

AFRICAN UNION

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**EXECUTIVE COUNCIL**  
**Thirty-Seventh Ordinary Session**  
**Videoconference**  
**16 - 22 July 2020**  
**Addis Ababa, Ethiopia**

**EX.CL/1232(XXXVII)**  
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**RULES OF PROCEDURE OF THE ASSEMBLY**

**RULES OF PROCEDURE OF THE EXECUTIVE COUNCIL**  
**THE STATUTE OF THE COMMISSION**

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

**AS AMENDED ON .... JULY 2020<sup>1</sup>**

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<sup>1</sup> These legal instruments were adopted in July 2002 *vide* Decisions Ass/AU/Dec. 1 (I) and EX.CL/AU/Dec.1 (I). In January 2007, these legal instruments were amended *vide* Assembly/AU/Dec.146 (VIII) and ..... The legal instruments were further revised in July 2020 in line with Decisions Ext/Assembly/AU/Dec.1(XI), Ext/Assembly/AU/Dec.3(XI) on the Institutional reform and Assembly/AU/Dec. 582 (XXV) and Assembly/AU/Dec. 597 (XXVI) on the streamlining of the summit and the working methods of the AU. .

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RULES OF PROCEDURE OF THE ASSEMBLY  
OF THE UNION

AS AMENDED ON .... JULY 2020

## 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:

- a) **“Assembly”** means the Assembly of Heads of State and Government of the African Union;
- b) **“Chairperson”** unless specified otherwise means the Chairperson of the Assembly;
- c) **“Commission”** means the Secretariat of the African Union;
- d) **“Committee”** means a Specialized Technical Committee of the African Union;
- e) **“Constitutive Act”** means the Constitutive Act of the African Union;
- f) **“Council”** means the Economic, Social and Cultural Council of the African Union;
- g) **“Court”** means the Court of Justice of the Union;
- h) **“Executive Council”** means the Executive Council of Ministers of the African Union;
- i) **“Member State”** means a Member State of the African Union;
- j) **“Members of the Commission”**, means the Chairperson and the Deputy Chairperson of the Commission as well as the Commissioners;
- k) **“PRC”** means the Permanent Representatives’ Committee of the African Union;
- l) **“PSC”** means the Peace and Security Council of the African Union;
- m) **“Rapporteur”** unless specified otherwise means the rapporteur of the Assembly;
- n) **“RECs”** means the Regional Economic Communities;
- o) **“Union”** means the African Union established by the Constitutive Act;

- p) **“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**

1. The Assembly shall be composed of Heads of State and Government or their duly accredited representatives.
2. Heads of State and Government shall in all circumstances be represented at Summit by Officials not lower than the level of Vice-President, Prime Minister or equivalent.

#### **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;
  - establish new Committees,
  - k) Specialized Agencies , *Ad hoc* Committees and Commissions, and temporary working groups, as it may deem necessary;
  - l) elect, appoint and terminate the appointments of Chairperson and Deputy Chairperson of the Commission;
  - m) appoint 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 through the Executive Council;
  - p) elect the Chairperson and other Bureau Members 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**

#### **Sessions**

The Assembly shall hold one (1) Ordinary Session per year. The Assembly may also meet in Extraordinary Sessions.

**RULE 6  
Quorum**

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

**RULE 7  
Venue of the Ordinary Session**

The Assembly shall hold its Ordinary Session at the Headquarters of the Union.

**RULE 8  
Agenda of the Ordinary Session**

1. The Assembly shall adopt its Agenda at the opening of each session.
2. The provisional Agenda and working documents of an Ordinary Session shall be prepared by the Commission sixty (60) days before the opening of the meeting and submitted to the PRC and Executive Council. The provisional Agenda shall comprise of the following:
  - a) Three (3) strategic policy issues;
  - b) Items proposed by a Member State provided that the proposal and the supporting document(s) and draft decision(s) have been communicated to the Chairperson of the Commission. Items proposed by Member States shall be subject to due process of prior analysis of policy, legal, financial and structural implications by the Commission before being submitted to the Assembly;
  - c) Items which the Assembly decided to place on its agenda.
3. The Assembly shall examine such items together with the recommendations of the Executive Council.

**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, only the following personalities shall be entitled to address the Assembly:
  - a) Head of State or Government of the Host Country;
  - b) Outgoing Chairperson;
  - c) Incoming Chairperson;
  - d) The Secretary General of the United Nations, in person;
  - e) The President of the State of Palestine, in person;
  - f) Chairperson of the Commission.
2. During the closing ceremony of sessions, the following personalities shall be entitled to address the Assembly:
  - a) Chairperson and/or Head of State or Government of the Host Country;
  - b) The Head of State or Government pronouncing the Vote of thanks.
3. The Assembly may invite any other personality. They should be provided with alternate platforms other than the opening to address the Heads of States and Government.
4. External parties shall only be invited on an exceptional basis and for a specific purpose determined by the interest of the African Union and the principle of reciprocity.

#### **RULE 11** **Extraordinary Sessions**

1. The Assembly may meet in extraordinary sessions upon the decision of the Assembly or at the request of 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 in writing 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 in writing to 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 offers to host the extraordinary session.

5. In the event a Member State invites the Assembly to hold an extraordinary session, Member State shall be responsible for all extra expenses incurred by the Commission as a result of the session being held outside the Headquarters.
6. Member States offering to host an extraordinary session 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.
7. Where two (2) or more Member States offer to host an extraordinary session, the Assembly shall decide on the venue by simple majority.
8. Where a Member State that had offered to host an extraordinary 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 12**

Agenda of

the

### **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**

#### **Mid-Year Coordination Meeting**

(to be aligned with the Adoption of the Rules of Procedure of the Mid-Year Coordination Meeting at the upcoming meeting of the Feb 2020).

### **RULE 14**

#### **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 15**

#### **Working Languages**

1. The working languages of the Assembly shall be, if possible, African languages, Arabic, English, French and Portuguese.
2. Subject to the Protocol on the Amendments to the Constitutive Act of the African Union, 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 16**

#### **Election of the Bureau**

1. The Bureau shall be composed of the Chairperson of the Union, the three (3) Vice-Chairpersons and the Rapporteur.
2. The Assembly shall elect the Bureau on the basis of rotation, and agreed geographical representation and after due regional consultations for a period of one (1) year.
3. The outgoing Chairperson shall be the Rapporteur.
4. The Member State assuming the Chairmanship shall be elected one (1) year in advance.

## **RULE 17**

### **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) preside and guide the proceedings of the sessions;
  - e) submit to a vote, where required, matters under discussion and announce the results of the vote taken;
  - f) rule on points of order;
  - g)** ensure order and decorum of the proceedings of the Assembly.
2. 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.
3. In the absence of the Chairperson or in case of a vacancy, one of the Vice-Chairperson or the Rapporteur shall act as the Chairperson in the order of their election.

## **RULE 18**

### **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 open sessions of the Assembly in their official capacity:
  - a) The Chairperson of the Commission, the Deputy Chairperson and the Commissioners;
  - b) Heads of the other organs of the Union;
  - c) The Chief Executives of the RECs.
3. The Assembly may invite any other personality to attend its open sessions.

**SECTION III  
DECISION-MAKING PROCEDURES**

**RULE 19  
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 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 of decisions by the Assembly by consensus.

**RULE 20  
Voting Right**

1. Each Member State shall have one (1) vote, subject to paragraph 2 of this rule.
2. Member States subject to sanctions under Articles 23 and 30 of the Constitutive Act shall not have the right to vote.

**RULE 21  
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 22  
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 23**  
**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 24**  
**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 25**  
**Voting at Elections**

Election shall be by secret ballot, except in respect to the election of the Bureau of the Assembly.

**RULE 26**  
**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 considered after the Commission has provided its financial, legal and structural implications.

**RULE 27**  
**List of Speakers and Use of Floor**

1. The Chairperson shall, subject to **Rule 36**, 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 paragraph 4 of this rule.
4. The Chairperson shall, on procedural questions, limit each intervention to a maximum of five (5) minutes.

**RULE 28**  
**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 substance of the issue under discussion.

**RULE 29**  
**Order of Procedural Motions**

Subject to **Rule 27**, 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 30**  
**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 31**  
**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 32**  
**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.

**SECTION IV**  
**ASSEMBLY DECISIONS**

**RULE 33**  
**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 by the Chairperson of the Commission 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 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.
2. The Assembly may also issue Recommendations which are intended to guide and harmonise the viewpoints of Member States.

**RULE 35**  
**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, subject to **Rule 34**.
2. Regulations and Directives shall be binding on Member States, Organs of the Union and RECs.
3. The non-implementation of Regulations and Directives shall attract appropriate sanctions in accordance with Article 23 and 30 of the Constitutive Act.
- 4.

**SECTION V**  
**SANCTIONS**

**RULE 36**  
**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:
    - i. the short-term arrears is six (6) months;
    - ii. the intermediate arrears is one (1) year; and
    - iii. the long-term arrears shall be two (2) years;
  - c) Sanctions shall be applied in three (3) 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 the intermediate arrears, which includes sanctions under the Constitutive Act; Rules of Procedure of the Assembly; Financial Rules and Regulations; and the 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 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.
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 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.
  4. The Assembly may consider requests from Member States experiencing circumstances of force majeure 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 37**

### **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 to 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 through the Executive Council.

**RULE 38**  
**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 Protocol Relating to the Establishment of the Peace and Security Council of the African Union, the African Charter on Democracy, Elections and Governance, Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government, the situations considered as unconstitutional change are:
  - 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 of the Union 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 Union, provided that exclusion from participating 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 OF THE COMMISSION**

**RULE 39  
Election of the Chairperson and Deputy Chairperson**

1. The Assembly shall elect the Chairperson of the Commission and the Deputy Chairperson by secret ballot and two-thirds majority of Member States eligible to vote.
2. The Chairperson of the Commission and the Deputy Chairperson 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 the Office of the Deputy Chairperson shall be circulated to Member States at least ten (10) months before the election.

The Chairperson of the Commission and the Deputy Chairperson shall not be from the same region. The principles of geographic rotation and gender parity shall be applied to the posts of Chairperson

4. 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 40 Selection and Election Timeline**

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

- a) The announcement of the candidatures for the Members of the Commission posts shall start in March of the year preceding the election of the new Commission;
- b) The independent assessment of candidates for Commissioners posts (August to December);
- c) The election and appointment of the Chairperson and the Deputy Chairperson by the Assembly (January/February).

#### **RULE 41 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 among other things present their 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.

## **RULE 42**

### **Termination of Appointment**

1. The Assembly may, by two-thirds majority, terminate the appointment of the Chairperson of the Commission, and/or the Deputy Chairperson 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/or 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 Assembly;
- g) The Assembly shall consider the matter and take a decision.

### **RULE 43**

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

1. The voting shall commence with the election of the Chairperson of the Commission, followed by his/her 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 Chairperson, 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 be withdrawn.
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 be withdrawn 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 to 6 above shall be applicable to all elections conducted by the Assembly in respect of other Organs of the Union.

### **RULE 44**

#### **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 45  
Implementation**

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

**RULE 46  
Amendments**

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

**RULE 47  
Entry into force**

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

**DRAFT  
RULES OF PROCEDURE OF THE EXECUTIVE COUNCIL**

**AS AMENDED ON .... JULY 2020**

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

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 six (6) Commissioners to be appointed by the Assembly;
  - f) conduct the procedure for the termination of the Commissioners;
  - g) elect members of the eligible organs;
  - h) take appropriate action on issues referred to it by the Assembly;



- i) examine the Programme and Budget of the Union and submit them to the Assembly for consideration;
  - j) promote cooperation and coordination with the RECs, the African Development Bank (ADB), other African Institutions and the United Nations Economic Commission for Africa (UNECA);
  - k) 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;
  - l) decide on the dates and venues of its sessions on the basis of criteria adopted by the Assembly;
  - m) appoint its Chairperson and the other members of the Bureau in conformity with the composition of the Bureau of the Assembly;
  - n) receive, consider and make recommendations on reports and recommendations from other Organs of the Union that do not report directly to the Assembly;
  - o) set up such ad-hoc committees and working groups as it may deem necessary;
  - p) consider the reports, decisions, projects and programmes of the Committees;
  - q) approve the Rules of the Committees, oversee, monitor and direct their activities;
  - r) consider the Staff Regulations and Rules, and the Financial Rules and Regulations of the Union and submit them to the Assembly for adoption;
  - s) approve the agreements for hosting the Headquarters, other Organs and Offices of the Union;
  - t) consider the structures, functions and Statute of the Commission and make recommendations thereon to the Assembly;
  - u) determine the conditions of service including salaries, allowances and pensions of the Staff of the Union;
  - v) 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.

## **SECTION II SESSIONS**

### **RULE 6**

#### **Ordinary Sessions**

The Executive Council shall meet twice a year in Ordinary Sessions.

### **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 Venue of the Ordinary Sessions**

1. The first Ordinary Session of the year shall immediately precede the Ordinary Session of the Assembly. It shall be held at the Headquarters.
2. In the event the second ordinary session of the year 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. 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 the second ordinary session of the year, the Executive Council shall decide on the venue by simple majority.
5. Where a Member State that had offered to host an ordinary 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 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 for consideration and/or decision;
  - (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. Such items proposed by Member States shall be subject to due process of prior analysis of policy, legal, financial and structural implications by the Commission before being submitted to the Executive Council;
  - (h) Any Other Business which shall be for information purposes only and shall not be subject to debate or decision.
3. The Executive Council shall examine such items together with the recommendation of the PRC, if any.

**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) 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 and/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 may 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 Working languages of the Executive Council shall be, if possible, African languages, Arabic, English, French and Portuguese.

#### **Subject to the Protocol on the Amendments to the Constitutive Act of the African Union, the**

2. Executive Council shall determine the process and practical modalities for the use of the 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**

#### **Bureau**

The Bureau of the Executive Council shall conform to the composition of the Assembly.

### **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) preside and 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;
  - g) ensure order and decorum of the proceedings of the Executive Council.
2. 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 her/her Deputy Chairperson and the Commissioners;
  - b) 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**

##### **Voting Right**

1. Each Member State shall have one vote, subject to paragraph 2 of this rule.
2. Member States, subject to sanctions under Articles 23 and 30 of the Constitutive Act, shall not have the right to a vote.

#### **RULE 21**

##### **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 22**

##### **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 23**

##### **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 24**

##### **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 25**

#### **Voting at Elections**

Elections shall be by secret ballot, except in respect of the Bureau, which are in conformity with the composition of the Assembly.

### **RULE 26**

#### **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 considered after the Commission has provided its financial, legal and structural implications.

### **RULE 27**

#### **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 28**

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

1. The Chairperson shall, subject to **Rule 36** of the Rules of Procedures of the Assembly of the African Union, 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 paragraph 4 of this rule.
4. The Chairperson shall, on procedural questions, limit each intervention to a maximum of five (5) minutes.

#### **RULE 29 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 30 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 31 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 32 Order of Procedural Motions**

Subject to **Rule 28**, 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.

## **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 or to individuals, to undertakings. 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.
2. The Executive Council may also issue Recommendations, which are intended to guide and harmonise the viewpoints of Member States.

### **RULE 35 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.

3. The non-implementation of Regulations and Directives shall, after approval by the Assembly, attract appropriate sanctions in accordance with Article 23 and 30 of the Constitutive Act.

### **RULE 36 Sanctions**

As specified under **Rules 36, 37 and 38** of the Rules of Procedure of the Assembly of the African Union, 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.

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

### **RULE 37 Commissioners**

1. The Executive Council shall, in accordance with the Rules of Procedure of the Assembly and the Statute of the Commission, elect six (6) Commissioners on the basis of equal geographical distribution and submit the names to the Assembly for appointment. The six (6) Commissioners level posts shall be equally distributed by gender and across the three (3) 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:

- 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 be from August to December;
- c. The election and appointment of the Commissioners shall be in January/February.

**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 be withdrawn.
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 be withdrawn and the remaining candidate shall proceed to the next round.
4. If the remaining candidate, fails to obtain the two-thirds majority required in that round, the Chairperson shall suspend the election.
5. Where there is only one (1) candidate initially and he she fails to obtain the two-thirds majority required after the third ballot, the Chairperson shall suspend the election.
6. This voting procedure shall be applicable to all elections conducted by the Executive Council in respect of other Organs of the Union.

**RULE 40**  
**Termination of Appointment**

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 (3) to six (6) 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.

### **CHAPTER III FINAL PROVISIONS**

#### **RULE 41 Financial Year**

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

#### **RULE 42 Implementation**

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

#### **RULE 43 Amendments**

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

#### **RULE 44 Entry into Force**

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

**DRAFT**  
**STATUTE OF THE COMMISSION OF THE AFRICAN UNION**

**AS AMENDED ON .... JULY 2020**

## **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 Statute:

- a) **“Assembly”** means the Assembly of Heads of State and Government of the African Union;
- b) **“Chairperson”** means the Chairperson of the Commission unless otherwise specified;
- c) **“Commission”** means the Secretariat of the African Union;
- d) **“Committee”** means a Specialized Technical Committee of the African Union;
- e) **“Constitutive Act ”** means the Constitutive Act of the African Union;
- f) **“Council”** means the Economic, Social and Cultural Council of the African Union;
- g) **“Court”** means the Court of Justice of the African Union;
- h) **“Deputy Chairperson”** means the Deputy Chairperson of the Commission unless otherwise specified;
- i) **“Executive Council”** means the Executive Council of Ministers of the African Union;
- j) **“Member State”** means a Member State of the African Union;
- k) **“Members of the Commission”** means the Chairperson, the Deputy Chairperson and the Commissioners;
- l) **“PRC”** means Permanent Representatives’ Committee of the African Union;
- m) **“PSC”** means the Peace and Security Council of the African Union;
- n) **“RECs”** means the Regional Economic Communities;
- o) **“Union”** means the African Union established by the Constitutive Act.

## **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.

## **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 this Statute.
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;
- 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 Pan-African 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 Regulations and Rules 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**

1. The election of Members of the Commission shall be governed by the Rules of Procedure of the Assembly, of the Executive Council and this Statute.

2. The regions from which the Chairperson and the Deputy Chairperson are **appointed**, shall not be eligible for consideration for the six (6) remaining Commissioner posts. The other three (3) regions shall be entitled to two (2) Commissioners each, equally distributed by gender.

### **Article 7 The Chairperson**

1. The functions and responsibilities of the Chairperson shall be:
  - a) Chief Executive Officer of the Union;
  - b) Legal Representative of the Union;
  - c) Accounting Officer of the Union.
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 Regulations and Rules and Financial Rules and Regulations to the Executive Council, for consideration;
  - 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 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 20**;
- 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) report to the Executive Council, through the PRC, cases of non-compliance with the rules and regulations of the Union;
  - x) carry out such other functions as may be determined by the Assembly or the Executive Council;
  - y) supervise the functioning of the Headquarters and other offices of the Union;
  - z) coordinate all activities and programmes of the Commission related to gender issues;
  - aa) recommend to the Executive Council, through written notification to the Bureau, the termination of appointment of Commissioners.
2. In case of an unconstitutional change of Government, the Chairperson, in consultation with the Chairperson of the Union, 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.
3. 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.
4. 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 9 The Deputy Chairperson**

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.

### **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.
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.

### **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:
  - 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.

### **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.
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
3. 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 14 (3)**.

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

1. The following principles shall guide the selection process of the Members 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.
2. 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.
  3. 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.
  4. The regions with candidates that are elected to the position of the Chairperson or the Deputy Chairperson shall not be eligible for consideration for the six remaining Commissioner posts.

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

1. The Panel of Eminent Africans shall be composed of five (5) eminent personalities, one (1) per region.
2. The Panel of Eminent Africans shall oversee the pre-selection of candidatures of the Member 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 Member 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 Members of the Commission shall be as follows:

- a) The announcement of the Candidates for the Member of the Commission posts shall start in March of the year preceding the election of the new Commission.
- b) 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.
- c) The independent assessment of candidates for Commissioners shall start from August to December.
- d) The election and appointment of the Chairperson and the Deputy Chairperson in January/February by the Assembly.
- e) The election of the Commissioners in January/February by the Executive Council.

#### **Article 17**

#### **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 criterion of thirty-five (35) years shall apply.

**Article 18**  
**Voting Procedure for Election of Commissioners**

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.
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 be withdrawn.
3. If after three (3) further ballots neither of the two (2) candidates obtains the majority required, the candidate with the fewer votes shall be withdrawn.
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 this Statute.
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 paragraph 4 above shall apply.

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

The Commission shall adopt its own Rules of Procedure.

**Article 20**  
**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 pursuant to the terms of mechanisms and procedures contained in the Staff Regulations and Rules.
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 one (1) year 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 in accordance with the Staff Regulations and Rules , 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 Regulations and Rules. The type of misconduct to attract disciplinary measures shall be spelt out in the Staff Regulations and Rules to be drawn up by the Commission and considered by the Executive Council for approval by the Assembly.

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 calibre of employees.

**Article 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 the Privileges and Immunities of the Organisation of African Unity and the Vienna Convention on Diplomatic Relations.

**Article 22**  
**Property, Funds and Assets**

1. The property, funds and assets of the Union wherever located shall enjoy immunity from every form of legal process except insofar as in any particular case the Union has expressly waived its immunity. No waiver of immunity shall extend to any measure of execution.
2. The property and assets of the Union wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

**FINANCES OF THE UNION**

**Article 23**  
**Programme and Budget**

1. The Commission shall prepare the Programme and Budget of the Union every two (2) years and shall submit to the Assembly, through the PRC and the Executive Council for consideration and adoption.

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 this Statute;
  - 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 24 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 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 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 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 special funds as provided for in **Article 26** of this Statute. Monetary donations for no specific purposes shall be considered as miscellaneous income.

### **Article 28 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 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 Amendments**

This Statute of the Commission may be amended by the Assembly.

**Article 31**  
**Entry into Force**

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



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

**AS AMENDED ON .... JULY 2020**

**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:

- a) **“Assembly”** means the Assembly of Heads of State and Government of the African Union;
- b) **“Chairperson”** means the chairperson of the PRC unless otherwise specified;

- c) **“Commission”** means the Secretariat of the African Union;
- d) **“Committee”** means a Specialized Technical Committee of the African Union;
- e) **“Constitutive Act”** means the Constitutive Act of the African Union;
- f) **“Executive Council”** means the Executive Council of Ministers of the African Union;
- g) **“Member State”** means a Member State of the African Union;
- h) **“PRC”** means the Permanent Representatives’ Committee of the African Union;
- i) **“RECs”** means the Regional Economic Communities;
- j) **“Union”** means the African Union established by the Constitutive Act;
- k) **“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-committees.
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**

1. The sessions of the PRC shall be held at the Headquarters of the Union at least once a month.
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, 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 that 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 Working languages of the PRC shall be, if possible, African languages, Arabic, English, French and Portuguese.
2. Subject to the Protocol on the Amendments of the Constitutive Act of the African Union, the Executive Council shall determine the process and practical modalities for the use of official languages as working languages.

### **Rule 11 Bureau**

The Bureau of the PRC shall conform to the composition of the Assembly and 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) preside and 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 Voting Rights**

1. Each Member State shall have one vote, subject to Paragraph 2 of this rule.
2. Member States subject to sanctions in terms of Articles 23 and 30 of the Constitutive Act, shall not have the right to vote.

#### **Rule 15 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 16 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 17**

#### **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 18**

#### **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.

#### **Rule 19**

#### **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 20**

#### **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 21**

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

1. The Chairperson shall, subject to **Rule 36** of the Rules of Procedures of the Assembly of the African Union, 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 paragraph 4 of this rule.
4. The Chairperson shall, on procedural questions, limit each intervention to a maximum of five (5) minutes.

### **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) 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 motion shall be permitted. The Chairperson shall immediately put such motion to a vote.

### **Rule 25 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:

- 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.

## **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 BY THE ..... ORDINARY SESSION OF THE  
ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA,  
IN JULY 2020**

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2020-07-22

# Rules of Procedure of the Assembly Rules of Procedure of the Executive Council the Statute of the Commission Rules of Procedure of the Permanent Representatives' Committee as Amended on July 2020

African Union

DCMP

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