

AFRICAN UNION

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**ASSEMBLY OF THE AFRICAN UNION
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Assembly/AU/ 4 (XIII)

**CONCLUSIONS OF THE 12TH EXTRAORDINARY SESSION
OF THE EXECUTIVE COUNCIL ON THE MODALITIES FOR
THE IMPLEMENTATION OF DECISION Assembly/AU/Dec.233
(XII) ON THE TRANSFORMATION OF THE AFRICAN UNION
COMMISSION INTO THE AFRICAN UNION AUTHORITY**

**(AS AMENDED AND ADOPTED BY THE 13TH ORDINARY SESSION OF THE
ASSEMBLY OF THE AFRICAN UNION IN SIRTE, THE GREAT SOCIALIST
PEOPLE'S LIBYAN ARAB JAMAHIRIYA, 2 JULY 2009)**

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OF DECISION Assembly/AU/Dec.233 (XII) ON THE TRANSFORMATION OF THE
AFRICAN UNION COMMISSION INTO THE AFRICAN UNION AUTHORITY
(AS AMENDED AND ADOPTED BY THE 13TH ORDINARY SESSION OF THE
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1. Pursuant to the mandate given to the Executive Council by Assembly Decision (Assembly/AU/Dec/233 (XII)), the Executive Council considered the modalities for transforming the AU Commission into the AU Authority and adopted the following conclusions.

a) Nature of the Authority

2. In accordance with the Decision of the Assembly, [Assembly/AU/Dec.206 (XII)] adopted in Sharm El Sheikh, Egypt in July 2008, the African Union is a Union of independent and sovereign States; as such, it is an inter-governmental organization and all its Organs are of an inter-governmental nature. In all cases, the Assembly shall retain its right to delegate any function and/or power to any organ of the Union including the Authority.

3. The transformation of the Commission into an Authority is intended to strengthen the institutional framework of the Union in order to enable it play its role in accelerating the political and socio-economic integration of the Continent towards the achievement of the United States of Africa.

4. Based on the above, the Executive Council makes the following recommendations:

b) Areas of Competence

5. In this regard, the Authority will exercise its functions on the basis of the principle of subsidiarity with the RECs and Member States as agreed upon by the Assembly in Sharm El Sheikh on the recommendation of the Committee of Twelve in Arusha:

- Continent-wide poverty reduction (in coordination with RECs);
- Free movement of persons, goods and services (in coordination with RECs);
- Inter-regional and continental infrastructure (road networks, bridges, railways, sea ports and air ports, energy and communications, etc);
- Global warming, desertification and coastal erosion;
- Epidemics and pandemics, such as HIV/AIDS;

- Research/Universities/Centres of excellence;
- International trade negotiations;
- Peace and Security;
- Coordination of Foreign Policy of the continent
- Coordination of common Defence policy of the Continent
- Transnational crime (terrorism, drugs, arms trafficking, legal positions and frameworks).

c) Functions of the Authority

<u>African Union Commission</u>	<u>African Union Authority</u>
The functions set out in Article 3(2) of the Statutes of the Commission:	The functions set out in Article 3(2) of the Statutes of the Commission, plus the following:
a) represent the Union and defend its interests under the guidance of and as mandated by the Assembly and the Executive Council;	i) Make proposals for reforming and refining the existing governance structure of the African Union as a tool for accelerating political and economic integration of the continent.
b) initiate proposals for consideration by other organs;	ii) Promote Pan-Africanism and to project and defend general African interests within and outside the continent.
c) implement the decisions taken by other organs;	iii) Ensure that Union policies, positions and decisions are translated into action and implemented faithfully.
d) organise and manage the meetings of the Union;	iv) Effectively mobilize the African peoples on the continent and in the Diaspora to participate in, and support the process of renewal and reform of the continent as a framework for African renaissance.
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	v) Coordinate the political positions of

- 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 revenues 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;
- Member States of the African Union on issues of common interest for the Continent and its peoples.
- vi) Coordinate the positions of Member States of the African Union during international negotiations.
 - vii) Represent Member States of the African Union and speak on their behalf in international bodies focusing on common African foreign policies as and when mandated by Member States.
 - viii) Coordinate and promote measures for preventing, managing and resolving conflicts.
 - ix) Coordinate, monitor and promote measures for enhancing the process of post-conflict reconstruction and development.
 - x) Coordinate the implementation of the Common African Defence and Security Policy relating to defence, as well as the strategies and mobilization of the resources required for the defence of the Continent.
 - xi) Assess, evaluate and monitor potential threats that could undermine the political, economic, and social security and stability of the Continent.
 - xii) Provide strategic command for the African Standby Force
 - xiii) Operationalize and supervise the African Peace Academy as provided for in the Non-Aggression and Common Defence Pact.

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| <ul style="list-style-type: none"> 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. | <ul style="list-style-type: none"> xiv) Enhance the effectiveness of a comprehensive Early Warning system. |
| <ul style="list-style-type: none"> o) mobilize resources and devise appropriate strategies for self-financing, income generating activities and investment for the Union; | <ul style="list-style-type: none"> xv) Coordinate and promote the implementation of the provisions of the Non-Aggression and Common Defence Pact. |
| <ul style="list-style-type: none"> p) promote integration and socio-economic development; | <ul style="list-style-type: none"> xvi) Coordinate, monitor and promote the Implementation of the African Nuclear Weapons Free Zone Treaty (Treaty of Pelindaba). |
| <ul style="list-style-type: none"> q) strengthen cooperation and co-ordination of activities between Member States in fields of common interest; | <ul style="list-style-type: none"> xvii) Follow up on the issue of non-proliferation of weapons of mass destruction, small arms and light weapons. |
| <ul style="list-style-type: none"> r) ensure the promotion of peace, democracy, security and stability; | <ul style="list-style-type: none"> xviii) Elaborate a common African programme of action in the area of foreign trade with a view to harmonizing policies and systems in this area. |
| <ul style="list-style-type: none"> s) provide operational support to the PSC; | <ul style="list-style-type: none"> xix) Represent the common interests and positions of Member States of the Union and speak on their behalf at international events relating to international trade. |
| <ul style="list-style-type: none"> t) elaborate, promote, coordinate and harmonise the programmes and policies of the Union with those of the RECs; | <ul style="list-style-type: none"> xx) Coordinate and facilitate the strengthening of the RECs with a view to enhancing their role in the integration process and achieving the objectives of the Union. |
| <ul style="list-style-type: none"> u) prepare and submit an annual report on the activities of the Union to the Assembly, the Executive Council and the Parliament; | <ul style="list-style-type: none"> xxi) Enhance intra-African trade so as to promote integration and development. |
| <ul style="list-style-type: none"> v) prepare the Staff Rules and Regulations for approval by the Assembly; | <ul style="list-style-type: none"> xxii) Elaborate plans aimed at facilitating free movement of persons, capital, goods and services in collaboration with RECs. |
| <ul style="list-style-type: none"> 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.
- xxiii) Develop and harmonize the collection and use of statistics on the continent
 - xxiv) Promote private sector development
 - xxv) Ensure and monitor the implementation of programmes of the New Partnership for Africa's Development (NEPAD).
 - xxvi) Ensure the centrality of the African Union Authority in Africa's relations with international economic groupings and partners.

d) Structure / Size of the Authority

6. Two options were considered, namely, ten (10) and twelve (12) members of the Authority respectively composed of a President, a Vice-President and Secretaries.

7. At the end of the deliberations, Option I was recommended. This would entail retaining the existing portfolios with the additional approved areas of competence agreed upon in Arusha and Sharm El-Sheikh to constitute an Authority of 10 members composed of a President, a Vice President and 8 Secretaries as follows:

- i) President: Chief Executive. He/she shall serve as the Legal Representative of the Union, the Accounting Officer of the Authority and shall have overall responsibility for the functioning of the Authority. The current areas of responsibility under the Office of the Chairperson shall be transferred to the Office of the President of the Authority.
- ii) Vice-President: Deputy-Chief Executive. He/she shall, in the discharge of his/her responsibilities, be accountable to the President. The current areas of responsibility under the Office of the Deputy Chairperson shall be transferred to the Office of the Vice President of the Authority.
- iii) Secretary: Coordination of Common Defence Policies (Coordination of common defence policies of the Continent) and Peace, Security and Mediation (Conflict Prevention, Management, Resolution and post-conflict reconstruction, Combating Terrorism and Non-Aggression and Transnational crime terrorism, arms trafficking, human rights, democracy, good governance, electoral institutions, humanitarian affairs, refugees, returnees and internally displaced persons, free movement of persons, financial crimes and money laundering), terrorism, arms trafficking;
- iv) Secretary: Political Affairs and Coordination of Common Positions on foreign policy (political cooperation, coordination of common positions on foreign policy, human rights, democracy, good governance, electoral institutions, humanitarian Affairs – Refugees, Returnees and Internally Displaced Persons, Free movement of persons, financial crimes and money laundering);
- v) Secretary: Infrastructure and Energy (Energy, Transport - inter-regional and continental infrastructure - road networks, bridges, railways, maritime, air transport - Communication and information networks Infrastructure);
- vi) Secretary: Health, and Social Affairs (Health, Children, Crime prevention and Drug Control, Human Trafficking, Population, Migration, Labour and Employment, Sports and Culture, vulnerable groups, social welfare, epidemics and pandemics such as HIV/AIDS);

- vii) Secretary: Education, Human Resources and Science and Technology (Education, Information Communication Technology, Youth, Research, Universities and Centres and Poles of Excellence and Intellectual Property matters);
- viii) Secretary: Trade, Industry and International Cooperation (Trade, Industry, Mining, Customs and Immigration Matters, International Trade Negotiations, Free movement of goods and services and Tourism);
- ix) Secretary: Rural Economy, Agriculture and Environment (Rural Economy, Agriculture and Food Security, Livestock, Water, Lakes, Rivers and Natural Resources, Desertification, global warming, coastal erosion, climate change);
- x) Secretary: Economic Affairs (Economic Integration, Monetary Affairs, International Economic Cooperation, private sector development, Investment and Resource Mobilization, Continent-wide poverty reduction, Statistics);

e) Functions of the Secretaries

8. In the performance of their functions, the Secretaries shall be answerable to the President of the Authority under whose supervision they carry out their duties. Their functions shall include the following:

- a. initiate common policies and programmes in respect of the portfolios assigned to them, submit them to Union Organs for consideration and adoption and monitor the implementation of decisions;
- b. oversee departments under their charge and in accordance with the functions of the Authority;
- c. engage in advocacy activities so as to promote the attainment of the goals of the Union, as well as the implementation of its programmes;
- d. perform representational and negotiation functions as and when the Authority is mandated by the Assembly.

f) Financial Implications

9. The financial implications of the transformation of the Commission into the Authority will be worked out by the Commission, taking into account the internal restructuring proposals and shall be submitted to the next Ordinary Session of the Executive Council in June 2009.

10. The imperative need for identification of alternative sources of financing the Union was underlined in order to ensure sustainable funding for the programmes and activities of the Union. In this regard, a report should be submitted to the next Ordinary Session of Council in January 2010.

g) Other Issues

11. Council took note of the fact that the transformation of the Commission into the Authority will operate within the overall framework of the African Union whose structure will include the Assembly; the Executive Council; the Authority; the Peace and Security Council; the Pan-African Parliament; the African Court of Justice and Human Rights; the Permanent Representatives Committee; the Specialized Technical Committees; the Economic, Social and Cultural Council; the Financial Institutions; the African Commission on Human and Peoples' Rights; and the African Committee of Experts on the Rights and Welfare of the Child. In this regard, there will be need for review of the institutional framework of the Union to enable them play an enhanced role in accelerating the continental integration process.

12. In order to transform the Commission into an Authority, the Constitutive Act should be amended in accordance with the provisions of Article 32 of the said Act, and thereafter, call upon Member States to expedite the ratification of the amendments. In addition, there may be consequential amendments to the other protocols and rules of procedure.

Done in Sirte, 02 July 2009

2009-07-03

Conclusions of the 12th Extraordinary Session of the Executive Council on the Modalities for the Implementation of Decision Assembly/AU/Dec.233 (XII) on the Transformation of the African Union Commission Into the African Union Authority (As Amended and Adopted by the 13th Ordinary Session of the Assembly of the African Union in Sirte, the Great Socialist People's Libyan Arab Jamahiriya, 2 July 2009)

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