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**EXECUTIVE COUNCIL**  
**Thirty-Sixth Ordinary Session**  
**06 - 07 February 2020**  
**Addis Ababa, Ethiopia**

**EX.CL/1221(XXXVI)iv**  
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**DRAFT STATUTE OF THE AFRICAN CENTRE FOR THE STUDY AND  
RESEARCH ON MIGRATION**

## PREAMBLE

**We, the Member States of the African Union;**

**GUIDED** by the Executive Council Decision EX.CL/987(XXXII) of January 2018 which requests the Commission in collaboration with the Government of the Republic of Mali to expedite the process towards the establishment of the Centre by submitting to the relevant AU organs the administrative, financial and legal implications of the establishment of the Centre;

**RECALLING** the 2006 Executive Council and Assembly decision EX.CL/314 (IX) which endorsed the establishment of the African Centre for the Study and Research on Migration in Mali, and requested the Commission in collaboration with the Government of Mali to monitor the implementation of this decision and oversee the process of establishing the Centre;

**CONSIDERING** the 2017 Evaluation of the 2006 AU Migration Policy Framework for Africa and its finding on the lack of reliable and up-to-date data on migration which is hindering informed national, regional and continental policy-making on migration;

**REAFFIRMING** the 2018 African Union Migration Policy Framework for Africa which recommends the establishment and strengthening of continental arrangements/capacities for migration research, data collection, analysis and sharing;

**FURTHER CONSIDERING** that evidence-based policy making is critical for effective governance of migration on the Continent;

**UNDERSCORING** that the Centre shall be a Specialized Technical Office of the AUC, with a continent-wide mandate;

**NOTING** the decision of the Executive Council EX.CL/195 (VII) Rev.1 Annex III on the Criteria for Hosting AU Organs;

**RECOGNIZING** the commitment of the Republic of Mali to host the African Centre for the Study and Research on Migration in line with the General Convention on the Privileges and Immunities of the Organization of African Unity (OAU) adopted by the Assembly of Heads of State and Government of the OAU on 25 October 1965 in Accra, Ghana and the supplementary Host Agreement concluded between the African Union and the Republic of Mali in Addis Ababa, Ethiopia on 11 February 2019;

**AGREE AS FOLLOWS:**

## CHAPTER ONE

### DEFINITION, OBJECTIVES AND CORE FUNCTIONS OF THE CENTRE

#### Article 1 DEFINITIONS

For the purpose of this Statute, the following terms and expressions shall have the meaning assigned to them:

**“Archives”** includes records, correspondence, documents, manuscripts, still and motion pictures, films and sound recordings, electronic records, belonging to, or held by the African Centre for the Study and Research on Migration in furtherance of its official functions;

**“Assembly”** means the Assembly of Heads of State and Government of the African Union as provided by the Constitutive Act of the AU;

**“AU”** means the African Union as established by the Constitutive Act of the African Union adopted on 11 July 2000, which entered into force on 26 May 2001;

**“Board”** means the Board of the African Centre for the Study and Research on Migration;

**“Centre”** means the African Centre for the Study and Research on Migration, which serves as a specialized Technical Offices of the Commission;

**“Commission”** means the Secretariat of the African Union as provided by the Constitutive Act of the AU;

**“Development Partners”** means the multilateral institutions, development agencies, donors, and foundations that have contribute financially or otherwise to the Centre;

**“Executive Council”** means the Executive Council of Ministers of the African Union, as provided by the Constitutive Act of the AU;

**“Experts”** mean individuals, other than officials, who owing to their special qualifications are recruited in accordance with the Staff Regulations and Rules on a temporary basis to perform specific assignments for the Centre;

**“General Convention”** means the General Convention on the Privileges and Immunities of the Organization of African Unity (OAU) adopted by the Assembly of Heads of State and Government of the OAU on 25 October 1965 in Accra, Ghana;

**“Host Agreement”** means the Agreement between the Government of the Republic of Mali and the African Union Commission on the hosting of the African Centre for the Study and Research on Migration;

**“Host Country”** or **“Government”** means the Government of the Republic of Mali;

**“Member State”** means a Member State of the African Union;

**“Migration Governance” means** “the combined frameworks of legal norms, laws and regulations, policies and traditions as well as organizational structures (sub-national, national, regional and international) and the relevant processes that shape and regulate States’ approaches with regard to migration in all its forms, addressing rights and responsibilities and promoting international cooperation.”

**“Migration” means** the movement of a person or group of persons from one geographical unit to another across an administrative or political border, with the intention of settling indefinitely or temporarily in a place other than their place of origin. It involves the crossing of one or several international borders, resulting in a change in the legal status of the individual concerned. Migration may be ‘temporary’ or ‘permanent,’ depending on the duration of absence from the place of origin and the duration of stay in the place of destination.” (International Organization for Migration)”

**“Regional Economic Communities (RECs)”** means the regional integration blocs recognized by the African Union;

**“Secretariat”** means the management body of the Centre;

**“Statute”** means the present legal instrument that defines the mandate of the African Centre for the Study and Research on Migration;

**“STC”** means the AU Specialized Technical Committee on Migration, Refugees and Internally Displaced Persons (IDPs);

**“Vienna Convention”** means the 1961 Vienna Convention on Diplomatic Relations;

In this Statute, words expressed in the singular term shall be construed to include the plural and vice versa.

## **Article 2**

### **Legal Status of the Centre**

1. The Centre is hereby established as a Specialized Technical Office of the Commission.
2. The Centre shall possess in the territory of host country legal capacity necessary for the fulfilment of its objectives, and exercise of its functions, including the capacity:
  - a. To enter into contracts;
  - b. To acquire and dispose of immovable and movable property; and
  - c. To enter and to respond to legal proceedings.

### **Article 3 Purpose and Objectives**

#### **1. Purpose**

Undertake studies and research to improve the overall migration governance regime in Africa;

#### **2. Objectives**

The Centre shall have the following objectives:

- a. Advance the knowledge base of the African Continent on migration and mobility issues;
- b. Contribute to evidence-based interventions on migration in Africa;
- c. To support the other existing initiatives on migration notably the African Migration Observatory, the Continental Operational Centre in Sudan for Combating Irregular Migration, and migration research hubs in Africa and beyond.

### **Article 4 Principles**

The Centre shall function in accordance with the following principles:

1. Non-interference in the internal affairs of any Member State, respect for the sovereignty and National Laws of Members States of the AU;
2. Respect for democratic principles, human rights, the rule of law and good governance in accordance with the Constitutive Act, the African Charter on Human and Peoples' Rights, the Universal Declaration on Human Rights and other relevant instruments;
3. Respect for ethics of law enforcement agencies of Members States of the AU, the principles of neutrality, integrity and the presumption of innocence;
4. Respect and recognition of African ownership of the Centre.

### **Article 5 Core Functions and Activities of the Centre**

1. In order to attain the above objectives, the Centre shall function in accordance with the provisions of this Statute;
2. Working collaboratively with the African Migration Observatory, the Continental Operational Centre in Sudan for Combating Irregular Migration and migration research institutions in Africa and beyond, the Centre shall have the following core functions:
  - a. Interpret migration data and compile periodic reports on migration trends and patterns in Africa and between Africa and other regions;

- b. Undertake empirical, applied research on all aspects of migration and mobility and facilitate actionable migration policy formulation and implementation for Member States and RECs;
- c. Prepare and disseminate a journal and periodic reports the state of migration and migration governance in Africa;
- d. Prepare draft position papers on migration and mobility for consideration by the relevant Policy Organs of the AU;
- e. Promote policies that foster the development impact of migration and address its negative impacts on the Continent;
- f. Evaluate the implementation of migration policies on the Continent;
- g. Establish a platform for sharing and disseminating information on migration;
- h. Provide technical assistance, training and capacity building on migration;
- i. Provide a platform for experts and the political, diplomatic and academic communities to debate migration and mobility issues on the Continent;
- j. Serve as an interface between Member States, RECs, African/African Diaspora think tanks and civil society organizations on the migration debate;
- k. Build the capacity on study and research for Member States and RECs in the area of migration management.

## **CHAPTER TWO**

### **GOVERNANCE AND STRUCTURE OF THE CENTRE**

#### **Article 6**

##### **Governance of the Centre**

1. The Centre shall comprise the following bodies:
  - a. The Board of Directors (the Board);
  - b. The Secretariat.

#### **Article 7**

##### **Functions of the Board of Directors**

1. Reporting through the Commission to the relevant policy organ, the Board shall be the highest governance body of the Centre, and shall have overall oversight of the Centre.
2. The functions of the Board shall be to:
  - a. Oversee the overall governance of the Centre;
  - b. Provide strategic guidance to the Secretariat;
  - c. Consider and approve the Centre's strategic plans, annual action plans and budgets;
  - d. Oversee the implementation of strategic plans, including financial and budgetary issues;
  - e. Recommend amendments to the Statute of the Centre;
  - f. Assist the Secretariat in mobilizing resources to ensure that the Centre fulfills its mandate;

- g. Submit annual reports through the Commission to the AU Policy Organs on implemented activities and achievements of the Centre.

### **Article 8**

#### **Board Composition and Tenure of Office**

1. The Board shall be composed as follows:
  - a. Two (2) experts on migration, from each of the Five (5) regions of the AU for non-renewable term of two (2) years, with full voting rights. The experts shall be nominated by the STC on Migration, Refugees and Internally Displaced Persons, following consultations;
  - b. One (1) representative of Member States of each RECs, with full voting powers;
  - c. One (1) representative of the Host Country with full voting powers
  - d. One (1) representative of the Commission (Department of Social Affairs) ) (non-voting ex-officio);
  - e. The Director of African Migration Observatory (1) (non-voting ex-officio);
  - f. The Director of African Centre for the Study and Research on Migration ( or his/her Deputy) who shall act as the Secretary of the Board (non-voting ex-officio);
  - g. The Director of the Continental Operational Centre in Sudan for Combating Irregular Migration (non-voting ex-officio);
  - h. The Executive Director of the African Union Institute for Statistics - StatAfrica (non-voting ex-officio);
  - i. The Legal Counsel of the Commission or his/her representative who shall provide legal advice as may be required (non-voting ex-officio);
2. The Board may invite such expertise from relevant professionals to sit at its meetings on an *ad hoc* basis as may be necessary.
3. The Chairperson of the Board shall be elected from Member States represented in the Board.

### **Article 9**

#### **Meetings, Quorum and Decision-Making Procedures of the Board**

1. The Board shall meet in ordinary session once every year.
2. The Board may be convened in extraordinary session, in conformity with its rules of procedure, subject to availability of funds at the request of:

- i) One half of its members; or
  - ii) The policy organs of the Union.
3. The quorum for Board meetings shall be two thirds of the total membership of the Board.

### **Article 10 The Secretariat**

1. The Secretariat shall be responsible for day-to-day execution of the strategies and activities of the Centre.
2. The Secretariat shall be headed by a Director. In the absence of the Director, the Deputy Director shall act in his/her stead.
3. The Director and the Deputy Director shall be appointed by the Commission on the approval of the Board of Directors in line with African Union Staff Regulations and Rules and shall be a regular staff members of the AU.

### **Article 11 The Director**

1. The Director is the chief executive officer of the Centre.
2. Under the supervision of the Commissioner for Social Affairs of the Commission, the functions of the Director shall be to:
  - a. Implement directives of the Board and the Commission as may be applicable;
  - b. Organize, coordinate, direct and supervise the overall day-to-day operations and management of the Centre in accordance with the strategic plans and policies approved by the Board and the AU;
  - c. Plan, develop, and implement the Observatory's policy and programme objectives, plans, and evaluate progress while ensuring efficiency and cost effectiveness;
  - d. Provide strategic planning, overall management and institutional representation of the Centre in fulfillment of its mission, goals, and strategic objectives;
  - e. Prepare and submit to the Board and the Commission strategic and operational plans, budgets, financial statements and operational reports of the Centre;
  - f. Ensure the vision, mission and guiding values of the Centre are developed, communicated, and implemented at all levels.
  - g. Propose to the Board strategic alliances and partnerships for the joint execution of programmes and activities with development partners;
  - h. Act as Secretary of the Board to effectively carry out the Board's governance roles;
  - i. Serve as the spokesperson and official representative of the Centre in continental and international partnerships and gatherings;
  - j. Promote an accountable, ethical, informed and transparent organizational culture;
  - k. Ensure coordination of the Centre's activities in collaboration with other multi-lateral, continental, regional and national institutions and partners;
  - l. Advocate on behalf of the Board and the Centre at large to ensure that the positions and actions of the Centre are successfully presented to all interested parties;



- m. Represent the Centre at all meetings, conferences or similar venues where the Centre seeks to be recognised to advance its mission and strategic goals;
- n. Provide expert advice to the Board, the African Union and its Member States, key stakeholders and partners;
- o. Ensure the Observatory has an annual work-plan in place, in line with the financial resources necessary to achieve its core functions, outcome-oriented goals, and objectives;
- p. Oversee the execution of the Host Agreement;
- q. Oversee all legal agreements and seek guidance, in this regard, from the Board and the Commission when necessary;
- r. Ensure compliance with all legal and regulatory requirements emanating from Host Government and other bodies;
- s. Propose the annual budget to the Board and Commission in keeping with established processes and timelines.
- t. Perform any other functions as may be assigned by the Board in line with the mandate of the Centre.

## **Article 12**

### The Deputy Director

Reporting to the Director, the duties and responsibilities of the Deputy Director include the following:

- a) Advise and guide the Centre's management on programmatic, finance and administrative operations, including work-plans, operational policies, procedures and systems, supporting critical and routine programme operations.
- b) Facilitate programme management support, including financial management, human resources management, procurement, information technology networks and equipment, travel, facilities management and other functions executed at both headquarters and the Centre.
- c) Supervise the development of programme objectives and work-plans of staff.
- d) Ensure the implementation of the strategic goals and objectives and work-plans by staff.
- e) Supervise reports by staff and prepare executive reports for management.
- f) Work with staff to ensure overall agency compliance to AU Staff rules and regulations and Financial Rules and Regulations, including established documentation and procedures for transacting administrative support functions processed by AU service divisions.
- g) Ensure periodic staff appraisals.
- h) Facilitate and support the overall institutional accountability functions - including those necessary for auditing, budgeting, financial analysis, procurement, capital assets and property management and payroll and other operational systems and procedures - are implemented and monitored in accordance with AU and the Centre's internal controls.
- i) Serve as the principal manager of the Centre's budget.

- j) Develop and manage budget frameworks and coordinate implementation and execution of these tools, keeping senior management informed as appropriate.
- k) Serve as agency's point of contact with AU service divisions to resolve issues and problems preventing end-to-end service provision.
- l) Review and process approvals for routine actions within multiple agency administrative systems, e.g., procurement and travel.
- m) Oversee staff providing a full range of logistics support, procurement and travel
- n) Perform other duties as assigned by the Director.

### **Article 13 Other Staff**

The Centre will have other Staff Members, in charge of, among others, surveys/data collection, analysis, publications, finance, human resource development, administration, events and seminars management, networking and operations who shall be hired by the Commission in accordance with the AU Staff regulations and rules within the approved structure and budget.

### **Article 14 Budget and Budget Contributions**

1. The regular budget of Centre shall be within the budget of the AU;
2. In addition to the regular budget of the AU, other sources of funding the Centre may include:
  - a. Voluntary contributions from AU Member States;
  - b. Contributions from Development Partners of the African Union and the Commission;
  - c. Contributions from the Private Sector;
  - d. Contributions from national and regional institutions;
  - e. Any other source of funding in accordance with AU Financial Rules and Regulations.
3. The budget calendar of the Centre shall be that of the AU.
4. Staff remuneration, administrative expenses and related budgets of the Centre shall be covered by the AU.
5. Programmes of the Centre shall be funded by resources from the AU, voluntary contributions by other Member States, or funding from development partners.
6. The budget of the Centre shall be prepared and considered in line with the AU Financial Rules and Regulations.

### **Article 15 Headquarters of Centre**

1. The headquarters of the Centre shall be in Bamako, the Republic of Mali.

2. In the event a Member State offers to host the meetings and conferences of the Centre, it shall be responsible for all extra expenses incurred by the Centre as a result of the session being held outside the Host Country.

### **Article 16 Code of Conduct**

1. In the performance of their duties, the Director and other staff of the Centre shall not accept nor receive instructions from any government or any authority other than the Union.
2. Each Member State shall undertake to respect the exclusive nature of the responsibilities of the Director and any other staff member of the Centre, and shall not influence or seek to influence them in the performance of their duties.
3. The Director and the other staff of the Centre shall not, in the discharge of their duties, engage in any activity or conduct incompatible with the proper discharge of their duties. They shall avoid conflict between professional and personal interests or obligations sufficient to influence the impartial exercise of their official duties or responsibilities.
4. Where the Director of the Centre fails to comply with his/her obligations, an *ad hoc* Committee approved by the Board shall conduct an inquiry and provide an appropriate report and recommendations for its consideration and decision.
5. Where a staff member fails to comply with his/her obligations, the internal procedures referred to in the Statute and the AU Staff Rules and Regulations shall be applied. The staff member concerned shall have the right of appeal in accordance with the Staff Rules and Regulations of the Union.
6. The Director and other staff of Centre may accept, on behalf of the Commission, gifts, bequests and other donations made to the Centre, provided that such donations are consistent with the objectives and principles of the Centre and shall remain the property of the Centre. The director shall report to the relevant Policy organs on such donations.

### **Article 17 Role of the Department of social Affairs and the relation with Member States, Development Partners and Other Stakeholders**

1. The Department of Social Affairs as the focal department on the subject matter shall ensure synergy between the Centre and the Commission.
2. In carrying out its functions, the Union shall dedicate necessary resources to building partnerships aimed at improving the effectiveness of its operations.

3. Within the African Continent, the Centre shall maintain working ties with development partners and stakeholders, particularly with recognized think tanks, RECs, civil society organizations and other relevant organs of the Union, and technical offices (especially the African Migration Observatory and the Continental Operational Centre for Combating Irregular Migration) in pursuit of its mandate.
4. The Centre shall develop partnerships with Member States and shall also coordinate its operations with regional and continental institutions that implement migration projects across Africa.
5. In pursuance of its objectives, the Centre shall closely cooperate with African Diaspora think tanks and other international think tanks working on migration issues, and such cooperation shall strive to ensure synergy and partnership.
6. The Centre may be requested by Member States, the RECs, the Commission, other Organs of the Union, and international organizations to provide technical assistance in any field within its competence.

#### **Article 18** **Privileges and Immunities**

1. The Centre shall enjoy in the territory of the Host Country, the privileges and immunities specified in the General Convention and the Vienna Convention.
2. The host country agreement and applicable international law shall supplement the General Convention.

### **CHAPTER THREE**

#### **FINAL PROVISIONS**

#### **Article 19** **Rules of Procedure**

The Rules of Procedure of the Centre shall be approved by the Board and the Commission in conformity with AU rules and procedures.

#### **Article 20** **Amendment**

1. The Statute may be amended upon the recommendation of:

- a. The Executive Council;
  - b. The STC; or
  - c. The Board or the AUC.
2. The amendments shall enter into force upon their adoption by the Assembly.

**Article 21**  
**Working Languages**

The working languages of the Centre shall be those of the AU.

**Article 22**  
**Authentic Text**

This Statute is drawn up in four (4) original text in Arabic, English, French and Portuguese, all four texts being equally authentic.

**Article 23**  
**Entry into Force**

The Statute shall enter into force upon its adoption by the Assembly.

**Adopted by the .... Ordinary Session of the Assembly held in .....,..... in  
..... 2020.**

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# Draft Statute of the African Centre for the study and Research on Migration

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