

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

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 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 Commissioners to be appointed by the Assembly*;

* It was recommended that the members of the African Commission on Human and Peoples' Rights and the members of the African Committee of Experts on the Rights and Welfare of the Child be elected by the Executive Council upon delegation of power in

- (f) elect members of the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child and submit to the Assembly for appointment;
- (g) take appropriate action on issues referred to it by the Assembly;
- (h) examine the Programme and Budget of the Union and submit them to the Assembly for consideration;
- (i) promote cooperation and coordination with the Regional Economic Communities, the African Development Bank (ADB), other African Institutions and the United Nations Economic Commission for Africa (UNECA);
- (j) 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;
- (k) decide on the dates and venues of its sessions on the basis of criteria adopted by the Assembly;
- (l) elect its Chairperson and the other office bearers;
- (m) receive, consider and make recommendations on reports and recommendations from other Organs of the Union that do not report directly to the Assembly;
- (n) set up such ad-hoc committees and working groups as it may deem necessary;
- (o) consider the reports, decisions, projects and programmes of the Committees;
- (p) approve the Rules of the Committees, oversee, monitor and direct their activities;
- (q) consider the Staff Rules and Regulations and the Financial Rules and Regulations of the Commission and submit them to the Assembly for adoption;
- (r) approve the agreements for hosting the Headquarters, other Organs and Offices of the Union;

accordance with the provisions of Article 9 (2) of the Constitutive Act and appointed by the Assembly.

- (s) consider the structures, functions and Statutes of the Commission and make recommendations thereon to the Assembly;
 - (t) determine the conditions of service including salaries, allowances and pensions of the Staff of the Union;
 - (u) 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 Venue

1. The Sessions of the Executive Council shall be held at the Headquarters of the Union unless a Member State invites the Executive Council to hold a session in its country, provided that the Executive Council holds a session at the Headquarters at least once every two years.
2. In the event a Member State invites the Executive Council to hold a session in its country, that 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 Executive Council, including adequate logistical facilities and a conducive political atmosphere.
4. Where two or more Member States offer to host a session, the Executive Council shall decide on the venue by simple majority.
5. Where a Member State that had offered to host a session of the Executive Council is unable to do so, the session shall be held at the Headquarters of the Union.

RULE 7

Quorum

The quorum for a session shall be two-thirds of the Member States.

RULE 8 **Ordinary Sessions**

1. The Executive Council shall meet twice a year in February and July, or in exceptional cases, on such other dates as shall be agreed, at the initiative of the Commission, in consultation with the Chairperson and Member States.
2. The Executive Council shall examine the Programme and Budget for the next Biennium during its session immediately preceding the session of the Assembly.

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;
 - (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;
- (h) Any Other Business which shall be for information purposes only and shall not be subject to debate or decision.

3. The Provisional Agenda shall be divided into two parts as follows:

- Part A: Items for adoption without discussions are those on which the PRC has reached agreement and for which approval by the Executive Council is possible without discussion,
- Part B: Items for discussion are those on which agreement has not been reached by the PRC, requiring debate before approval by the Executive Council.

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 of the Executive Council;
 - c) Incoming Chairperson of the Executive Council;
 - d) The Executive Secretary of the United Nations Economic Commission for Africa;
 - e) Chairperson of the Commission.
2. During the closing ceremony of sessions, the following personalities shall be entitled to address the Executive Committee:

- a) Chairperson of the Executive Council;
- b) Minister of Foreign Affairs of the host country, if not the Chairperson of the Executive Council;
- c) The personality pronouncing the Vote of Thanks.

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 shall meet in an extraordinary session at the request of the Chairperson, any Member State or the Chairperson of the Commission in consultation with the Chairperson of the Assembly. 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.

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, Portuguese, and Spanish.
2. 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
Chairperson

1. The sessions of the Executive Council shall be chaired by the Minister of Foreign Affairs or any competent authority whose country is the Chairperson of the Assembly. He/she shall be assisted by other members of the Bureau, namely, three (3) Vice-Chairpersons and a Rapporteur, elected on the basis of agreed geographical distribution after due consultations.
2. Where the Executive Council accepts an invitation from a Member State in conformity with the criteria adopted by the Assembly, the Minister of Foreign Affairs of the host country shall have the right to preside over the Executive Council.

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) 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 Executive Council.
 3. 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.
 4. 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 and the Deputy Chairperson of the Commission, and the Commissioners;
 - b) the President of the Parliament and 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. Questions of procedure shall require a simple majority of Member States eligible to vote.
3. 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
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, prior to it being submitted to a vote, 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 adopted after the Commission has provided its financial implications.

RULE 21
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 22
List of Speakers and Use of Floor

1. The Chairperson shall, subject to Article 23, 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 rule 4 herein.
4. The Chairperson shall, on procedural questions, limit each intervention to a maximum of five (5) minutes.

RULE 23

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 Member States may briefly speak in favour of and two others against such motion. The Chairperson shall immediately thereafter put the motion to a vote.

RULE 24

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 Member State may speak in favour of and one against the motion. The Chairperson shall immediately thereafter put the motion to a vote.

RULE 25

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 26
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) to suspend the meeting;
- b) to adjourn the meeting;
- c) to adjourn the debate on the item under discussion;
- d) to close the debate on the item under discussion.

RULE 27
Voting Rights

1. Each Member State shall have one vote, subject to sub rule 2 herein.
2. Member States, subject to sanctions under Article 23 of the Constitutive Act, shall not have the right to a vote.

RULE 28
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 29
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 30

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 31

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 32

Voting at Elections

Elections shall be by secret ballot, except in respect of the Chairperson of the Executive Council, the Vice-Chairpersons and the Rapporteur.

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 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, 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;
 - c) Recommendations, Declarations, Resolutions, Opinions etc: These are not binding and are intended to guide and harmonise the view points of Member States;
2. The non-implementation of Regulations and Directives shall, after approval by the Assembly, attract appropriate sanctions in accordance with Article 23 of the Constitutive Act.

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 as well as Regional Economic Communities.

RULE 36
Sanctions

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; as specified in Rules 35, 36, and 37 of the Rules of Procedure of the Assembly.

CHAPTER II

APPOINTMENT OF MEMBERS OF THE COMMISSION

RULE 37

Commissioners

1. The Executive Council shall, in accordance with the Rules of the Assembly and the Statutes of the Commission, elect eight (8) Commissioners on the basis of equal geographical distribution and submit the names to the Assembly for appointment. In this regard, the respective regions from which the Chairperson and the Vice-Chairperson shall be appointed by the Assembly, shall be entitled to only one (1) Commissioner each.
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

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 withdraw.
3. The remaining candidate shall proceed to the next round. If he/she fails to obtain the two-thirds majority required in that round, the Chairperson of the Executive Council shall suspend the election.

CHAPTER III

FINAL PROVISIONS

RULE 39

Financial Year

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

RULE 40
Implementation

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

RULE 41
Saving Clause

These Rules shall not affect decisions of the Council of Ministers of the OAU whose implementation has not started or has started but has not been completed provided that such decisions are not inconsistent with the provisions of the Constitutive Act.

RULE 42
Amendments

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

RULE 43
Entry into Force

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

AFRICAN UNION
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RULES OF PROCEDURE OF THE
EXECUTIVE COUNCIL