

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: www.au.int

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**DRAFT RULES OF PROCEDURE OF THE HEADS OF STATE AND
GOVERNMENT OF PARTICIPATING STATES OF THE AFRICAN
PEER REVIEW MECHANISM (APR FORUM)**



**DRAFT RULES OF PROCEDURE OF THE HEADS OF STATE AND
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PREAMBLE

The Assembly,

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

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

RECALLING, the Assembly Decision, Assembly/AU/Dec.198 (XI) and Assembly Decision/AU/Dec.527 (XXIII) on the integration of the APRM into the African Union

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

HEREBY ADOPTS THESE RULES OF PROCEDURE:

SECTION I: GENERAL PROVISIONS

RULE 1 Definitions

In these Rules:

“**APR**” means the African Peer Review;

“**APRM**” means the African Peer Review Mechanism;

“**APR Forum**” means the Committee of Heads of State and Government of Participating States of the African Peer Review Mechanism;

“**APR Focal Points Committee**” means the Ministerial body comprising of the Personal Representatives of the Heads of State and Government of Participating States of the African Peer Review Mechanism;

“**APR Focal Point**” means the National Focal Point for the African Peer Review Mechanism in each Participating State;

“**APR Panel**” means the Panel of Eminent Persons of the African Peer Review Mechanism;

“**APRM Secretariat**” means the Continental Secretariat of the African Peer Review Mechanism;

“**Assembly**” means the Assembly of Heads of State and Government of the African Union;

“**AU**” means the African Union;

“**AUDA-NEPAD**” means the African Union Development Agency-New Partnership for Africa’s Development;

“**CEO**” means Chief Executive Officer of the Secretariat of the African Peer Review Mechanism;

“**Chairperson**” means the Chairperson of the APR Forum;

“**Commission**” means the Commission of the African Union;
“**Constitutive Act**” means the Constitutive Act of the African Union;
“**ECOSOCC**” means the Economic, Social and Cultural Council of the African Union;
“**Executive Council**” means the Executive Council of the African Union;
“**Member States**” means Member States of the African Union;
“**NGC**” means the National APRM Governing Council;
“**Participating States**” means Member States that have voluntarily acceded to the African Peer Review Mechanism;
“**PRC**” means the Permanent Representatives’ Committee of the African Union;
“**RECs**” means the Regional Economic Communities;
“**RMs**” means Regional Mechanisms;
“**Statute**” means the Statute of the African Peer Review Mechanism;
“**Union**” means the African Union, and;
“**Vice-Chairperson**” means the Vice-Chairperson of the APR Panel Forum.

RULE 2

Status

1. The APR Forum shall be the highest governing structure of APRM, to provide political leadership and strategic guidance and shall serve as a Sub-Committee of the Assembly.
2. The APR Forum shall report its conclusions and recommendations to the Assembly for consideration and adoption.

RULE 3

Composition

1. The APR Forum shall be comprised of all Heads of State and Government of the Participating States of APRM.

RULE 4

Powers and Functions

The APR Forum shall:

- a) consider voluntary country review and activity reports submitted to it by the APRM Panel;
- b) consider recommendations on APRM activities made by the Focal Points Committee and submit its recommendations to the Assembly;
- c) nominate Members of the APR Panel, its Chairperson and Vice-Chairperson for endorsement by the Assembly;

- d) consider and recommend the appointment of the CEO of the APRM Secretariat and shall submit its recommendation to the Assembly for final decision;
- e) make recommendations to the Assembly on the termination of the CEO's contract in case of failure to carry out the mandate of the mechanism;
- f) contribute to the enhancement of Africa's common positions and voice on governance issues; and
- g) establish *ad-hoc* working groups, as it may deem necessary;

SECTION II: SESSIONS OF THE APR FORUM

Rule 5

Ordinary Sessions of the APR Forum

The APR Forum shall meet in Ordinary Sessions on the margins of the Ordinary Session of the Assembly of the AU.

RULE 6

Venue

The APR Forum Ordinary Sessions shall be held at the same venue as that of the Sessions of the Assembly

RULE 7

Open and Closed Sessions

All the sessions of the APR Forum shall be closed. The APR Forum may, however, decide by two-thirds majority whether any of its sessions shall be open.

RULE 8

Attendance and Participation

1. The Members of APR Forum shall endeavor to participate personally in the sessions of the APR Forum. In the event that they are not in a position to attend personally, duly accredited representatives shall represent them.
2. The following shall also attend the sessions of the APR Forum in their official capacity:
 - a) Chairperson of the AU;
 - b) Chairperson and Deputy Chairperson of the Commission and Commissioners;

- c) Heads of relevant organs and other bodies of the AU;
 - d) CEO of the APRM; and
 - e) CEO of the RECs/RMs.
3. The APR Forum may, after due consideration, invite multilateral development institutions and/or any other partners or eminent African personalities with observer status to attend the session of the APR Forum subject to the agenda items under consideration.

RULE 9

Opening and Closing Ceremonies

1. During the opening ceremonies of each session, the following shall be entitled to address the APR Forum:
 - a) Head of State or Government of the Host Country;
 - b) Chairperson of the AU;
 - c) Chairperson of the APR Forum;
 - d) Chairperson of the Commission;
 - e) Chairperson of the APR Panel, and
 - f) CEO.
2. During the closing ceremony, the Chairperson of the APR Forum shall address the session.
3. The APR Forum may, after due consideration, invite any other high personality to address the APR Forum at the opening and closing ceremonies.

RULE 10

Provisional agenda for Ordinary Sessions

1. The provisional agenda of ordinary sessions shall be drawn up by the APRM Secretariat after consultation with the APR Focal Points Committee and to be submitted to the Chairperson for approval.
2. The provisional agenda of ordinary sessions may comprise of the following:
 - a) items which the APR Forum decides to place on its agenda;
 - b) voluntary country review reports;
 - c) report of the APR Focal Points Committee;
 - d) report of the APR Panel;
 - e) items proposed by a Member State, provided that the proposal is submitted to the APRM Secretariat at least sixty (60) days prior to the opening of the session in addition to the supporting document(s).

3. The CEO, in consultation with the Chairperson of the APR Forum, shall communicate the provisional Agenda of an ordinary session to the Member States at least thirty (30) days before the opening of the session.
4. The APR Forum shall adopt the Agenda of the ordinary session at the opening of each session.

RULE 11

Extraordinary Sessions of the APR Forum

1. The APR Forum shall meet in an Extraordinary Session at the request of the Chairperson of the APR Forum. The extraordinary session shall be held upon approval by a two-thirds majority of the Members of APR Forum.
2. The CEO, in consultation with the Chairperson of the APR Forum, shall notify all Participating States of the request within seven (7) working days of the receipt of such request and advise them to communicate, in writing, their response within seven (7) days.
3. If the specified period in paragraph 2 of this Rule has elapsed and the two-thirds majority required has not been attained, the CEO shall notify all Members that the Extraordinary Session shall not take place.
4. The Extraordinary Sessions of the APR Forum shall be held at the Headquarters of the APRM unless a Participating State invites APR Forum to hold the session in its country.
5. In the event that a Participating State undertakes to hold a session of the APR Forum in its country, the host country shall be responsible for all extra expenses incurred as a result of the session being held outside the APRM Headquarters.
6. Participating States offering to host extra ordinary sessions of the APR Forum shall not be under AU sanctions and shall be required to meet pre-determined criteria of the AU for hosting.
7. Where a Participating State that had offered to host extraordinary session of the APR Forum is unable to do so, a new venue shall be determined through appropriate consultations between the Chairperson of the APR Forum and the CEO of the APRM Continental Secretariat, subject to the provisions of sub-rule 5.

RULE 12

Provisional Agenda for Extraordinary Sessions

1. The CEO, in consultation with the Chairperson of the APR Forum, shall communicate the provisional Agenda of an extraordinary session to the

Participating States at least fifteen (15) days before the opening of the session.

2. The Agenda of an Extraordinary Session shall comprise only of the item(s) submitted for consideration in the request for convening the session.
3. The APR Forum shall adopt the Agenda of the Extraordinary Session at the opening of the session.

RULE 13 Other Agenda Items

Additional agenda items, which a Member of the APR Forum wishes to raise at a session of the APR Forum, 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 14 Quorum

The quorum for a session of the APR Forum shall be two-thirds of the total membership of the APR Forum.

SECTION III: ELECTION, TERM OF OFFICE AND POWERS AND DUTIES

RULE 15 Election and Term of Office of the Chairperson of the APR Forum

1. The Chairperson of the APR Forum shall be elected on the basis of geographic rotation among the five (5) regions of the African Union;
2. The term of office of the Chairperson shall be two (2) years non – renewable.
3. The APR Forum shall operate under the guidance of Troika led by the Current Chairperson, who is assisted by the immediate Outgoing Chairperson and the Incoming Chairperson, all drawn from among the participating Heads of State and Government.

Rule 16 Powers and Duties of the Chairperson of the APR Forum

1. The Chairperson shall:
 - a) convene the sessions of the APR Forum;
 - b) open and close the sessions of the APR Forum;

- c) submit for approvals the records of sessions for consideration by the Assembly after consultation with the CEO;
 - d) obtain consensus on matters before the APR Forum;
 - e) rule on points of order; and
 - f) present APR Forum conclusions and recommendations to the Assembly for consideration and adoption.
2. The Chairperson shall ensure order and decorum of the proceedings of the APR Forum.
 3. In between sessions, the Chairperson of APR Forum, in consultation with the Chairperson of the Commission and the CEO, shall represent the APR Forum as deemed appropriate.
 4. In the absence of the Chairperson of the APR Forum or in case of a vacancy, the incoming Chairperson of the Troika shall act as the Chairperson of the APR Forum.

SECTION IV: DECISION MAKING PROCEDURES

RULE 17

Majority Required for Decision-making

1. The APR Forum shall take all its decisions by consensus or failing which, by a two-thirds majority of the Members eligible to vote.
2. Decision on questions of procedure and whether or not a question is one of procedure shall be taken by a simple majority of the Members eligible to vote.
3. Abstentions by the Members eligible to vote shall not prevent the adoption of decisions by consensus by the APR Forum.

RULE 18

Voting Rights and Methods of Voting

1. Each Member in the APR Forum shall have one (1) vote.
2. Voting shall be taken by secret ballot or any method as may be determined by the APR Forum.
- 3.

RULE 19

List of Speakers and Use of Floor

1. The Chairperson, during debates, shall give the floor in the order in which speakers indicate their intention.

2. 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 on the issue under discussion subject to Paragraph 3 of this Rule.
3. The Chairperson shall, on procedural questions, limit each intervention to a maximum period of three (3) minutes.

RULE 20
Point of Order

1. During deliberations on any item, a Participating State may raise a point of order. The Chairperson shall immediately decide on the point of order.
2. The Member 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 concerned shall not speak on the substance of the issue under discussion.

RULE 21
Closure of Debate

1. When a matter has been sufficiently discussed, or, a Participating 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 Participating States may briefly speak in favour of and two (2) others against such motion.
2. The Chairperson shall immediately thereafter put the motion to a vote.

RULE 22
Adjournment of Debate

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

RULE 23
Suspension or Adjournment of the Meeting

During the discussion of any matter, a Member 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 simple majority vote.

RULE 24
Order of Procedural Motions

1. Subject to Rule 20, the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:
 - a) suspension of the meeting;
 - b) adjournment of the meeting;
 - c) adjournment of the debate on the item under discussion; and
 - d) closure of the debate on the item under discussion.

RULE 25
Conclusions and Recommendations to the Assembly

1. The Chairperson shall present the report including conclusions and recommendations of the APR Forum to the Assembly for consideration and decision.
2. The APR Forum conclusions and recommendations adopted by the Assembly shall become Assembly Decisions.

SECTION V: FINAL PROVISIONS

RULE 26
Implementation

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

RULE 27
Working Languages

The working languages of the APR Forum shall be those of the AU.

RULE 28
Amendments

1. The APR Forum may propose the amendment of these Rules.

2. The Assembly shall adopt the amendments by a two-thirds majority after finalization by AU processes.

RULE 29
Authentic Texts

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

RULE 30
Entry into Force

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

Adopted by the.....Ordinary Session of the Assembly
held in

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Draft Rules of Procedure of the Heads of State and Government of Participating States of the African Peer Review Mechanism (APR Forum)

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