

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: www.au.int

EXECUTIVE COUNCIL

Thirty-Sixth Ordinary Session

06 - 07 February 2020

Addis Ababa, Ethiopia

EX.CL/1220(XXXVI)iv

Original : English

**DRAFT RULES OF PROCEDURE OF
THE APRM SECRETARIAT**



DRAFT RULES OF PROCEDURE OF THE APRM SECRETARIAT

PREAMBLE

The Executive Council,

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

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

RECALLING, the Assembly Decision, Assembly/AU/Dec.198 (XI) and Assembly Decision/AU/Dec.537 (XXIII) on the integration of the APRM into the African Union

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

HEREBY ADOPTS THESE RULES OF PROCEDURE:

SECTION I: GENERAL PROVISIONS

Article 1 Definitions

In these Rules:

- “**APRM**” means the African Peer Review Mechanism;
“**APR Forum**” means the Committee of Heads of State and Government of Participating States of the African Peer Review Mechanism;
“**APRM Focal Points Committee**” means the Ministerial body comprising the Personal Representatives of the Heads of State and Government of APRM Participating States of the African Peer Review Mechanism;
“**APRM Focal Point**” means the National Focal Point for the African Peer Review Mechanism in each Participating State;
“**APR Panel**” means the Panel of Eminent Persons of the African Peer Review Mechanism;
“**APRM Secretariat**” means the Continental Secretariat of the African Peer Review Mechanism;
“**Assembly**” means the Assembly of Heads of State and Government of the African Union;
“**AU**” means the African Union;
“**AUDA-NEPAD**” means the African Union Development Agency-New Partnership for Africa’s Development;
“**CEO**” means Chief Executive Officer of the Continental Secretariat of the African Peer Review Mechanism;
“**CHAIRPERSON**” means the Chairperson of the APR Panel;
“**Commission**” means the Commission of the African Union;
“**CCC of NGCs**” means the Continental Consultative Committee of Consultative Bureau of the NGCs”
“**Constitutive Act**” means the Constitutive Act of the African Union;
“**ECOSOCC**” means the Economic, Social and Cultural Council of the African Union;
“**Executive Council**” means the Executive Council of the African Union;
“**Member States**” means Member States of the African Union;
“**NGC**” means the National APRM Governing Council;
“**NSCC**” means the National Secretariats Coordinating Committee”
“
“**PRC**” means the Permanent Representatives’ Committee of the African Union;
“**RECs**” means the Regional Economic Communities;
“**Rules of Procedures**” means these Rules of Procedure of the APRM Continental Secretariat;
“**Participating States**” means Member States that have voluntarily acceded to the African Peer Review Mechanism;
“**Statute**” means the Statute of the African Peer Review Mechanism;
“**Union**” means the African Union, and;

Article 2 Purpose, Objectives and Aims

1. The objectives and aims of these Rules of Procedure are to:
 - (a) ensure the effective functioning, coordination and smooth operation of the APRM Secretariat in consonance with sound principles of corporate governance and internationally accepted organization practices.
 - (b) clarify the levels of accountability, responsibility and reporting role of the APRM Secretariat to the APRM Structures and to the AU Policy Organs.
 - (c) define the procedures for the selection and appointment of the CEO of the APRM Secretariat as well as the powers and responsibilities of the CEO of the APRM Secretariat;
 - (d) set out the specific responsibilities to be discharged by the APRM Secretariat as well as its functions and internal procedures to be followed in the execution of its mandate.

Article 3 Status

The APRM Secretariat shall serve as the continental Secretariat and shall serve the APRM Forum, the APR Focal Points Committee and the APRM Panel.

Article 4 Functions

1. The APRM Continental Secretariat shall carry out the functions assigned to it under the Statute of the APRM, the Rules of Procedure of the APR Forum, the Rules of Procedure of the APR Committee of Focal Points, decisions of the APR Forum and decisions of the Assembly.
2. The APRM Secretariat shall:
 - (a) be the Secretariat of the APRM and shall serve the APR Forum, APR Focal Points Committee and the APR Panel of Eminent Persons by providing secretarial, technical, advisory, coordination and administrative support for the functioning of the APRM;
 - (b) receive the Participating States' self-assessment report and other relevant reports from Member States;
 - (c) Undertake and manage research and analysis that underpin the APRM process;

- (d) prepare and facilitate the meetings of the APR Forum, APR Focal Points Committee and the APR Panel;
- (e) prepare the necessary background work and facilitate the country voluntary review processes, including support missions, voluntary country review missions, publication of reports and monitoring, reporting, evaluation and follow-up of recommendations emanating from the reports;
- (f) implement the decisions of the Assembly, APR Forum, the Executive Council and APR Committee of Focal Points;
- (g) represent the APRM and defend its interests under the guidance of APR Forum and the APR Committee of Focal Points;
- (h) initiate proposals for consideration by the APR Forum and APR Committee of Focal Points and the APR Panel;
- (i) act as a custodian of the legal instruments of the APRM including decisions adopted by the APR Forum, the APR Committee of Focal Points;
- (j) prepare and present draft APRM strategic plans, programmes and draft budget to APR Committee of Focal Points and the AU Policy Organs for consideration;
- (k) present annual audited accounts of the APR Forum, to the APR Focal Points Committee and AU Policy Organs for consideration;
- (l) work closely with the PRC and its relevant Sub-committees;
- (m) submit upon approval of the Focal Points Committee, the financial and structural proposals as well as legal instruments concerning the APRM to the AU Policy Organs for consideration;
- (n) provide technical support to Member States in developing country self-assessment report on governance.
- (o) manage the budgetary and financial resources allocated to it by the AU Policy Organs including funds from partners, donors and grants in line with the AU Financial Rules and Regulations and other AU legal instruments;
- (p) manage the assets and liabilities of the APRM in accordance with the overall legal framework of the AU;
- (q) prepare studies for consideration by the APR Committee of Focal Points and the AU Policy Organs;
- (r) prepare and submit an Annual Report on the Activities of the APRM to the APR Forum, APR Committee of Focal Points and the AU Policy Organs;

- (s) ensure the application of the Rules of Procedure of the APR Forum, APR Committee of Focal Points and APR Panel;
- (t) build capacity for research and development for enhancing the fulfilment of the APRM mandate;
- (u) Coordinate with the Continental Consultative Committee of NGCs and the National Secretariats Coordinating Committee;
- (v) promote and popularize the objectives of the APRM;
- (w) collect and disseminate information on the APRM, set up and maintain reliable database;
- (x) ensure the mainstreaming of gender and youth in all programmes and activities;.

Article 5 Obligations

1. In the performance of their duties, the CEO and other staff of the APRM Continental Secretariat shall not seek or receive instructions from any government or from any other authority external to the AU. They shall refrain from any action which may reflect adversely on their positions as international officials only to the AU.
2. Member States undertake to respect the autonomous nature of the responsibilities of the CEO and other staff of the APRM Continental Secretariat and shall not influence or seek to influence the in the discharge of their responsibilities.
3. The CEO and other staff of the APRM Continental Secretariat shall not, in the discharge of their duties, engage in any 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 interest of the APRM and the AU in view, and not to seek or accept instructions from the Government of any Member State or external authority to the AU.
4. In the event of breach of these obligations by the APRM Continental Secretariat CEO, the APR Forum may on a recommendation by the APR Focal Points Committee, decide disciplinary measures to be applied to the CEO.

In the event of breach of these obligations, by staff of the APRM Secretariat, the administrative and disciplinary measures set out in the AU Staff Rules and Regulations shall be applied.

Article 6
Headquarters of the APRM Secretariat

1. The Headquarters of the APRM Continental Secretariat shall be in Republic of South Africa.
2. The Headquarters shall be for official use of the APRM and the AU.
3. The CEO may authorize the holding of meetings or social functions at the Headquarters of the APRM Secretariat or other offices of the AU when such meetings or functions are closely linked or are compatible with the objectives and principles the APRM and the AU.

Article 7
Leadership of the APRM Secretariat

1. The Secretariat shall be led by a CEO recommended by the APRM Forum and appointed by the Assembly. The CEO shall be appointed through a competitive and transparent selection process for a mandate of four (4) years renewable once.
2. The CEO shall be appointed on the basis of merit, efficiency, integrity, and geographical rotation among the AU (5) regions.
3. The Chairperson of the Commission shall be the ultimate authority in line with the Financial Rules and Regulations of the Union.

Article 8
Appointment and Selection Criteria of the CEO

1. The CEO shall be recommended by the APR Forum and appointed by the Assembly. The CEO shall be appointed through a complete and transparent selection process.
2. There shall be a pre-selection process by the APR Committee of Focal Points based on modalities determined by the APR Forum.
3. The APR Focal Points Committee shall make recommendations to the APR Forum on the appointment of the CEO of the APRM Continental Secretariat;
4. The APR Focal Points Committee shall establish a Selection Committee made up of Focal Points, consisting of two (2) representatives of each of the five (5) regions of the AU and assisted by a team of independent consultants.
5. The Focal Points Selection Committee shall submit for consideration by the APR Focal Points Committee a list of three (3) candidates.

The shortlist of candidates shall take into account the geographical rotation, gender and requisite qualifications and experience.

6. The requisite qualification a candidate for the APRM Continental Secretariat CEO position should possess is minimum qualification not below masters' degree, or equivalent from a recognized university.
7. A candidate for the APRM Continental Secretariat CEO position shall also possess a significant and wide ranging working experience with good track record in government, parliament, international organizations, a recognized university, multinational or private sector organizations.
8. Only a national of an AU Member State shall be considered and appointed as the APRM Secretariat CEO.

Article 9
**Term of Office and Termination of Appointment of the APRM
CEO**

1. The term of office of the APRM CEO shall be four (4) years renewable once.
2. When so required for the good functioning of the APRM, the APR Forum may recommend to the Assembly to terminate the appointment of the CEO based on provisions of the Statute of the APRM, these APRM Secretariat Rules of Procedure and the other the AU legal instruments.
3. Where due to any reason, the appointed APRM Continental Secretariat CEO is unable to take up office or complete his/her term of office, the APR Focal Points shall consider and recommend to the APR Forum the nomination of any of the shortlisted candidates for the position of APRM Continental Secretariat CEO for appointment by the Assembly for a new term.

Article 10
Functions of the APRM CEO

1. The functions and responsibilities of the APRM CEO shall be:
 - (a) Legal representative of the APRM;
 - (b) Controlling Officer of the APRM;

2. The CEO shall be directly responsible to the APR Committee of Focal Points for the effective discharge of his/her duties.
3. The other functions of the CEO shall be:
 - (a) chair all meetings of the Executive Management Committee of the APRM Secretariat;
 - (b) undertake measures aimed at promoting and popularizing the objectives of the APRM and enhancing its performance;
 - (c) communicate as soon as possible the APRM budget, structure, audit recommendations together with pertinent documents to the APR Focal Points Committee after the AU Policy Organs have approved them through decisions.
 - (d) communicate as soon as possible to the APR Focal Points Committee the decisions of the AU Policy Organs on the APRM;
 - (e) undertake measures aimed at attaining universal accession of AU Member States to the APRM;
 - (f) promote cooperation with other AU Organs and international organizations for the furtherance of the objectives of the APRM;
 - (g) participate in and keep records of the deliberations of the APR Forum, APR Focal Points Committee, the APR Panel and other Organs of the AU as may be required;
 - (h) submit reports requested by the APR Forum, the APR Focal Points Committee, the APR Panel and the AU Policy Organs as may be required;
 - (i) ensure the implementation by the APRM Secretariat of the AU Staff Rules and Regulations, the AU Financial Rules and Regulations and other relevant legal instruments of the AU;
 - (j) communicate with Member States, structures of the APRM, AU Organs, Partners and all other relevant stakeholders;
 - (k) circulate the provisional agenda of the sessions of the APR Forum; the APR Committee of Focal Persons and the APR Panel;
 - (l) receive and circulate requests which conform to the Rules of Procedure of the APR Forum, APR Focal Points Committee and APR Panel, for the convening of Extraordinary and Special Sessions;
 - (m) consult and coordinate with APRM National Structures and other institutions of Member States and RECs, on the activities of the APRM;

- (n) appoint the staff of the APRM Secretariat in accordance with Article 14 (5) of the Statute of the APRM.
 - (o) assume the overall responsibility for the administration and finances of the APRM Secretariat;
 - (p) prepare an Annual Report on the Activities of the APRM and its continental structures;
 - (q) liaise closely with the Chairperson of the Commission so as to guide the APRM Secretariat, support and monitor the performance of the APRM in the fulfillment of Agenda 2063 and other relevant continental programmes and in order to ensure conformity and harmony with agreed AU legal instruments, policies, strategies, programmes and projects;
 - (r) carry out other functions as may be determined by the APR Forum, the APR Focal Points Committee and the AU Policy Organs;
 - (s) supervise the functioning of the APRM Secretariat;
 - (t) Determine in accordance with the AU Financial Rules and Regulations, financial institutions in which the funds of the APRM shall be deposited. The interests accrued by such funds are to be treated as miscellaneous income in accordance with the AU Financial Rules and Regulations.
 - (u) coordinate all activities and programmes of the APRM related to gender and youth issues.
4. The CEO may, in accordance with the AU Financial Rules and Regulations and other AU legal instruments, accept on behalf of the APRM gifts, bequests and other donations made to the APRM, provided that such donations are consistent with the objective and of the APRM and the AU. Such donations shall remain the property of the APRM.
5. The CEO may delegate any of his/her responsibilities to Senior Staff of the APRM Secretariat.

Article 11
Appointment of APRM Secretariat Staff

1. The CEO shall be assisted in the discharge of his functions, by suitably qualified competent professionals, technical and administrative support staff recruited in accordance with AU Staff Rules and Regulations;

2. The recruitment process shall be conducted in accordance with elaborate recruitment procedures aimed to ensure the outmost transparency and objectivity.
3. The recruitment process shall uphold the principles of equitable geographical representation, gender and youth balance, a quota system approved by the AU Policy Organs.
4. The recruitment of staff shall be done to ensure paramount guarantee of the highest standards of competence, efficiency and integrity.
5. Nationals of Member States which are under AU sanctions shall not be eligible for appointment;
6. The promotions of staff shall be done following the criteria amongst others of:
 - (a) annual performance reports;
 - (b) result of competitive examination and interviews conducted in accordance with AU Staff Rules and Regulations;

Article 12 Discipline of Staff

1. The CEO shall initiate disciplinary proceedings against any staff of the APRM Continental Secretariat for misconduct that attracts disciplinary measures as outlined in the AU Staff Rules and Regulations.
2. The CEO shall dismiss any staff member of the APRM Secretariat in the event of breach obligations contained in these Rules of Procedure, the AU Staff Rules and Regulations, the AU Financial Rules and Regulations, other AU legal instruments and procedures and internal procedures of the APRM. The staff member concerned shall be dismissed after exhausting all internal administrative measures and appeal to the AU Administrative Tribunal.

Article 13 Implementation

The APR Forum and the APR Focal Persons may lay down guidelines and supplementary measures to give effect to these Rules of Procedure.

Article 14 Working Languages

The working languages of the APRM Secretariat shall be those of the AU.

**Article 15
Amendments**

1. The APRM CEO may propose the amendments of these Rules of Procedure to the APR Focal Points Committee.
2. The APR Focal Points Committee shall adopt the amendments by a two-thirds majority and recommend the amendments to the Executive Council for endorsement.

**Article 16
Authentic Texts**

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

**Article 17
Entry into Force**

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

Adopted by the Executive Council of the African Union

AFRICAN UNION UNION AFRICAINE

African Union Common Repository

<http://archives.au.int>

Organs

Council of Ministers & Executive Council Collection

2020-02-07

Draft Rules of Procedure of the APRM Secretaria

African Union

DCMP

<https://archives.au.int/handle/123456789/8789>

Downloaded from African Union Common Repository