitutional change to cooperate with the Union;

- d) Enlist the cooperation of the RECs to which the country concerned belongs.

## CHAPTER II

### THE COMMISSION

#### SECTION I

#### CHAIRPERSON AND DEPUTY CHAIRPERSON MEMBERS OF THE COMMISSION

##### RULE 38

##### Election of the Chairperson and Deputy Chairperson

1. The Assembly shall elect the Chairperson of the Commission and his/her Deputy by secret ballot and two-thirds majority of Member States eligible to vote.
2. The Chairperson of the Commission and his/her Deputy shall be competent women or men with proven experience in the relevant field, commensurate leadership qualities and a good track record in government, parliament, international organizations or other relevant sectors of society.
3. Candidatures for the Office of the Chairperson of the Commission and his/her Deputy shall be circulated to Member States at least ten (10) months before the election.
4. The Chairperson of the Commission and his/her Deputy shall not be from the same region. The principle of rotational gender parity shall be applied to the posts of Chairperson and Deputy Chairperson ensuring that if the Chairperson is male then the Deputy Chairperson shall be a female and vice versa.
5. The selection process should ensure the appointment of the best possible candidate who embodies the highest standards of efficiency, competence and integrity as well as demonstrating a firm commitment to Pan-Africanism and the objectives, principles and values of the AU, proven managerial abilities, extensive experience in international relations and strong diplomatic and communications skills.

##### RULE 39

##### Selection and Election Timeline

The timeline for selection and election of the senior leadership shall be as follows:

f) The announcement of the Candidates for the senior leadership posts shall start in March of the year preceding the election of the new Commission.

The announcement of the candidatures for the Office of the Chairperson of the Commission and his/her Deputy posts shall start in March of the year preceding the election;

g) The independent assessment of candidates for senior leadership posts shall be from (August to December) of the year preceding the election;

h) The election and appointment of the Chairperson and the Deputy Chairperson by the Assembly shall be in January/February by the AU Assembly of the election year.

;

i) The election and appointment of the Chairperson and the Deputy Chairperson Commissioners by the Assembly Executive Council shall be in January/February of the election year.

#### RULE 40

##### Transparency and Meritocracy

To enhance the transparency and meritocracy in the selection process, the following steps shall be observed:

a) All the candidates shall provide a curriculum vitae, along with vision statements outlining how they intend to address the most pressing issues facing the AU. These shall be posted on a dedicated webpage on the AU website;

b) All candidates for the position of the Chairperson of the Commission shall participate, at least six months before the election, in a public debate which shall be broadcasted live on the AU website during which they shall present their visions and ideas on the implementation of Agenda 2063. AU Member States shall be encouraged to broadcast this on their national outlets; and

c) Prior to election, each candidates for the position of the Chairperson of the Commission shall make a formal presentation to the AU Assembly outlining their vision and the proposed priorities for their term of office.



**RULE 41**  
**Termination of Appointment**

1. The Assembly may, by two-thirds majority and following due process conducted by the Executive Council, terminate the appointment of the Chairperson of the Commission, his/her Deputy and the Commissioners on grounds of incompetence, gross misbehaviour or inability to perform the functions of his/her office for reason of permanent incapacity certified by a medical board.

2. The procedure for the termination for the Chairperson and Deputy Chairperson shall take place as follows:

- a) In order to initiate termination procedures, a group of Member States, constituting at least 4, one per region, excluding the region from which the official being recommended for termination is from, may recommend to the Bureau of the Assembly of the Union, through written notification, the termination of appointment with respect to the Chairperson or Deputy Chairperson of the Commission based on the provisions outlined below;
- b) The Bureau of the Assembly shall communicate the written notification to the Assembly;
- c) The Bureau of the Assembly shall review the recommendation in order to assess whether there are sufficient grounds for the termination of appointment within three to six months;
- d) The Bureau of the Assembly may consider proposing to the Assembly the suspension of the Chairperson or Deputy Chairperson pending their investigation if the claims, prima facie, prove serious and grave in nature;
- e) In conducting this review, the Bureau may call upon any resources required to ensure a transparent and fair process;
- f) The Bureau of the Assembly shall make its recommendation to the AU Assembly;
- g) The AU Assembly shall consider the matter and take a decision.

3. The procedure for termination of the appointment of Commissioners shall take place as follows:

- a) The Chairperson of the Commission, may recommend to the Executive Council, through written notification to the Bureau of the Executive Council, the termination of appointment with respect to Commissioners based on the provisions below;
- b) The Bureau of the Executive Council shall communicate the written notification to the Executive Council;

- c) The Bureau of the Executive Council shall review the recommendation in order to assess whether there are sufficient grounds for the termination of appointment within three to six months;
- d) The Bureau of the Executive Council may consider proposing to the Executive Council the suspension of the Commissioner pending their investigation if the claims, prima facie, prove serious and grave in nature;
- e) In conducting this review, the Bureau may call upon any resources required to ensure a transparent and fair process;
- f) The Bureau of the Executive Council shall make its recommendation to the Executive Council;
- g) The Executive Council shall consider the matter and take a decision on that recommendation.

**RULE 42**

Voting Procedure for the Election of the  
**Chairperson and Deputy Chairperson** ~~Members of the Commission~~

1. The voting shall commence with the election of the Chairperson of the Commission, followed by the Deputy Chairperson, ~~thereafter the Assembly shall appoint the Commissioners elected by the Executive Council.~~
2. In any election for the Chairperson of the Commission, or his/her Deputy, the balloting shall continue until one (1) of the candidates obtains the two-thirds majority required. Provided that, if the third ballot remains inconclusive, the next ballot shall be restricted to the two (2) candidates who obtained the highest number of votes in the third ballot.
3. If after three (3) further ballots neither of the two (2) candidates obtains the majority required, the candidate with fewer votes shall withdraw.
4. Where there are only two (2) candidates initially and neither candidate obtains the majority required after the third ballot, the candidate with fewer votes shall withdraw and the remaining candidate shall proceed to the next round.
5. If the remaining candidate, fails to obtain the two-thirds majority required in that round, the Chairperson shall suspend the election.

6. Where there is only one (1) candidate initially and he or she fails to obtain the two-thirds majority required after the third ballot the Chairperson shall suspend the election.
7. ~~The Deputy Chairperson of the Commission shall take over the Chairmanship of the Commission on an interim basis until new elections are held. If the impasse is in respect of the Deputy Chairperson, the most senior Commissioner by length of tenure, or by age where length of tenure is the same, shall be designated to act as the Deputy Chairperson until new elections are held.~~In case of absence, death, temporary or permanent incapacity of the Chairperson, the Chairperson of the Assembly with consultation with the Bureau of the Assembly, appoint the Deputy Chairperson, to act as Chairperson of the Commission, pending the return of the incumbent or the election of a new Chairperson, as the case may be.
8. This voting procedure provided for in paragraphs 2, 3, 4 ~~and 5~~ and 6 above shall be applicable to all elections conducted by the Assembly in respect of other Organs of the Union.

#### RULE 43

##### **Term of Office**

The term of office of the members of the Commission shall be for four (4) years. It shall be renewable only once.

### **CHAPTER III**

#### **FINAL PROVISIONS**

#### RULE 44

##### **Implementation**

The Assembly may lay down guidelines and supplementary measures to give effect to these Rules.

#### RULE 45

##### **Saving Clause**

These Rules shall not adversely affect the decisions of the Assembly of Heads of State and Government of the OAU whose implementation has not started or has started but has not been completed provided that such decisions are not inconsistent with the provisions of the Constitutive Act.

**RULE 46**

***Amendments***

The Assembly may amend these Rules by a two-thirds majority.

***RULE 47***

***Entry into force***

**These Rules shall enter into force upon their adoption by the Assembly.**

**AMENDED RULES OF PROCEDURE OF THE EXECUTIVE  
COUNCIL**

**GENERAL PROVISION**

The Executive Council,

Having regard to the Constitutive Act of the African Union, and in particular Article 12,

**HAS ADOPTED THESE RULES OF PROCEDURE:**

**RULE 1  
Definitions**

In these Rules:

- (a) **“Assembly”** means the Assembly of Heads of State and Government of the Union;
- (b) **“Chairperson”** unless specified otherwise, means the Chairperson of the Executive Council;
- (c) **“Commission”** means the Secretariat of the Union;
- (d) **“Committee”** means a Specialized Technical Committee of the Union;
- (e) **“Constitutive Act”** means the Constitutive Act of the African Union;
- (f) **“Executive Council”** means the Executive Council of Ministers of the Union;
- (g) **“Member State”** means a Member State of the Union;
- (h) **“Members of the Commission”** means the Chairperson, the Deputy Chairperson and the Commissioners;
- (i) **“OAU”** means the Organization of African Unity;
- (j) **“Parliament”** means the Pan-African Parliament of the Union;
- (k) **“PRC”** means Permanent Representatives’ Committee of the Union;
- (l) **“RECs”** means Regional Economic Communities;
- (m) **“Union”** means the African Union established by the Constitutive Act;
- (n) **“Vice-Chairpersons”** unless specified otherwise, means the Vice-Chairpersons of the Executive Council;

**CHAPTER I  
EXECUTIVE COUNCIL**

**SECTION I  
COMPOSITION, ACCREDITATION, POWERS AND FUNCTIONS**

**RULE 2**

**Status**

The Executive Council shall be responsible to the Assembly.

**RULE 3  
Composition**

The Executive Council shall be composed of Ministers of Foreign Affairs or such other Ministers or authorities duly accredited by the Governments of Member States.

**RULE 4**

**Accreditation**

1. Delegations of Member States to sessions of the Executive Council shall be duly accredited.
2. The Executive Council shall establish a Credentials Committee.
3. The Rules of Procedure of the Credentials Committee shall be adopted by the Executive Council.

**RULE 5**

**Powers and Functions**

5. The Executive Council shall:
  - v) prepare the sessions of the Assembly;
  - w) determine the issues to be submitted to the Assembly for decision;
  - x) coordinate and harmonize the policies, activities and initiatives of the Union in areas of common interest to Member States;
  - y) monitor the implementation of the policies, decisions and Agreements adopted by the Assembly;
  - z) elect and appoint the Commissioners ~~to be appointed by the Assembly~~;

z)aa) conduct the procedure for the termination of Chairperson, Deputy Chairperson and the members of the Commissioners, in conformity with Rule 4144 of the Rules of Procedure of the Assembly;

aa)bb) elect members of the African Commission on Human and Peoples' Rights, and the African Committee of Experts on the Rights and Welfare of the Child and submit to the Assembly for appointment;

bb)cc) take appropriate action on issues referred to it by the Assembly;

cc)dd) examine the Programme and Budget of the Union and submit them to the Assembly for consideration;

dd)ee) promote cooperation and coordination with the RECs, the African Development Bank (ADB), other African Institutions and the United Nations Economic Commission for Africa (UNECA);

ee)ff) determine policies for cooperation between the Union and Africa's partners, and ensure that all activities and initiatives regarding Africa are in line with the objectives of the Union;

ff)gg) decide on the dates and venues of its sessions on the basis of criteria adopted by the Assembly;

gg)hh) appoint its Chairperson and the other office bearers in conformity with the Bureau of the Assembly;

hh)ii) receive, consider and make recommendations on reports and recommendations from other Organs of the Union that do not report directly to the Assembly;

ii)jj) set up such ad-hoc committees and working groups as it may deem necessary;

jj)kk) consider the reports, decisions, projects and programmes of the Committees;

kk)ll) approve the Rules of the Committees, oversee, monitor and direct their activities;

ll)mm) consider the Staff Rules and Regulations, and the Financial Rules and Regulations of the Union and submit them to the Assembly for adoption;

mm)nn) approve the agreements for hosting the Headquarters, other Organs and Offices of the Union;

nn)oo) consider the structures, functions and Statutes of the Commission and make recommendations thereon to the Assembly;



~~ee)pp~~) determine the conditions of service including salaries, allowances and pensions of the Staff of the Union;

~~pp)qq~~) ensure the promotion of gender equality in all programmes of the Union.

6. The Executive Council may delegate any of its powers and functions to the Committees.
7. The Executive Council may give instructions to the PRC.
8. The Executive Council may assign tasks to the Commission.

## **SECTION II**

### **SESSIONS**

#### **RULE 6**

##### **Venue**

1. The Ordinary Sessions of the Executive Council shall be held at the same venue as those of the Assembly.
2. In the event the session is held outside the Headquarters of the Union, the host Member State shall be responsible for all extra expenses incurred by the Commission as a result of the session being held outside the Headquarters.
3. In conformity with Rule 5 (3) of the Rules of Procedure of the Assembly, Member States offering to host sessions of the Executive Council shall not be under sanctions and shall be required to meet pre-determined criteria to be adopted by the Assembly, including adequate logistical facilities and a conducive political atmosphere.
4. Where two (2) or more Member States offer to host a session, the Executive Council shall decide on the venue by simple majority.
5. Where a Member State that had offered to host a session of the Executive Council is unable to do so, the session shall be held at the Headquarters of the Union, unless a new offer is received and accepted by Member States.

#### **RULE 7**

##### ***Quorum***

The quorum for a session of the Executive Council shall be two-thirds of the total membership of the Union.

**RULE 8**  
**Ordinary Sessions**

1. The Executive Council shall meet twice a year in ordinary session. The sessions shall precede those of the Assembly.
2. The Executive Council shall examine the Programme and Budget for the next Biennium during its session immediately preceding the July session of the Assembly.

***RULE 9***

***Agenda of Ordinary Sessions***

1. The Executive Council shall adopt its Agenda at the opening of each session.
2. The Provisional Agenda of an ordinary session shall be drawn up by the PRC. The Chairperson of the Commission shall communicate it to Member States at least thirty (30) days before the opening of the session. The Agenda may comprise the following:
  - (a) the Report of the Commission;
  - (b) the Report of the PRC;
  - (c) items which the Assembly has referred to the Executive Council;
  - (d) items which the Executive Council decided at a preceding session to place on its agenda;
  - (e) the Draft Programme and Budget of the Union;
  - (f) items proposed by the other organs of the Union;
  - (g) items proposed by a Member State provided that the proposal is submitted sixty (60) days before the opening of the session and the supporting document(s) and draft decision(s) have been communicated to the Chairperson of the Commission at least thirty (30) days before the opening of the session. The Executive Council shall examine such items together with the recommendation of the PRC, if any.
  - (h) Any Other Business which shall be for information purposes only and shall not be subject to debate or decision.

3. *The Provisional Agenda shall be divided into two parts as follows:*

Part A: Items for adoption without discussions are those on which the PRC has reached agreement and for which approval by the Executive Council is possible without discussion.

Part B: Items for discussion are those on which agreement has not been reached by the PRC, requiring debate before approval by the Executive Council.

#### **RULE 10 Other Agenda Items**

Any additional agenda item, which a Member State wishes to raise at a session of the Executive Council, 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 11 Opening and Closing Ceremonies**

1. During the opening ceremony of sessions, the following personalities shall be entitled to address the Executive Council:
  - a) Chairperson or Minister of Foreign Affairs or any other competent authority of the Host Country;
  - b) Outgoing Chairperson;
  - c) Incoming Chairperson;
  - d) The Executive Secretary of the United Nations Economic Commission for Africa in person;
  - e) Chairperson of the Commission.
2. During the closing ceremony of sessions, the following personalities shall be entitled to address the Executive Council:
  - a) Chairperson or Minister of Foreign Affairs of the host country or any other competent authority of the Host Country;
  - b) The personality pronouncing the Vote of Thanks.
3. The Executive Council may invite any other personality to address the session at the opening or closing ceremonies.

#### **RULE 12**

##### ***Extraordinary Sessions***

1. The Executive Council shall meet in an extraordinary session at the request of the Assembly, the Chairperson, any Member State or the Chairperson of the Commission in consultation with the Chairperson of the Executive Council. The extraordinary session shall be held upon approval by a two-thirds majority of the Member States.
2. The Chairperson of the Commission shall notify all Member States of the request within seven (7) days of the receipt of such a request and invite them to communicate, in writing, their response within a specified period.
3. If the specified period has elapsed and the two-thirds majority required has not been attained, the Chairperson of the Commission shall notify all Member States that the extraordinary session shall not take place.
4. The extraordinary sessions shall be held at the Headquarters of the Union unless a member state invites the Executive Council to meet in its Country.
5. Where two (2) or more Member States offer to host an Extraordinary Session, Member States shall decide on the venue by simple majority.

### **RULE 13**

#### ***Agenda of Extraordinary Sessions***

1. The Chairperson of the Commission shall communicate the Provisional Agenda of an extraordinary session to Member States at least fifteen (15) days before the opening of the session.
2. The Agenda of an extraordinary session shall comprise only the item(s) submitted for consideration in the request for convening the session.

### **RULE 14**

#### ***Open and Closed Sessions***

All the sessions of the Executive Council shall be closed. The Executive Council may, however, decide by simple majority whether any of its sessions shall be open.

### **RULE 15**

#### **Working Languages**

1. The official languages of the Union and all its institutions shall be Arabic, English, French, Portuguese, Spanish, Kiswahili and any other African language\*.
2. The Executive Council shall determine the process and practical modalities for the use of official languages as working languages.
3. Any Head of Delegation may make a statement in any African language provided that he/she makes available simultaneous interpretation into at least one of the other working languages, other than an African Language, without financial implications to the Union.

### **RULE 16** **Chairperson**

1. The sessions of the Executive Council shall be chaired by the Minister of Foreign Affairs or any competent authority whose country holds the Chairmanship of the Assembly. He/she shall be assisted by other members of the Bureau, namely, four (4) Vice-Chairpersons whose countries are Members of the Bureau of the Assembly. The Bureau shall appoint a Rapporteur.
2. Where the Executive Council accepts an invitation from a Member State in conformity with the criteria adopted by the Assembly, The Chairperson shall preside over all the sessions including the opening and closing sessions.
3. The Chairperson shall also preside over all the proceedings of the Extraordinary Sessions of the Executive Council.

### *RULE 17* **Duties of the Chairperson**

1. The Chairperson shall:
  - a) convene the sessions of the Executive Council;
  - b) open and close the sessions;
  - c) submit for approval the records of the sessions;
  - d) guide the proceedings;
  - e) submit to a vote matters under discussion and announce the results of the vote taken;
  - f) rule on points of order.

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\* In line with Article 11 of the Protocol on Amendments to the Constitutive Act of the African Union adopted by the 1<sup>st</sup> Extraordinary Session of the Assembly of the Union in Addis Ababa, Ethiopia on 3 February 2003 and by the 2<sup>nd</sup> Ordinary Session of the Assembly of the Union in Maputo, Mozambique on 11 July 2003.

2. *The Chairperson shall ensure order and decorum of the proceedings of the Executive Council.*
3. In the absence of the Chairperson or in case of a vacancy, the first vice-Chairperson shall act as the Chairperson.

## **RULE 18**

### ***Attendance and Participation***

1. The Ministers of Foreign Affairs shall participate personally in the sessions of the Executive Council. In the event that they are not in a position to attend personally, they shall be represented by duly accredited representatives.
2. The following personalities shall attend the sessions of the Executive Council in their official capacity:
  - a) the Chairperson of the Commission, and his/her Deputy and the Commissioners;
  - b) the President of the Parliament and the Heads of the other organs of the Union;
  - c) the Chief Executives of the RECs.
3. The Executive Council may invite any other personality to attend its sessions.

## **SECTION III**

### ***DECISION MAKING PROCEDURES***

## **RULE 19**

### ***Majority Required***

1. The Executive Council shall take all its decisions by consensus or, failing which, by a two-thirds majority of the Member States eligible to vote.
2. Decisions on questions of procedure shall be taken by a simple majority of Member States eligible to vote.
3. Decisions on whether or not a question is one of procedure shall also be determined by a simple majority of Member States eligible to vote.
4. Abstentions by Member States eligible to vote shall not prevent the adoption by the Executive Council of decisions by consensus.

## **RULE 20**

### **Decisions**

1. The text of all proposed decisions shall, upon recommendation by the PRC, be submitted in writing to the Executive Council for consideration.
2. The original mover of a proposed decision or amendment may at any time, prior to it being submitted to a vote, withdraw the decision or amendment. Any other Member State may reintroduce the proposed decision or amendment that has been withdrawn.
3. A draft decision shall only be adopted after the Commission has provided its financial implications.

## **RULE 21**

### **Point of Order**

1. During deliberations on any matter, a Member State may raise a point of order. The Chairperson, in accordance with these Rules, shall immediately decide on the point of order.
2. The Member State concerned may appeal against the ruling of the Chairperson. The ruling shall immediately be put to a vote and decided upon by simple majority.
3. In raising a point of order, the Member State concerned shall not speak on the substance of the issue under discussion.

## **RULE 22**

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

1. The Chairperson shall, subject to Article 23 of the Constitutive Act, during the debate, grant the use of the floor in the order in which the speakers indicate their intention.
2. A delegation shall not have the floor without the consent of the Chairperson.
3. The Chairperson may, during the debate:
  - a) read out the list of speakers and declare the list closed;
  - b) call to order any speaker whose statement deviates from the issue under discussion;

†)c) accord the right of reply to any delegation where in his/her opinion a statement made after the list is closed justifies the right of reply; and

†)d) \_\_\_\_\_ limit the time allowed to each delegation irrespective of the issue under discussion, subject to sub Rule 4 of this Rule.

v)4. The Chairperson shall, on procedural questions, limit each intervention to a maximum of five (5) minutes.

### **RULE 23 Closure of Debate**

When a matter has been sufficiently discussed, a Member State may move for the closure of the debate on the item under discussion. In addition to the proposer of the motion, two (2) other Member States may briefly speak in favour of and two (2) against such motion. The Chairperson shall immediately thereafter put the motion to a vote.

### **RULE 24**

#### ***Adjournment of Debate***

During the discussion of any item, a Member State may move for the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one (1) Member State may speak in favour of and another against the motion. The Chairperson shall immediately thereafter put the motion to a vote.

### **RULE 25 Suspension or Adjournment of the Meeting**

During the discussion of any matter, a Member State may move for the suspension or adjournment of the meeting. No discussion on such motions shall be permitted. The Chairperson shall immediately put such motion to a vote.

### **RULE 26 Order of Procedural Motions**

Subject to Rule 21, the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:

w)a) \_\_\_\_\_ suspend the meeting;

x)b) \_\_\_\_\_ adjourn the meeting;



y)c) \_\_\_\_\_ Adjourn the debate on the item under discussion;

z)d) \_\_\_\_\_ close the debate on the item under discussion.

## **RULE 27**

### ***Voting Rights***

aa)1. Each Member State shall have one vote, subject to sub Rule 2 of this Rule.

bb)2. Member States, subject to sanctions under Article 23 of the Constitutive Act, shall not have the right to a vote.

## **RULE 28**

### **Vote on Decisions**

After the debate has been closed, the Chairperson shall immediately put to a vote the proposal with all the amendments. The vote shall not be interrupted except on a point of order related to the manner in which the vote is being taken.

## **RULE 29**

### **Vote on Amendments**

1. A proposal shall be considered as an amendment to a text if it adds or removes parts therefrom or modifies it.
2. When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Executive Council shall first vote on the amendment furthest removed in substance from the original proposal. The meeting shall then vote on the amendment next furthest removed therefrom, and so on, until all amendments have been put to a vote.
3. If one or several amendments are adopted, the amended proposal shall be put to a vote. If no amendment is adopted, the proposal shall be put to a vote in its original form.

## **RULE 30**

### **Vote on Separate Parts of an Amendment**

Parts of an amendment shall be voted on separately when so requested. If this is done, the text resulting from the series of votes shall be put to the vote as a whole. If all operative parts of an amendment have been rejected, the amendment shall be considered to have been rejected as a whole.

## **RULE 31**

## **Methods of Voting**

1. Voting on substantive issues shall be by secret ballot of Members States eligible to vote.
2. Voting on procedural matters shall be taken by any other method as may be determined by the Executive Council.

### **RULE 32 Voting at Elections**

*Elections shall be by secret ballot, except in respect of the Chairperson, the Vice-Chairpersons and the Rapporteur.*

## **SECTION IV**

### **EXECUTIVE COUNCIL DECISIONS**

#### **RULE 33 Authentication of Decisions**

Decisions adopted by the Executive Council shall be authenticated by the signature of the Chairperson and the Chairperson of the Commission. They shall be published in all the working languages of the Union in the “*Official Journal of the African Union*” within fifteen (15) days after signature and shall be transmitted to all Member States, other organs of the Union and the RECs.

#### **RULE 34 Categorisation of Decisions**

1. The Decisions of the Executive Council shall be issued in the following forms:
  - a) Regulations: these are binding and applicable in all Member States; and national laws shall, where appropriate, be aligned accordingly;
  - b) Directives: these are addressed to any or all Member States, to undertakings or to individuals. They bind Member States to the objectives to be achieved while leaving national authorities with power to determine the form and the means to be used for their implementation;
  - c) Recommendations, declarations, resolutions, opinions, etc.: these are not binding and are intended to guide and harmonise the view points of Member States;

2. The non-implementation of regulations and directives shall, after approval by the Assembly, attract appropriate sanctions in accordance with Article 23 of the Constitutive Act.

### **RULE 35**

#### ***Implementation of Regulations and Directives***

- ~~ee)~~1. Regulations and directives shall be automatically enforceable thirty (30) days after the date of the publication in the “Official Journal of the African Union” or as specified in the decision.
- ~~ed)~~2. Regulations and directives shall be binding on Member States, Organs of the Union and RECs.

### **RULE 36 Sanctions**

The Executive Council shall apply the sanctions imposed by the Assembly in respect of:

- a) arrears of contributions;
  - b) non-compliance with decisions and policies; and
  - c) unconstitutional changes of government;
4. as specified in Rules 35, 36, and 37 of the Rules of Procedure of the Assembly.

## **CHAPTER II**

### **ELECTION AND APPOINTMENT OF THE COMMISSIONERS**

#### **RULE 37 Commissioners**

3. The Executive Council shall, in accordance with the Rules of Procedure of the Assembly and the Statutes of the Commission, elect and appoint eight-six (68) Commissioners on the basis of equal geographical distribution and submit the names to the Assembly for appointment. The six (6) Commissioner level posts shall be equally distributed by gender and across the three regions that are not represented at Chairperson and Deputy Chairperson level.
2. The Commissioners shall be competent women or men with proven experience in the relevant field, commensurate leadership qualities and a good track record in government, parliament, international organizations or other relevant sectors of society.

#### **RULE 38**

Election Timeline

The timeline for selection and election of the Commissioners shall be as follows:

- d. The announcement of the candidatures for the Commissioners posts shall start in March of the year preceding the election;
- e. The independent assessment of candidates for Commissioner post shall start from August to December of the year preceding the election;
- f. The election and appointment of the Commissioners by the Executive Council shall be in January/February of the election year.

**RULE 39**

Voting Procedure

1. In any election of the Commissioners, the balloting for each portfolio shall continue until one of the candidates obtains the two-thirds majority required. Provided that, if the third ballot remains inconclusive, the next ballot shall be restricted to the two (2) candidates who obtained the highest number of votes in the third ballot.
2. If after three (3) further ballots neither of the two (2) candidates obtains the majority required, the candidate with fewer votes shall withdraw.
- ee)3. Where there are only two candidates initially and neither candidate obtains the majority required after the third ballot, the candidate with fewer votes shall withdraw and the remaining candidate shall proceed to the next round.
- ff)4. If the remaining candidate, fails to obtain the two-thirds majority required in that round, the Chairperson shall suspend the election.
- gg)5. Where there is only one (1) candidate initially and he or she fails to obtain the two-thirds majority required after the third ballot the Chairperson shall suspend the election.
- hh)6. This voting procedure shall be applicable to all elections conducted by the Executive Council in respect of other Organs of the Union.

**CHAPTER III**  
**FINAL PROVISIONS**

**RULE 40**  
**Financial Year**

The Financial Year of the Union shall begin on 1 January and close on 31 December.

**RULE 41**  
**Implementation**

The Executive Council may lay down guidelines and supplementary measures to give effect to these Rules.

**RULE 42**  
**Saving Clause**

These Rules shall not affect decisions of the Council of Ministers of the OAU whose implementation has not started or has started but has not been completed provided that such decisions are not inconsistent with the provisions of the Constitutive Act.

**RULE 43**

***Amendments***

The Executive Council may amend these Rules by a two-thirds majority.

**RULE 44**

***Entry into Force***

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

**STATUTES OF THE COMMISSION OF THE AFRICAN UNION**

## **GENERAL PROVISION**

The Commission shall be the Secretariat of the Union and shall act as such in conformity with articles 5 and 20 of the Constitutive Act of the African Union.

### **Article 1 Definitions**

In these Statutes:

- “**Assembly**” means the Assembly of Heads of State and Government of the Union;  
“**Chairperson**” means the Chairperson of the Commission unless otherwise specified;  
“**Commission**” means the Secretariat of the Union;  
“**Committee**” means a Specialized Technical Committee of the Union;  
“**Constitutive Act**” means the Constitutive Act of the African Union;  
“**Council**” means the Economic, Social and Cultural Council of the Union;  
“**Court**” means the Court of Justice of the Union;  
“**CSSDCA**” means the Conference on Security, Stability, Development and Co-operation in Africa;  
“**Deputy Chairperson**” means the Deputy Chairperson of the Commission unless otherwise specified.  
“**Executive Council**” means the Executive Council of Ministers of the Union;  
“**Member State**” means a Member State of the Union;  
“**Members of the Commission**” means the Chairperson, the Deputy Chairperson and the Commissioners;  
“**NEPAD**” means the New Partnership for Africa’s Development.  
“**OAU**” means the Organization of African Unity;  
“**Parliament**” means the Pan-African Parliament of the Union;  
“**PRC**” means Permanent Representatives’ Committee of the Union;  
“**PSC**” means the Peace and Security Council of the Union;  
“**RECs**” means the Regional Economic Communities;  
“**Union**” means the African Union established by the Constitutive Act;

### **Article 2 Composition**

1. The Commission shall be composed of the following members:
  - d) a Chairperson;
  - e) one (1) Deputy Chairperson; and
  - f) ~~eight-six~~ (68) Commissioners.
2. The Assembly may, when it deems necessary, review the number of Commissioners.

3. The Members of the Commission shall be assisted by the necessary staff for the smooth functioning of the Commission.

**Article 3**  
**Functions**

1. The Commission shall carry out the functions assigned to it under the Constitutive Act, those specified in Protocols thereto, decisions of the Union as well as those established in these Statutes.

2. The Commission shall:

- a) represent the Union and defend its interests under the guidance of and as mandated by the Assembly and the Executive Council;
- b) initiate proposals for consideration by other organs;
- c) implement the decisions taken by other organs;
- d) organise and manage the meetings of the Union;
- e) act as the custodian of the Constitutive Act, its protocols, the treaties, legal instruments, decisions adopted by the Union and those inherited from the OAU;
- f) establish, on the basis of approved programmes, such operational units as it may deem necessary;
- g) coordinate and monitor the implementation of the decisions of the other organs of the Union in close collaboration with the PRC and report regularly to the Executive Council;
- h) assist Member States in implementing the Union programmes and policies, including, CSSDCA and NEPAD;
- i) work out draft common positions of the Union and coordinate the actions of Member States in international negotiations;
- j) prepare the Union's Programme and Budget for approval by the policy organs;
- k) manage the budgetary and financial resources including collecting the approved revenue from various sources, establishing fiduciary, reserve and special Funds with the appropriate approvals, and accepting donations and grants that are compatible with the objectives and principles of the Union;
- l) manage the assets and liabilities of the Union according to laid down regulations and procedures;



- m) prepare strategic plans and studies for the consideration of the Executive Council;
- n) take action in the domains of responsibility as may be delegated by the Assembly and the Executive Council. The domains shall include the following:
  - i) control of pandemics;
  - ii) disaster management;
  - iii) international crime and terrorism;
  - iv) environmental management;
  - v) negotiations relating to external trade;
  - vi) negotiations relating to external debt;
  - vii) population, migration, refugees and displaced persons;
  - viii) food security;
  - ix) socio-economic integration; and
  - x) all other areas in which a common position has been established.
- o) mobilize resources and devise appropriate strategies for self-financing, income generating activities and investment for the Union;
- p) promote integration and socio-economic development;
- q) strengthen cooperation and co-ordination of activities between Member States in fields of common interest;
- r) ensure the promotion of peace, democracy, security and stability;
- s) provide operational support to the PSC;
- t) elaborate, promote, coordinate and harmonise the programmes and policies of the Union with those of the RECs;
- u) prepare and submit an annual report on the activities of the Union to the Assembly, the Executive Council and the Parliament;
- v) prepare the Staff Rules and Regulations for approval by the Assembly;
- w) implement the decisions of the Assembly regarding the opening and closing down of sections, administrative or technical offices;
- x) follow up and ensure the application of the Rules of Procedure and Statutes of the organs of the Union;
- y) negotiate, in consultation with the PRC, with the host countries, the Host Agreements of the Union and those of its administrative or technical offices;

- z) build capacity for scientific research and development for enhancing socio-economic development in the Member States;
- aa) strive for the promotion and popularization of the objectives of the Union;
- bb) collect and disseminate information on the Union and set up and maintain a reliable database;
- cc) ensure the mainstreaming of gender in all programmes and activities of the Union;
- dd) undertake research on building the Union and on the integration process;
- ee) develop capacity, infrastructure and maintenance of intra-continental information and communication technology; and
- ff) prepare and submit to the Executive Council for approval, administrative regulations, standing orders and Rules and Regulations for the management of the affairs of the Union and keeping proper books of accounts.

#### **Article 4 Obligations**

1. In the performance of their duties, the Members of the Commission and the other staff shall not seek or receive instructions from any government or from any other authority external to the Union. They shall refrain from any action which may reflect adversely on their position as international officials responsible only to the Union.
2. Each Member State undertakes to respect the exclusive character of the responsibilities of the Members of the Commission and the other staff and shall not influence or seek to influence them in the discharge of their responsibilities.
3. The Members of the Commission and the other staff shall not, in the discharge of their duties, engage in any other occupation, whether gainful or not. When taking up their duties they shall give a solemn undertaking that, both during and after their term of office, they shall respect the obligations arising therefrom, and in particular their duty to behave with integrity and discretion and to regulate their conduct with only the interests of the Union in view, and not to seek or accept instructions from the Government of any Member State or authority external to the Union.
4. In the event of any breach of these obligations, the Assembly may, on application by the Executive Council or the Commission, decide disciplinary measures to be applied to the Members of the Commission.

5. In the event of breach of these obligations, by other staff, the internal procedures set out in the Staff Rules and Regulations shall be applied provided that the staff member concerned shall have a right of appeal, after exhausting all the internal administrative measures, to the Court.

## Article 5

### Headquarters of the Commission

1. The Commission shall be based at the Headquarters of the Union in the city of Addis Ababa, Ethiopia.
2. The Headquarters is for the official use of the Union.
3. The Chairperson may authorise the holding of meetings or social functions at the Headquarters or other offices of the Union when such meetings or functions are closely linked or are compatible with the objectives and principles of the Union.

## Article 6

### Election of Members of the Commission

4. The election of Members of the Commission shall be governed by the Rules of Procedure of the Assembly, of the Executive Council and ~~thisese~~ Statutes.
5. The regions from which the Chairperson and the Deputy Chairperson are appointed, shall ~~be entitled~~ not be eligible for consideration for the six remaining to one (1) Commissioner each posts. ~~The All other three~~ regions shall be entitled to two- (2) Commissioners each, equally distributed by gender.
6. ~~At least one (1) Member of the Commission from each region shall be a woman.~~

## Article 7

### The Chairperson

1. The functions and responsibilities of the Chairperson shall be:
  - a) Chief Executive Officer;
  - b) Legal representative of the Union;
  - c) Accounting Officer of the Commission;
2. The Chairperson shall be directly responsible to the Executive Council for the effective discharge of his/her duties.

## Article 8

### Functions of the Chairperson

1. The functions of the Chairperson shall be to, inter-alia:
  - a) chair all meetings and deliberations of the Commission;
  - b) undertake measures aimed at promoting and popularising the objectives of the Union and enhancing its performance;
  - c) promote cooperation with other organizations for the furtherance of the objectives of the Union;
  - d) participate in and keep records of the deliberations of the Assembly, the Executive Council, the PRC, the Committees and any other organs of the Union as may be required;
  - e) submit reports requested by the Assembly, the Executive Council, the PRC, the Committees and any other organs of the Union as may be required;
  - f) prepare, in conjunction with the PRC, and submit the Staff Rules and Regulations to the Executive Council, for approval;
  - g) prepare, together with the PRC, and transmit to Member States the Budget, Audited Accounts and Programme of Work at least one (1) month before the commencement of the sessions of the Assembly and the Executive Council;
  - h) act as depository of all Union and OAU Treaties and other legal instruments of the Union and perform depository functions thereof;
  - i) act as a depository for instruments of ratification, accession or adherence of all international agreements concluded under the auspices of the Union and communicate information in this respect to Member States;
  - j) receive copies of international agreements entered into between or amongst Member States;
  - k) receive the notification of Member States which may desire to renounce their membership in the Union as provided for in Article 31 of the Constitutive Act;
  - l) communicate to Member States, and include in the Agenda of the Assembly, as provided in Article 32 of the Constitutive Act, written requests of Member States for amendments or revisions to the Constitutive Act;
  - m) circulate the provisional agenda of the sessions of the Assembly, the Executive Council and the PRC to Member States;

- n) receive proposals, together with explanatory notes, for the inclusion of items on the agenda of the Assembly and the Executive Council at least sixty (60) days prior to the session;
  - o) receive and circulate requests which conform to the correct Rules of Procedure of the Assembly or the Executive Council, from any Member State, for the convening of an extraordinary session of the Assembly or the Executive Council;
  - p) assess, in conjunction with the PRC, the need for branches, administrative and technical offices as may be considered necessary for the adequate functioning of the Commission, and create or abolish them as necessary, with the approval of the Assembly;
  - q) consult and coordinate with the Governments and other institutions of Member States and the RECs, on the activities of the Union;
  - r) appoint the staff of the Commission in accordance with the provisions of Article 18 of these Statutes;
  - s) assume overall responsibility for the administration and finances of the Commission;
  - t) prepare an Annual Report on the activities of the Union and its organs;
  - u) carry out diplomatic representations of the Union;
  - v) liaise closely with the organs of the Union to guide, support and monitor the performance of the Union in the various areas to ensure conformity and harmony with agreed policies, strategies, programmes and projects;
  - w) carry out such other functions as may be determined by the Assembly or the Executive Council;
  - x) supervise the functioning of the Headquarters and other offices of the Union;
  - y) coordinate all activities and programmes of the Commission related to gender issues.
2. The Chairperson may delegate any of his/her functions to the Deputy Chairperson and in the absence of the latter, to one of the Commissioners.

### **Article 9** **The Deputy Chairperson**

1. The Deputy Chairperson shall, in the discharge of his/her responsibilities, be accountable to the Chairperson. He/she shall have, inter alia, the following functions:

- (a) assist the Chairperson in the exercise of his/her functions;
  - (b) exercise the functions delegated to him/her by the Chairperson;
  - (c) shall be in charge of the administration and finance of the Commission;
  - (d) act as Chairperson in case of death or permanent incapacity of the latter, pending the appointment of a new Chairperson;
  - (e) act as Chairperson in the absence or in case of temporary incapacity of the latter.
2. In case of absence, death, temporary or permanent incapacity of the Deputy Chairperson, the Chairperson shall, in consultation with the Chairperson of the Assembly, appoint one (1) of the Commissioners to act as the Deputy Chairperson, pending the return of the incumbent or the appointment of a new Deputy Chairperson, as the case may be.

#### **Article 10**

##### **Term of Office and Termination of Office**

1. The term of office of the members of the Commission shall be four (4) years. The Members may be eligible to compete for re-election for another term of four (4) years.
2. ~~When~~When so required for the good functioning of the Union, the Assembly and the Executive Council may terminate the appointment of a Member of the Commission, based on the provisions of Rule 41 of the Rules of Procedure of the Assembly~~so required for the good functioning of the Union, the Assembly may terminate the appointment of a Member of the Commission, based on the provisions of these Statutes~~ Rule 42 of the Rules of Procedure of the Assembly.
3. Where, due to any reason, ~~the Chairperson, the Deputy Chairperson or any~~the Chairperson, the Deputy Chairperson or any Commissioner is unable to take up office or complete his/her term of office, the region from which ~~that Commissioner~~he/she was appointed, shall be given the opportunity to present a candidate to complete the remaining term.

#### **Article 11**

##### **The Commissioners**

Each Commissioner shall be responsible for the implementation of all decisions, policies and programmes in respect of the portfolio for which he/she has been elected, and be accountable to the Chairperson.

## **Article 12** **Portfolios of the Commission**

1. The portfolios of the Commission shall be as follows:
  - i) Agriculture, Rural Development, Blue Economy and Sustainable Environment;
  - j) Economic Development, Trade, Industry and Mining;
  - k) Education, Science, Technology and Innovation;
  - l) Infrastructure and Energy;
  - m) Political Affairs, Peace & Security;
  - n) Health, Humanitarian Affairs and Social Development.
  
2. Considering that gender issues are cross-cutting through all the portfolios of the Commission, a special unit shall be established in the Office of the Chairperson to coordinate all activities and programmes of the Commission related to gender issues.

## **Article 13** **Nomination of the Commissioners**

- ~~3. A-A skill and competency based assessment and shortlisting of candidates shall be undertaken by a High Level Panel of Eminent Africans (1 per region) assisted by an independent African firm to generate a ranked pool of pre-qualified candidates nominated by the relevant AU regions from which Commissioners shall be elected and appointed by the Executive Council skills and competency based assessment and shortlisting of candidates shall be undertaken by a High Level Panel of Eminent Africans (1 per region) assisted by an independent African firm to generate a ranked pool of pre-qualified candidates nominated by the relevant AU regions from which Commissioners shall be elected and appointed by the Executive Council;~~
  
- ~~3.4. Candidates shall be assessed through an initial review of applications and CVs. Shortlisted candidates will be invited for assessment against the skills and competency criteria established for the leadership posts. There shall be a pre-selection process at the regional level. Each region shall nominate two (2) candidates, including a woman, for each portfolio. The nomination process shall be based on modalities to be determined by the region. The candidates selected at the regional level shall form part of the continental pool without prejudice to the scrupulous respect of the provisions of Article 6 (2) of these Statutes.~~

## **Article 14** **Guiding Principles for the Selection Process**

The following principles shall guide the selection process of the senior leadership of the Commission:

- a) Equitable regional representation and gender parity;
- b) Predictable inter and intra-regional rotation following the English alphabetical order to be applied to each senior leadership position;
- c) Attracting and retaining Africa's top talent;
- d) Accountable and effective leadership and management;
- e) Transparent and merit-based selection.

### **Article 15** **High Level Panel of Eminent Africans**

1. The High Level Panel of Eminent Africans shall be composed of five (5) eminent personalities, one per region.
2. The High Level Panel of Eminent Africans shall oversee the pre-selection of candidatures of the senior leadership of the Commission and shall be technically assisted by an independent African consultancy firm, to be selected by the Panel.
3. Job profiles and competency requirements for the senior leadership of the Commission shall be developed by the Panel of Eminent Africans. These shall include generic leadership skills and competencies as well as expert and thematic skills in relation to specific portfolios. In addition to the key principles referred to above, the assessment process for all candidates shall be based on the skills and competencies identified for each senior leadership position

### **Article 16** **Selection and Election Timeline**

The timeline for selection and election for the senior leadership of the Commission shall be as follows:

- 4) The announcement of the Candidates for the senior leadership posts shall start in March of the year preceding the election of the new Commission.
- 5) Candidatures for the Office of the Chairperson of the Commission and his/her Deputy shall be circulated to Member States at least ten (10) months before the election.
- 6) The independent assessment of candidates for Commissioners shall start from August to December of the year preceding the election.



**Article 17**  
**Central selection Process**

- ~~\_\_\_\_\_ A panel consisting of two (2) representatives from each region shall be established for the central selection exercise.~~
- ~~\_\_\_\_\_ The panel shall be made up of Ministers assisted by High-Level Panel of Eminent Africans.~~
- ~~\_\_\_\_\_ The Ministerial panel shall submit, or election to the Assembly and the Executive Council, a final list of candidates for the senior leadership of the Commission. The shortlist of candidates shall consider the agreed regional geographic distribution formula.~~

**Article 187**  
**Qualifications and Experience of the Commissioners**

1. The Commissioners shall possess minimal educational qualification not below the first degree, or equivalent from a recognized university.
2. They shall also possess a significant and wide-ranging working experience with a good track record in government, parliament, international organizations, a recognized university, multinational or private sector organizations.
3. Only nationals of Member States shall be appointed as Commissioners, provided that no two (2) Commissioners shall be nationals of the same Member State. A minimum age criteria of thirty-five (35) years shall apply.

**Article 198**  
**Voting Procedure for Election of Commissioners**

- ~~1. \_\_\_\_\_ Nominations for the office of Commissioners shall be circulated to Member States within one (1) week after the conclusion of the independent assessment by the High Level Panel of Eminent Africans at least three (3) months before election.~~
- 2.1. Where no candidate obtains, in the first ballot, the two-thirds majority required for his/her election, the balloting shall continue until one (1) of the candidates obtains the two-thirds majority required. If the third ballot remains inconclusive, the next ballot shall be restricted to the two (2) candidates who obtain the greatest number of votes in the third ballot.
- 3-2. Where there are only two (2) candidates initially and neither candidate obtains the majority required at the third ballot, the candidate with fewer votes shall withdraw.

- 4.3. If after three (3) further ballots neither of the two (2) candidates obtains the majority required, the candidate with the fewer votes shall withdraw.
- 5.4. If the remaining candidate fails to secure the required two-thirds majority, the election shall be suspended until the next session of the Executive Council. The Chairperson shall, in consultation with the Chairperson of the Executive Council, appoint one (1) of the Commissioners to act until a new Commissioner has been appointed in accordance with these Statutes.
- 6.5. Where there is only one (1) candidate initially and he or she fails to obtain the two-thirds majority required after the third ballot, the Chairperson of the Executive Council shall suspend the elections and the provisions in para.5 above shall apply.

### **Article 2019** **Rules of Procedure**

The Commission shall adopt its own Rules of Procedure.

### **Article 2120**

#### **Appointment of other Staff of the Commission**

1. The Members of the Commission shall be assisted, in the discharge of their functions, by a corps of suitably qualified, experienced and well-motivated senior administrative, professional and technical staff.
2. Appointment of senior administrative, professional and technical staff of the Commission shall be made by a Recruitment Board, comprising the Members of the Commission, the Head of Human Resources, the Legal Counsel and a Representative of the Staff Association.
3. The recruitment of senior administrative, professional and technical staff of the Commission shall be undertaken after consultation with the PRC.
4. The remaining general/ancillary staff of the Commission shall be recruited and appointed in terms of a mechanism and procedures contained in reviewed Staff Rules and Regulations.
5. The recruitment process shall be conducted in accordance with elaborate recruitment procedures calculated to ensure the utmost transparency and objectivity.
6. In recruiting senior administrative, professional and technical staff, the Recruitment Board shall:

- a) uphold the principles of equitable geographical representation and gender equality; and
  - b) apply a quota system recommended by the Executive Council and approved by the Assembly on the basis of a minimum number of posts allocated to a Member State, and additional posts allocated on the basis of agreed criteria including assessed contributions.
7. Paramount in the employment of the staff referred to in the preceding paragraph shall be the need to guarantee the highest standards of competence, efficiency and integrity.
  8. Nationals of Member States which are under sanctions for defaulting in the payment of assessed contributions to the budget of the Union amounting to two (2) years or more or for failure to comply with the decisions and policies of the Union shall not be eligible for appointment.
  9. The preceding provision shall also be applicable to recruitment for projects financed by extra-budgetary resources/funds.
  10. The promotion and advancement of the senior administrative, professional and technical staff of the Commission shall be carried out by a Promotions Board, based on the following criteria, among others:
    - a) annual performance evaluation reports;
    - b) result of competitive examination and interviews to be conducted by a Board made up of representatives of the Commission and the Staff Association.
  11. A Disciplinary Board, which shall be composed of representatives of the Commission shall be set up under the Staff Rules and Regulations. The type of misconduct to attract disciplinary measures shall be spelt out in the Staff Rules and Regulations to be drawn up by the Commission and approved by the Executive Council.
  12. The Commission shall maintain a package of remuneration and conditions of service comparable to those obtainable in other international organizations, multilateral institutions and the private sector organizations of equivalent status, in order to attract and retain the appropriate caliber of employees.

## **Article 22 21** **Privileges and Immunities**

- 1. The Headquarters of the Union, other organs and administrative and technical offices of the Union shall be governed by Host Agreements negotiated by the Commission with the Host countries and approved by the**

**Executive Council, and reviewed periodically to ensure strict compliance and facilitate the smooth functioning of the Commission.**

2. The Headquarters of the Union and those of the other organs and administrative and technical offices shall enjoy the privileges and immunities stipulated in the General Convention on Privileges and Immunities of the OAU/AU, the Vienna Convention on Diplomatic Relations and the Vienna Convention on the Law of Treaties between States and International Organisations or between International Organisations.

## **FINANCES OF THE UNION**

### **Article [2322](#) Programme and Budget**

1. **The Commission shall prepare the Programme and Budget of the Union every two (2) years and shall submit it, through the PRC and the Executive Council, to the Assembly for consideration.**
2. The proposed Programme and Budget shall include:
  - a) the programme of activities of the Commission;
  - b) the expenses of the Assembly, the Executive Council, the Committees and other organs of the Union;
  - c) a list of contributions made by Member States in accordance with the scale of assessment established by the Executive Council;
  - d) an estimate of the various incomes of the Union;
  - e) a description of the financial status of the Working Fund as created under these Statutes;
  - f) staff nominal rolls of the Commission.
3. In preparing the Programme and Budget of the Union, the Commission shall consult the different organs of the Union.

### **Article [2423](#) Financial Resources**

1. The Chairperson shall, as soon as the Assembly approves the Budget, communicate it to the Member States, with all pertinent documents, at least three (3) months before the first day of the Financial Year.
2. The budget shall be accompanied by a list indicating the assessed annual contributions in respect of each Member State.
3. The assessed annual contribution of each Member State becomes due on the first day of the Financial Year, namely 1 January.
4. The Chairperson shall submit to Member States a quarterly statement on payments of contributions and outstanding contributions.

**Article ~~25~~24**  
**General Fund**

1. There shall be a General Fund, in which the following categories of accounts shall be maintained:
  - a) annual Contributions of Member States;
  - b) miscellaneous income including donations and grants ; and
  - c) advances from the Working Fund.
2. All expenditures established in the budget shall be met from the General Fund.

**Article ~~26~~25**

**Special Funds**

**The Chairperson may establish Special Funds including fiduciary funds, reserve funds, with the approval of the Executive Council. The objectives and limitations of these funds shall be defined by the Executive Council. These funds shall be administered in separate accounts, as provided for in the Financial Rules and Regulations of the Union.**

**Article ~~27~~26**  
**Gifts and Other Donations**

1. The Chairperson, may accept, on behalf of the Union, gifts, bequests and other donations made to the Union, provided that such donations are consistent with

the objectives and principles of the Union and shall remain the property of the Union.

2. In the case of monetary donations for specific purposes, these funds shall be treated as fiduciary or special funds as provided for in Article 23 of these Statutes. Monetary donations for no specific purposes shall be considered as miscellaneous income.

#### **Article ~~28~~27** **Deposit of Funds**

The Commission shall determine the financial Institutions in which the funds of the Union shall be deposited. The interests accrued by such funds, including the Working Fund, shall be entered as miscellaneous income.

#### **Article ~~29~~28** **Accounts and Auditing**

1. The accounts of the Union shall be maintained in the currencies specified by the Executive Council on the proposal of the Commission.
2. The Chairperson shall ensure that the accounts of the Union are audited by external auditors at the end of each Financial Year, including the accounts of projects funded through extra-budgetary resources.
3. The Chairperson shall submit to the Executive Council for its approval, at the earliest possible moment, the complete regulations governing the accounting method of the Union, in accordance with established international accounting standards.

#### **Article ~~30~~29**

#### **Amendments**

These Statutes of the Commission may be amended by the Assembly.

#### **Article ~~31~~30** **Entry into Force**

These Statutes shall enter into force upon their adoption by the Assembly.

**RULES OF PROCEDURE OF THE PERMANENT  
REPRESENTATIVES' COMMITTEE**





## **GENERAL PROVISION**

The Executive Council,

Having regard to the Constitutive Act of the African Union, and in particular Articles 5 and 21,

**HAS ADOPTED THESE RULES OF PROCEDURE:**

### **Rule 1 Definitions**

In these Rules:

- “**Assembly**” means the Assembly of Heads of State and Government of the Union;  
“**Chairperson**” unless otherwise specified means the chairperson of the PRC;  
“**Commission**” means the Secretariat of the Union;  
“**Committee**” means a Specialized Technical Committee of the Union;  
“**Constitutive Act**” means the Constitutive Act of the African union;  
“**Executive Council**” means the Executive Council of Ministers of the Union;  
“**Member State**” means a Member State of the Union;  
“**NEPAD**” means the New Partnership for Africa’s Development;  
“**OAU**” means the Organization of African Unity;  
“**Parliament**” means the Pan-African Parliament of the Union;  
“**PRC**” means the Permanent Representatives’ Committee of the Union;  
“**RECs**” means the Regional Economic Communities;  
“**Union**” means the African Union established by the Constitutive Act,  
“**Vice-Chairpersons**” means the Vice-Chairpersons of the PRC.

## **CHAPTER I**

### **The PRC**

#### **SECTION I**

#### **COMPOSITION, POWERS AND FUNCTIONS**

### **Rule 2 Status of the PRC**

The PRC shall be responsible to the Executive Council.

### **Rule 3 Composition**

1. The PRC shall be composed of Permanent Representatives accredited to the Union and other duly accredited plenipotentiaries of Member States;

2. Member States shall ensure that they are represented in the PRC by a Permanent Representative, resident at the Headquarters of the Union or other duly accredited Plenipotentiaries. Pending full implementation of this recommendation, a Member State, not represented at the Headquarters, may designate another country from its region to represent it.

#### **Rule 4 Powers and Functions**

1. The PRC shall, inter-alia:
  - (a) act as an advisory body to the Executive Council;
  - (b) prepare its Rules of Procedure and submit them to the Executive Council;
  - (c) prepare the meetings of the Executive Council, including the agenda and draft decisions;
  - (d) make recommendations on areas of common interest to Member States particularly on issues on the agenda of the Executive Council;
  - (e) facilitate communication between the Commission and the capitals of Member States;
  - (f) consider the Programme and Budget of the Union as well as administrative, budgetary and financial matters of the Commission, and make recommendations to the Executive Council;
  - (g) consider the Financial Report of the Commission and make recommendations to the Executive Council;
  - (h) consider the Report of the Board of External Auditors and submit written comments to the Executive Council;
  - (i) consider reports on the implementation of the budget of the Union;
  - (j) propose the composition of the Bureaus of the organs of the Union ad-hoc committees and sub-committees;
  - (k) consider matters relating to the programmes and projects of the Union particularly issues relating to the socio-economic development and integration of the Continent, and make recommendations thereon to the Executive Council;
  - (l) consider reports on the implementation of the policies, decisions and agreements adopted by the Executive Council;
  - (m) participate in the preparation of the programme of activities of the Union.

- (n) participate in the preparation of the calendar of meetings of the Union;
  - (o) consider any matter assigned to it by the Executive Council;
  - (p) carry out any other functions that may be assigned to it by the Executive Council.
2. The PRC may set up such ad-hoc committees and temporary working groups, as it deems necessary, including a sub-committee on Headquarters and Host Agreements, NEPAD and the Cairo Plan of Action of the Africa/Europe Summit.
  3. The functioning, mandate, composition and term of office of such ad-hoc committees and temporary working groups shall be determined by the PRC. The quorum for meetings of such Sub-Committees or temporary working groups shall be a simple majority.

## **SECTION II SESSIONS**

### **Rule 5 Venue**

- 2.1. The sessions of the PRC shall be held at the Headquarters of the Union at least once a month;
- 3.2. The sessions of the PRC preceding the sessions of the Executive Council may be held at the same venue as those of the Executive Council.

### **Rule 6**

#### ***Quorum***

The quorum for a session of the PRC shall be two-thirds of the total membership of the Union.

### **Rule 7**

#### **Agenda of Ordinary Sessions**

1. The PRC shall adopt its agenda at the opening of each Session.
2. The Provisional Agenda for each session shall be drawn up by the Chairperson, in consultation with the Bureau and the Chairperson of the Commission.

3. Any Member State, organ of the Union or REC may propose items for inclusion in the Provisional Agenda, and shall submit to the Chairperson of the Commission all relevant documentation at least five (5) working days prior to the session.
4. The Provisional Agenda shall consist of those items in respect of which a request for inclusion and relevant documentation have reached the Chairperson of the Commission at least five (5) working days before the date of the session. Thereafter the Chairperson of the Commission shall circulate the Provisional Agenda as soon as possible.
5. The only items, which shall form the Provisional Agenda shall be those in respect of which the relevant documentation has been transmitted to the Commission in time to be circulated to the members of the PRC in accordance with paragraph (3) of this Rule.

### **Rule 8 Extraordinary Sessions**

The PRC shall meet in extraordinary session to prepare for the extraordinary sessions of the Executive Council. The Agenda shall comprise only item(s) submitted for consideration in the request for convening the meeting of the Executive Council.

### **Rule 9**

#### ***Open and Closed Sessions***

All the sessions of the PRC shall be closed. The PRC may, however, decide, by simple majority, whether any of its sessions shall be open.

### **Rule 10 Working Languages**

1. The official languages of the Union and all its institutions shall be Arabic, English, French, Portuguese, Spanish, Kiswahili and any other African language.\*
2. The Executive Council shall determine the process and practical modalities for the use of official languages as working languages.

### **Rule 11 Chairperson**

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\* In line with Article 11 of the Protocol on Amendments to the Constitutive Act of the African Union adopted by the 1<sup>st</sup> Extraordinary Session of the Assembly of the Union in Addis Ababa, Ethiopia on 3 February 2003 and by the 2<sup>nd</sup> Ordinary Session of the Assembly of the Union in Maputo, Mozambique on 11 July 2003.

The sessions of the PRC shall be chaired by the Permanent Representative whose country holds the Chairmanship of the Assembly. He/she shall be assisted by other members of the Bureau, namely, four (4) Vice-Chairpersons whose countries are members of the Bureau of the Assembly. The Bureau shall appoint a Rapporteur in conformity with the Bureau of the Executive Council.

**Rule 12**  
**Duties of the Chairperson**

1. The Chairperson shall:
  - a) convene the sessions of the PRC;
  - b) open and close the sessions;
  - c) submit for approval the records of the sessions;
  - d) guide the proceedings;
  - e) submit to a vote matters under discussion and announce the results of the vote taken;
  - f) rule on points of order.
2. The Chairperson shall ensure order and decorum of the proceedings of the PRC.
3. In the absence of the Chairperson or in case of a vacancy, the first vice-Chairperson shall act as the Chairperson.

**SECTION III**

**DECISION MAKING PROCEDURES**

**Rule 13**

**Majority Required**

1. The PRC shall take all its decisions by consensus or, failing which, by a two-thirds majority of Member States eligible to vote.
2. Decisions on questions of procedure shall be taken by a simple majority of the Member States eligible to vote.

3. Decisions on whether or not a question is one of procedure shall also be determined by a simple majority of Member States eligible to vote.

#### **Rule 14**

##### **Decisions**

1. The text of all proposed decisions shall be submitted in writing to the Executive Council for consideration.
2. The original mover of a proposed decision or amendment may, prior to it being submitted to a vote, withdraw the decision or amendment. Any other Member State may reintroduce the proposed decision or amendment that has been withdrawn.

#### **Rule 15**

##### **Point of Order**

1. During deliberations on any matter, a Member State may raise a point of order. The Chairperson, in accordance with these Rules, shall immediately decide on the point of order.
2. The Member State concerned may appeal against the ruling of the Chairperson. The ruling shall immediately be put to a vote and decided upon by simple majority.
3. In raising a point of order, the Member State shall not speak on the substance of the issue under discussion.

#### **Rule 16**

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

1. The Chairperson shall, subject to Rule 15, during the debate, grant the use of the floor in the order in which the speakers indicate their intention.
2. A delegation shall not have the floor without the consent of the Chairperson.
3. The Chairperson may, during the debate: -
  - a) read out the list of speakers and declare the list closed;
  - b) call to order any speaker whose statement deviates from the issue under discussion;

- c) accord the right of reply to any delegation where in the Chairperson's opinion a statement made after the list is closed justifies the right of reply; and
  - d) limit the time allowed to each delegation irrespective of the issue under discussion, subject to sub Rule 4.
4. The Chairperson shall, on procedural questions, limit each intervention to a maximum of five (5) minutes.

### **Rule 17 Closure of Debate**

When a matter has been sufficiently discussed, a Member State may move for the closure of the debate on the item under discussion. In addition to the proposer of the motion, two (2) Member States may briefly speak in favour of and two (2) others against such motion. The Chairperson shall immediately thereafter put the motion to a vote.

### **Rule 18**

#### ***Adjournment of Debate***

During the discussion of any item, a Member State may move for the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one (1) Member State may speak in favour of and another against the motion. The Chairperson shall immediately thereafter put the motion to a vote.

### **Rule 19 Suspension or Adjournment of the Meeting**

During the discussion of any matter, a Member State may move for the suspension or adjournment of the meeting. No discussion on such motion shall be permitted. The Chairperson shall immediately put such motion to a vote.

### **Rule 20 Order of Procedural Motions**

Subject to Rule 15, the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:

e)a) \_\_\_\_\_ Suspend the meeting;

f)b) Adjourn the meeting;

g)c) \_\_\_\_\_ adjourn the debate on the item under discussion;

h)d) \_\_\_\_\_ Close the debate on the item under discussion.

**Rule 21**

***Voting Rights***

1. Subject to sub rule 2, each Member State shall have one vote.
2. Member States, subject to sanctions in terms of Article 23 of the Constitutive Act, shall not have the right to vote.

**Rule 22**

**Vote on Decisions**

After the debate has been closed, the Chairperson shall immediately put to the vote the draft decision with all the amendments. The vote shall not be interrupted except on a point of order related to the manner in which the vote is being taken.

**Rule 23**

**Vote on Amendments**

1. A proposal shall be considered as an amendment to a text if it adds or removes parts therefrom or modifies it.
2. When an amendment is moved to a proposal, the amendment shall be voted on first. When two (2) or more amendments are moved to a proposal, the PRC shall first vote on the amendment furthest removed in substance from the original proposal. The meeting shall then vote on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote.
3. If one (1) or several amendments are adopted, the amended proposal is then put to the vote. If no amendments are adopted, the proposal shall be put to the vote in its original form.

**Rule 24**

**Vote on Separate Parts of an Amendment**

Parts of an amendment shall be voted on separately when so requested. If this is done, the text resulting from the series of votes shall be put to a vote as a whole. If all operative parts of an amendment have been rejected, the amendment shall be considered to have been rejected as a whole.

**Rule 25**

**Methods of Voting**



1. On substantive issues, the PRC shall take decisions by consensus or, failing which, by votes taken by secret ballot and by two-thirds majority of Member States eligible to vote.
2. Decisions on procedural matters shall be taken by any other method as may be determined by the PRC by simple majority.

## **CHAPTER II**

### **FINAL PROVISIONS**

#### **Rule 26 Decisions**

**Decisions of the PRC shall be recommendations until adopted by the Executive Council.**

#### **Rule 27 Implementation**

The PRC shall lay down guidelines and supplementary measures for the implementation of these Rules.

#### **Rule 28**

##### ***Amendments***

The PRC may propose to the Executive Council amendments to these Rules.

#### **Rule 29**

##### ***Entry into force***

**These Rules shall enter into force upon their approval by the Executive Council.**

~~ADOPTED BY THE FIRST ORDINARY SESSION OF THE ASSEMBLY,  
HELD IN DURBAN, SOUTH AFRICA,  
IN JULY 2002~~

~~AND AMENDED~~ AND ADOPTED BY THE EIGHTH THIRTY  
~~ORDINARY~~ SECOND ORDINARY SESSION OF THE ASSEMBLY, HELD  
IN ADDIS ABABA, ETHIOPIA,  
IN ~~JANUARY~~ FEBRUARY 2007 2019

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