

AFRICAN UNION
الاتحاد الأفريقي



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REV .3

DRAFT

**RULES OF PROCEDURE OF THE PEACE AND
SECURITY COUNCIL OF THE AFRICAN UNION**

DRAFT RULES OF PROCEDURE OF THE PEACE AND SECURITY COUNCIL

GENERAL PROVISION

THE ASSEMBLY OF THE UNION,

Having regard to the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, and in particular Article 8 thereof,

HAS ADOPTED THESE RULES OF PROCEDURE:

RULE 1 Definitions

In these Rules:

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

“Chairperson” means the Chairperson of the Peace and Security Council unless otherwise specified;

“Commission” means the Commission of the African Union;

“Constitutive Act” means the Constitutive Act of the African Union;

“Council” means the Peace and Security Council of the African Union;

“Member” means a member of the Peace and Security Council of the African Union;

“Member States” means Member States of the African Union;

“Regional Mechanisms” means the African Regional Mechanisms for Conflict Prevention, Management and Resolution;

“Representative” means a representative of a Member State, Organ of the Union or Regional/International organization, and any other representative invited to attend meetings of the Council;

“Protocol” means the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;

“Union” means the African Union.

RULE 2 Level and Periodicity of Meetings

The Council shall meet at three (3) levels; Permanent Representatives, Ministers and Heads of State and Government. The Permanent Representatives shall meet as often as required but at least twice a month and the Ministers and Heads of State and Government shall meet at least once a year, respectively.

RULE 3 Venue

1. The meetings of the Council shall be held at the Headquarters of the Union.

In the event a Member State invites the Council to meet in its country, provided that two-thirds of the Council members agree, that Member State shall defray the additional expenses incurred by the Commission as a result of the meeting being held outside the Headquarters of the Union.

RULE 4 Convening of Meetings

1. The Chairperson shall call a meeting of the Council at anytime he/she deems necessary.
2. Meetings of the Council shall also be convened by the Chairperson at the request of any one of the following:
 - a. the Chairperson of the African Union;
 - b. a member of the Peace and Security Council; and
 - c. the Chairperson of the Commission of the African Union.

RULE 5 Quorum

The quorum for a meeting of the Council shall be two-thirds of its total membership.

RULE 6 Agenda

1. The provisional agenda of the Council shall be determined by the Chairperson of the Council on the basis of proposals submitted by the Chairperson of the Commission and Member States. The inclusion of any item in the provisional agenda may not be opposed by a Member State.
2. The Chairperson of the Council may receive for his / her consideration for inclusion in the provisional agenda of a meeting of the Council, proposals from any of the persons listed in Rule 4(2) above.
3. The first item on the provisional agenda for each meeting shall be the adoption of the agenda.
4. The provisional agenda for a meeting shall be communicated to all the members of the Council by the Chairperson of the Commission at least three (3) days before the meeting except in emergency situations. The provisional agenda shall also be available to other Member States.

RULE 7
Other Agenda Items

1. Any item on the agenda of a meeting of the Council, consideration of which has not been completed at the meeting, shall, unless the Council decides otherwise, automatically be included in a list of the items of which the Council is seized, such list to be maintained and updated by the Chairperson of the Commission, until resumption of consideration of that item is called for under the provisions of Rule 6 above.
2. The Chairperson of the Commission shall issue and circulate to Member States on a monthly basis, a summary report listing all such items of which the Council is seized, indicating the stage reached in their consideration.
3. The Chairperson of the Commission shall issue and circulate to Member States a statement indicating any item on the list of items of which the Council is seized, consideration of which has not been resumed for a period of two years. Thereafter, such item shall automatically be deleted from the list, unless any Member State requests within a specified period of time as determined by the Council.

RULE 8
List of Speakers and Use of Floor

1. The Chairperson shall maintain a list of speakers at all meetings and call upon them in the order in which they have signified their desire to speak.
2. Notwithstanding the provisions of (1) above, the Chairperson may at any time during the proceedings accord precedence to the Chairperson of the Commission or his/her duly authorized representative, the Chairperson of any Organ of the Union, or any other person appointed by the Council for a particular assignment.

RULE 9
Point of Order

1. If a member raises a point of order, the Chairperson shall immediately state his / her ruling. If the ruling is challenged, the Chairperson shall submit it to the Council for immediate decision.
2. In raising a point of order, the member shall not speak on the substance of the issue of the discussion.

RULE 10
Proposals/Substantive Motions/ Amendments

Proposals, substantive motions and amendments shall normally be in writing and shall be put to the members in the order in which they are

received by the Chairperson. Parts of any proposals, motion or amendment may be voted on separately at the request of any member, unless the original mover objects. If the original mover objects, the objection shall be put to the vote as a procedural matter.

RULE 11
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 motion shall be permitted. The Chairperson shall immediately put such motion to a vote.

RULE 12
Order of Procedural Motions

Subject to Rule 11 above, 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 13
Vote on Motions/Proposals

Any motion or proposal by a member of the Council shall be seconded before being put to a vote.

A motion or proposal can at any time be withdrawn so long as no vote has been taken with respect to it. If the motion or proposal has been seconded, the member of the Council who has seconded it may require that it be put to the vote as his / her motion or proposal with the same right of precedence as if the original mover had not withdrawn it.

RULE 14
Vote on Amendments

If two or more amendments to a motion or proposal are made, the Chairperson shall rule on the order in which they are to be voted upon. Ordinarily, the Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed until all amendments have been put to the vote, but when an amendment adds to or deletes from the text of a motion or proposal, that amendment shall be voted on first.

RULE 15

Meetings

1. The Council shall hold closed meetings.
2. The Council may decide to hold open meetings and may invite to participate, without a right to vote, in the discussion under its consideration:
 - a. Any Member State of the African Union, which is not a member of the Council, when the interests of that Member States are specifically affected, or when a Member State brings to the attention of the Council a matter that threatens national or regional peace and security;
 - b. Any Regional Mechanism, international organization or civil society organization, which is involved and/or interested in a conflict or situation related to the discussion under consideration by the Council.
3. Any Member State of the African Union invited in accordance with (2)(a) above to participate in the discussions of the Council may submit, through a member of the Council, proposals and draft decisions for consideration. Such proposals and draft decisions may be put to a vote by the Council.
4. The Council may also invite the media to attend its open meetings.

RULE 16 Informal Consultations

The Council may hold informal consultations with parties concerned by or interested in a conflict or a situation under its consideration, as well as with Regional Mechanisms, international organizations and civil society organizations as may be needed for the discharge of its responsibilities.

RULE 17 Working Languages

The working languages of the Council shall be the working languages of the Union.

RULE 18 Representation for Members of the Council

Each member of the Council shall be represented at the meeting of the Council by its Permanent Representative, or in his/her absence, by a duly accredited representative. The credentials of a representative on the Council shall be communicated to the Chairperson of the Commission at least twenty-four hours before the representative takes his / her seat on the Council. The credentials shall be issued either by the Head of State or Government concerned or by its Minister of Foreign Affairs or any other competent

national authority. However, the Heads of Government or Ministers of Foreign Affairs of members of the Council shall be entitled to participate in the deliberations of the Council without submitting credentials.

RULE 19
Representation for Non-Members of the Council

Any Member State of the African Union not a member of the Council; any Organ of the Union; or any Regional Mechanism, if invited to participate in a meeting of the Council, shall submit credentials for the representative appointed by it for that purpose. The credentials of such a representative shall be communicated to the Chairperson of the Commission at least twenty-four hours before the meeting, which the representative is invited to attend. However, the Heads of State and Government and Ministers of Foreign Affairs shall be entitled to participate in the meeting of the Council without submitting credentials.

RULE 20
Approval of Credentials for Members and other Representatives

The credentials of the representatives of the members of the Council and of any other representatives referred to in Rule 18 and 19 above shall be examined by the Chairperson of the Commission who shall submit, for approval, a report to the Council indicating that the credentials of the representatives or alternate representatives are in order. Pending the approval of these credentials, such representatives shall be seated provisionally in their own capacities.

RULE 21
Representation for Civil Society Organizations

A representative of a civil society organization maintaining observer status to the Union, who may be invited by the Council to address it at any of its meetings shall submit a letter of authority to the Chairperson of the Commission.

RULE 22
Approval of letter of authority for Civil Society Organizations

The letter of authority of a representative of a civil society organization referred to in Rule 21 above shall be examined and assessed by the Chairperson of the Commission who shall submit, for approval, a report to the Council indicating his/her recommendations and the reasons for accepting or rejecting the letter of authority. Pending the approval of his/her letter of authority, such a representative shall not occupy a seat unless or until his / her letter of authority has been approved by the Council.

RULE 23

Election of The Chairperson

The chair of the Council shall be held in turn by its members in the alphabetical order of their names, for one calendar month.

RULE 24

Duties of the Chairperson

1. The Chairperson shall preside over the meetings of the Council and, under the authority of the Council, shall represent it in its capacity as an Organ of the African Union.
2. Where a Chairperson represents a Member State of the Council, which is barred from participation in the discussion or decision-making process during the Council's deliberations, pursuant to Article 23 of the Constitutive Act and Article 8 (9) of the Protocol, the Chairperson shall vacate the Chair, which shall be assumed by the next Chairperson in line for the duration of the discussion in question. This rule shall not prevent the interim Chairperson from assuming his/ her office as Chairperson of the Council at the beginning of the following month.
3. Whenever the Chairperson of the Council is unable to perform his or her duties for any reason other than that specified in (2) above, the next member in line shall assume office as Chairperson of the Council in accordance with the procedure laid down in (2) above.

RULE 25

Attendance and Participation by the Commission

1. The Chairperson of the Commission and the Commissioner for Peace and Security or, in their absence, their duly authorized representatives, shall attend meetings of the Council.
2. The Chairperson of the Council, in consultation with the members of the Council and the Chairperson of the Commission, may invite the Deputy-Chairperson of the Commission and any other Commissioner to attend meetings of the Council.
3. The Chairperson of the Commission and the Commissioner for Peace and Security, or their duly authorized representatives, shall make oral or written statements to the Council, at their request, or at the request of the Council, concerning any question under consideration by the Council.

RULE 26

Duties of the Chairperson of the Commission

1. The Chairperson of the Commission shall, under the authority of the Peace and Security Council, and in consultation with all parties involved in a

conflict, deploy efforts and take all initiatives deemed appropriate to prevent, manage and resolve conflicts.

2. To this end, the Chairperson of the Commission:
 - a) shall bring to the attention of the Peace and Security Council any matter, which, in his/her opinion, may threaten peace, security and stability in the Continent;
 - b) may bring to the attention of the Panel of the Wise any matter which, in his/her opinion, deserves their attention;
 - c) may, at his/her own initiative or when so requested by the Peace and Security Council, use his/her good offices, either personally or through special envoys, special representatives, the Panel of the Wise or the Regional Mechanisms, to prevent potential conflicts, resolve actual conflicts and promote peace-building and post-conflict reconstruction.

3. The Chairperson of the Commission shall also:
 - a) ensure the implementation and follow-up of the decisions of the Peace and Security Council, including mounting and deploying peace support missions authorized by the Peace and Security Council. In this respect, the Chairperson of the Commission shall keep the Peace and Security Council informed of developments relating to the functioning of such missions. All problems likely to affect the continued and effective functioning of these missions shall be referred to the Peace and Security Council, for its consideration and appropriate action;
 - b) ensure the implementation and follow-up of the decisions taken by the Assembly in conformity with Article 4 (h) and (j) of the Constitutive Act;
 - c) prepare comprehensive and periodic reports and documents, as required, to enable the Peace and Security Council and its subsidiary bodies to perform their functions effectively.

RULE 27

Voting Rights

Each Member of the Council shall have one (1) vote.

RULE 28

Methods of Voting

1. The Council shall take all its decisions by consensus or, failing which, in procedural matters, by a simple majority of members eligible to vote.

2. Substantive questions shall require a two-thirds majority of members eligible to vote
3. Voting in open and closed meetings shall be either by a show of hands or by secret ballot.

RULE 29
Voting on Questions of Procedure

The question of whether or not a matter is procedural shall be determined by a simple majority of members eligible to vote. Procedural matters shall include interpretation of any of these Rules of Procedure.

RULE 30
Publicity of open meetings/records

1. The members or representatives who have participated in an open meeting of the Council, shall within five (5) days after the issuance of the summary record of the meeting, inform the Chairperson of the Commission of any corrections they wish to have made in the summary record.
2. Corrections that have been requested shall be considered approved unless the Chairperson of the Council is of the opinion that they are substantive issues to be submitted to the members of the Council. In the latter case, the members of the Council shall submit within five (5) days, following written notification, any comments they may wish to make. In the absence of objections within this period of time, the record shall stand as corrected.
3. The summary record referred to in (2) above or the record referred to in (4) below, in which no corrections have been requested in the period of time required or which has been corrected in accordance with the provisions of Rule (2) above, shall be considered as approved.
4. A summary record of each open meeting of the Council shall be kept and shall be available to all Member States at least seventy two (72) hours before the next meeting of the Council, except in emergency situations.

RULE 31
Publicity of closed meetings/records

1. A summary record of the proceedings of a closed meeting shall be made and kept by the Chairperson of the Commission. The members who have participated in the meeting shall have access to that record and shall, within a period of five (5) days of the issuance of the summary record inform the Chairperson of the Commission of any

corrections they wish to have made in that record. In the absence of objections to any corrections so made within that period of time, the record shall stand as corrected.

2. The Council may at any time decide to grant access to this record to other members of the African Union.

RULE 32

Communiqué

At the end of each meeting, the Council mayl issue a *Communiqué* relating to the deliberations of the Council.

RULE 33

Confidential records/documents

The Chairperson of the Commission shall once each year, submit to the Council a list of the records and documents which up to that time have been considered confidential. The Council shall decide which of these shall be made available to other members of the Union, which shall be made public, and which shall continue to remain confidential.

RULE 34

Amendments

Amendments to these Rules shall be adopted by the Assembly on the recommendation of the Council.

RULE 35

Entry into force

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