



Draft I

STATUTE

FOR

THE ESTABLISHMENT OF

AFRICAN CENTRE FOR THE STUDY AND RESEARCH ON

MIGRATION

DRAFT

PREAMBLE

We, the Member States of the African Union;

GUIDED by the Executive Council Decision EX.CL/987(XXXII) of January 2018 which reaffirms the Executive Council's Decision EX.CL/Dec.314 (IX) on the creation of the African Centre for the Study and Research on Migration and **REQUESTS** the Commission in collaboration with the Government of the Republic of Mali to expedite the process towards the establishment of the Centre by submitting to the relevant AU organs the administrative, financial and legal implications of the establishment of the Centre;

RECALLING the 2006 Executive Council and Assembly decision Doc. EX.CL/290 (IX) ADD.2 which endorsed the establishment of the African Centre for the Study and Research on Migration in Mali, and **REQUESTED** the Commission in collaboration with the Government of Mali to monitor the implementation of this decision and oversee the process of establishing the Centre;

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

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

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

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

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

GIVING EFFECT to the decisions of the AU policy organs;

HEREBY ADOPT AS FOLLOWS:

CHAPTER ONE

DEFINITION, OBJECTIVES AND CORE FUNCTIONS OF THE CENTRE

Article 1 DEFINITIONS

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

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

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

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

“AU Commission” means the Commission of the African Union as provided under Article 1 and Article 29 of the Constitutive Act of the AU;

“Board” means the Board of the African Centre for the Study and Research on Migration;
“Dependents” means the spouse and minor children of officials recognized as a dependent by the African Union;

“Development Partners” means the multilateral institutions, development agencies, donors, foundations and others that have contributed financially or otherwise to the establishment of, and continue to support the Centre;

“Executive Council” means the Council of Ministers of the African Union;

“Experts” mean individuals, other than officials, who owing to their special qualifications are recruited on a temporary basis to perform specific assignments for the Centre;

“Host Country” means the Member States selected to host the Centre;

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

“Government” means the governments of host countries;

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

“Policy Organs” means the Assembly, the Executive Council and the Permanent Representatives Committee (PRC) of the African Union;

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

“Secretariat” means the management body of the Centre;

“Stakeholders” means African organizations, individuals and/or anyone who has interests in the Centre;

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

“Statute” means the present Statute of the Centre;

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

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

Article 2

Establishment of the Centre

1. The Centre is hereby established as a Specialized Technical Office of the Commission.
2. The objective, structure, mandate and functions of the Centre shall be as defined herein.

Article 3

Legal Status of the Centre

The Centre shall possess full juridical personality and, in particular, full capacity:

- a. To enter into agreements with Member States, non-Member States and international organizations;
- b. To enter into contracts;
- c. To acquire and dispose of immovable and movable property; and
- d. To enter and to respond to legal proceedings.

Article 4

Purpose and Objectives

The African Centre for the Study and Research on Migration will be established as a Specialized Technical Office of the Commission.

Purpose

To improve the overall migration governance regime in Africa;

Objectives

- a. Advance the knowledge base of the African Continent on migration and mobility issues;
- b. Contribute to evidence-based interventions on migration in Africa;

Article 5

Core Functions and Activities of the Centre

1. In order to attain the above objectives, the Centre shall function in accordance with the provisions of this Statute;
2. Working collaboratively with the African Migration Observatory, the Continental Operational Centre for Combating Irregular Migration and migration research institutions in Africa and beyond, the Centre shall have the following core functions:
 - a. Interpret migration data and compile periodic reports on migration trends and patterns in Africa and between Africa and other regions;
 - b. Undertake empirical, applied research on all aspects of migration and mobility and facilitate actionable migration policy formulation and implementation for Member States and RECs;

- c. Prepare and disseminate a journal and periodic reports the state of migration and migration governance in Africa;
- d. Prepare position papers on migration and mobility for the African Union;
- e. Promote policies that foster the development impact of migration and address its negative impacts on the Continent;
- f. Monitor and evaluate the implementation of migration policies on the Continent;
- g. Establish a platform for sharing and disseminating information on migration;
- h. Provide technical assistance, training and capacity building on migration and mobility to the AU Commission, AU organs, Member States and RECs;
- i. Provide a platform for experts and the political, diplomatic and academic communities to debate migration and mobility issues on the Continent;
- j. Serve as an interface between Members States, RECs, African/African Diaspora think tanks and civil society organizations on the migration debate;

CHAPTER TWO

GOVERNANCE AND STRUCTURE OF THE CENTRE

Article 6

Governance of the Centre

1. The Centre shall comprise the following bodies:
 - b. The Board;
 - c. The Secretariat.

Article 7

Functions of the Board

1. Reporting to the Executive Council, the Board shall be the highest governance body of the Centre, and shall have overall oversight of the Centre;
2. The functions of the Board shall be to:
 - a. Oversee the overall governance of the Centre;
 - b. Provide strategic guidance to the Secretariat;
 - c. Consider and approve the Centre's strategic plans, annual action plans and budgets;
 - d. Oversee the implementation of strategic plans, including financial and budgetary issues;
 - e. Recommend amendments to the Statute of the Centre;
 - f. Assist the Secretariat in mobilizing resources to ensure that the Centre fulfills its mandate;
 - g. Submit annual reports to the AU Policy Organs on implemented activities and achievements of the Centre,

Article 8

Board Composition and Tenure of Office

1. The Board shall be composed of fifteen (15) members appointed by the Executive Council, as follows:
 - a. Eight (8) representatives (one each nominated by the eight Regional Economic Communities that are recognized by the AU.¹ The criteria for nomination of the REC representatives will include the following:
 - i) Individuals with post-graduate qualifications and experience in social research spanning for not less than 10 years serving in an international/inter-governmental organization, government ministry or agency, academic institution, or migration think-tank;
 - ii) The REC representatives shall be citizens of a Member State of REC as defined in Article 8, (1) (a), and residing on the Continent or in the Diaspora;
 - iii) Should any REC fail to nominate a representative, they (the representative) shall be nominated by the Specialized Technical Committee on Migration, Refugees and IDPs in consultation with the Commissioner for Social Affairs;
 - b. One (1) representative of the Commission (Department of Social Affairs);
 - c. The Executive Secretary of African Migration Observatory (1) (non-voting ex-officio);
 - d. The Executive Director of the African Union Institute for Statistics - StatAfrica (1) (non-voting ex-officio);
 - e. The Executive Secretary of African Centre for the Study and Research on Migration who shall act as the Secretary of the Board (1) (non-voting ex-officio)
 - f. The Executive Secretary of the Continental Operational Centre in Khartoum (for sharing information on irregular migration) (1) (non-voting ex-officio);
 - g. One (1) representative of the Host country;
 - h. The Legal Counsel of the Commission or his/her representative who shall provide legal advice as may be required, and shall be a non-voting member (1) (non-voting ex-officio);
2. The Board may invite such expertise from relevant professionals to sit at its meetings on an *ad hoc* basis as may be necessary;
3. Where applicable, the term of office of members of the Board shall be for a non-renewable period of five (5) years;
4. The Board shall elect from among its members, one of the eight (8) REC representatives as its Chairperson and Deputy Chairperson on a regional rotational basis every year;
5. In the event of the Chairperson vacating his/her position before the expiration of his/her tenure of office for whatever reason, the Deputy Chairperson shall assume the position of interim chair until the Board elects a new Chair.

¹ The Arab Maghreb Union (AMU); the Community of Sahel-Saharan States (CEN-SAD); the Common Market for Eastern & Southern Africa (COMESA); the East African Community (EAC); the Economic Community of Central African States (ECCAS); the Economic Commission of West African States (ECOWAS); Inter-governmental Authority on Development (IGAD); and the Southern African Development Community (SADC).

Article 9
Meetings, Quorum and Decision-Making Procedures of the Board

1. The Board shall meet in an ordinary session once every year;
2. The Board may also be convened in an extraordinary session, in conformity with its rules of procedure, subject to availability of funds at the request of:
 - i) One half of its members;
 - ii) The policy organs of the Union; or
 - iii) The Secretariat, in the event of a situation that necessitates the holding of a Board meeting.
3. The quorum for Board meetings shall be two thirds of the total membership of the Board;
4. The Board shall adopt its own Rules of Procedure.

Article 10
Meetings, Quorum and Decision-Making Procedures of the Board

3. The Board shall meet in an ordinary session once every year;
4. The Board may also be convened in an extraordinary session, in conformity with its rules of procedure, subject to availability of funds at the request of:
 - iv) One half of its members;
 - v) The policy organs of the Union; or
 - vi) The Secretariat, in the event of a situation that necessitates holding of the Board meeting.
5. The quorum for Board meetings shall be two thirds of the total membership of the Board;
6. The Board shall adopt its own Rules of Procedure.

Article 12
The Secretariat

1. The Secretariat shall be headed by an Executive Secretary.
2. The Executive Secretary shall be appointed by the Commission on the approval of the Board and shall be a regular staff member of the AU;

Article 13
The Executive Secretary

1. The Executive Secretary is the chief executive officer of the Centre.
2. Under the supervision of the Director for Social Affairs of the Commission, the functions of the Executive Secretary shall be to, inter-alia:
 - a. Implement directives of the Board and the Commission as may be applicable;
 - b. Organize, coordinate, direct and supervise the overall day-to-day operations and management of the Centre in accordance with the strategic plans and policies approved by the Board;
 - c. Act as authorizing officer of the Centre while ensuring efficiency and cost effectiveness;
 - d. Provide strategic planning, overall management and institutional representation of the Centre in fulfillment of its mission, goals, and strategic objectives.

- e. Oversee the recruitment of staff in line with the Staff Regulations and Rules of the Commission;
 - f. Prepare and submit to the Board and the Commission strategic and operational plans, budgets, financial statements and operational reports of the Centre;
 - g. Propose to the Board strategic alliances and partnerships for the joint execution of programmes and activities with development partners;
 - h. Act as Secretary of the Board;
 - i. Mobilize resources for programmes of the Centre;
 - j. Serve as the spokesperson and official representative of the Centre in continental and international partnerships and gatherings;
 - k. Oversee the execution of the Host Agreement;
 - l. Oversee all legal agreements and seek guidance, in this regard, from the Board when necessary;
 - m. Ensure compliance with all legal and regulatory requirements emanating from Host Government and other bodies;
 - n. Perform any other functions as may be assigned by the Board in line with the mandate of the Centre.
3. The Centre will have other Staff Members in charge of research programmes, capacity building/training, publications, finance, administration, events and seminars management, networking and operations who shall be hired by the Centre in accordance with the AU rules and regulations.

Article 14

Budget

- 1. The budget of Centre shall be within the budget of the African Union;
- 2. In addition to the regular budget of the African Union, other sources of funding the Centre may include;
 - a. Voluntary contributions from AU Member States and partners;
 - b. Contributions from Development Partners of the African Union and the Commission;
 - c. Contributions from the Private Sector;
 - d. Contributions from national and regional institutions;
 - e. Contributions from the AU Science, Technology and Innovation Fund when established; and
 - f. Any other source of funding in accordance with AU Rules and Regulations.
- 3. The budget calendar of the Centre shall be that of the African Union.

Article 15

Headquarters of Centre

- 1. The headquarters of the Centre shall be in Bamako, the Republic of Mali;
- 2. The regional research hubs shall be hosted as determined by Board in consultation with the AU Commission;
- 3. The Secretariat may authorize the convening of meetings and conferences in the territory of any Member State at the invitation of that Member State.

Article 16

Code of Conduct

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

Article 17

Relation with Member States, Development Partners and Other Stakeholders

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

Article 18
Privileges and Immunities

The Centre shall enjoy in the territory of the Host Country, the privileges and immunities specified in the General Convention on Privileges and Immunities of the Organization of African Unity Adopted in Accra, Ghana on 25 October 1965.

CHAPTER THREE

FINAL PROVISIONS

Article 19
General Provision

1. To enable it fulfil its purposes and the functions with which it is entrusted, the Centre shall possess full legal personality. To these ends, it may enter into agreements with Member States, non-members and other international organizations.

Article 20
Rules of Procedure

1. The Centre shall adopt its own Rules of Procedure for carrying out its functions.
2. The Rules of Procedure of the Centre shall be approved by the Board and the Commission in conformity with AU rules and procedures.

Article 21
Budget and Contributions

1. Staff remuneration, administrative expenses and related budgets of the Centre shall be covered by the Union;
2. Programmes of the Centre shall be funded by resources from the Host country, voluntary contributions by other Member States, or funding from development partners.

Article 22
Budget Period

1. The budget period of the Centre shall be the budgeting period of the Commission;
2. The budget of the Centre shall be drawn and adopted in accordance with the relevant rules and regulations of the Commission.

Article 23
Amendment

1. The present Statute may be amended by the Assembly upon the recommendation of the STC;
2. The amendments shall enter into force upon their adoption by the Assembly.

Article 24
Working Languages

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

CHAPTER FOUR
OPERATIONS OF THE CENTRE

Article 25
Role of Department of Social Affairs

The Department of Social Affairs as the policy department on the subject matter shall ensure synergy between the Centre and the Commission.

Article 26
Entry into Force

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

**Adopted by the Ordinary Session of the Assembly held in,..... in
..... 2019.**

Annex 1: AU Executive Council Decision:

EX.CL/Dec.314 (IX) of 2006

The Executive Council,

- 1) WELCOMES the initiative of the Government of Mali on the establishment of the Centre for the Study and Research on Migration;
- 2) APPROVES the establishment of the Centre;
- 3) REQUESTS the Commission, in collaboration with the Government of Mali, to monitor the implementation of this decision, and oversee the process for the establishment of the African Centre for Study and Research on Migration;
- 4) FURTHER REQUESTS the Commission to submit a report on the process at the 10th Ordinary Session of the Executive Council.

Annex 2: AU Executive Council Decision:

EX.CL/Dec.987(XXXII) of January 2018

REAFFIRMS Executive Council Decision EX.CL/Dec.314 (IX) on the creation of the African Centre for the Study on Migration and REQUESTS the Commission in collaboration with the Government of the Republic of Mali, to expedite the process towards the establishment of the Centre by submitting to the relevant AU organs the administrative, financial and legal implications of the establishment of the Centre;