



MEMORANDUM OF UNDERSTANDING

BETWEEN

THE COMMISSION OF THE AFRICAN UNION

AND

THE ASSOCIATION OF
AFRICAN PUBLIC SERVICES COMMISSIONS

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This Memorandum of Understanding (MoU) is entered into between:

the **Commission of the African Union** (hereinafter referred to as the "Commission"), an international organisation with its Headquarters in Addis Ababa, Ethiopia, and
the **Association of African Public Services Commissions** an African inter-institutional body with its Headquarters ... (hereinafter referred to as the "AAPSComs"), and jointly referred to as the "Parties".

INSPIRED by the objectives and the principles of the African Union (AU) enshrined in the Constitutive Act of the African Union, particularly Articles 3 and 4, which, among others, emphasise respect for democratic principles, human rights, the rule of law and good governance;

COGNISANT of the mandate of the AU to take all necessary measures to strengthen and consolidate democratic institutions;

RECALLING the "Vision, Mission, and Strategic Framework" of the African Union adopted in 2004;

CONSIDERING that AAPSComs is whose purpose is to collaborate, share experiences and best practices among African Public Services Commissions in order to promote good governance and improve service delivery in the public services of the continent;

GUIDED by the common mission to strengthen institutions and processes of good governance;

DESIROUS to establish a partnership with the aim of increasing the effectiveness of both parties in their efforts to promote good governance through effective and efficient public sector management in Africa;

RECOGNISING AAPSComs as a key role player in furthering the good governance objectives of the African Union;

AFFIRMING the importance of coordinating the efforts of the Parties to attain their common objectives,

HAVE AGREED AS FOLLOWS:

ARTICLE I OBJECTIVES

1. The overall objective of this MoU is to establish terms and conditions concerning the undertaking assumed herein by the Parties to cooperate in promoting good governance through effective and efficient public sector management in Africa.
2. The specific objectives shall be as follows:
 - i) Foster better collaboration between the Parties.
 - ii) Enhance the effectiveness of the Parties.
 - iii) Exchange knowledge to the benefit of both Parties.
 - iv) Promote the principles and values of the Charter of Public Service in Africa.
 - v) Advance the development of the continent by promoting research to improve public service in Africa.
3. The objectives of this MoU shall be achieved through:
 - i) Regular consultations between the Parties on the pursuance of common objectives.
 - ii) Collaboration and research regarding the public service in Africa.
 - iii) Participation in AU activities relating to the promotion of the values and principles of public service in Africa.

ARTICLE II PRINCIPLES AND SCOPE

1. The Partnership shall be based on respect and mutual understanding of the respective functions, organisational structures, mandates and institutional capacities of the Parties.
2. The Parties shall act in close consultation with each other in areas of mutual interest with due regard to the objectives and principles set out in their respective legal frameworks.
3. AAPSComs shall recognise the responsibilities of the Commission as set out in the Constitutive Act of the African Union and in the various decisions adopted by the AU Organs.
4. The Commission shall recognise the purpose and objectives of AAPSComs as set out in its Constitution.

ARTICLE III AREAS OF PARTNERSHIP

The Parties shall seek to work closely together in these areas:

- i) Share relevant information relating to good governance as well as effective and efficient public sector management in Africa.
- ii) Undertake joint research and publications with emphasis on effective and efficient public sector management in order to identify and promote best practices aimed at enhancing good governance in Africa.
- iii) Maintain regular communication and attend relevant meetings of the respective Parties in order to identify other areas of co-operation and mutual interest.
- iv) Facilitating capacity building in the public service of Africa through identification of appropriate interventions.

ARTICLE IV COORDINATION AND NOTIFICATIONS

1. The Department within the Commission responsible for coordinating the Commission's activities under this MoU is the Political Affairs Department. Notifications and communications should be addressed to the following address and fax number:

Director of Political Affairs
African Union Headquarters
PO Box 3243, Addis Ababa, Ethiopia
Tel: +251-11-551 7700
Fax: +251-11-551 7844

2. The responsible office for coordination of AAPSComs activities under this MoU is the AAPSComs Secretariat, in consultation with the Executive Committee. Notifications and communications should be addressed to the following address and fax number:

AAPSComs Secretariat
Office of the Public Service Commission
Private Bag X121, Pretoria, Republic of South Africa
Tel: +27-12-352 1011
Fax: +27-12- 325 8322
E-mail: MashwahleD@opsc.gov.za

3. Communications and notifications issued under this MoU shall be valid only when addressed by mail or fax to the representatives at the addresses indicated under Articles IV(1) and IV(2) above. When communications and notifications are transmitted by electronic mail, they shall be valid only when sent directly from the electronic

address of the coordinator of one Party to the electronic address of the coordinator of the other Party.

4. Either Party may change the responsible unit within its structure, the designated representative, or the address, telephone, fax or e-mail indicated by notifying the other Party to that effect in writing.

ARTICLE V MODALITIES OF IMPLEMENTATION

1. Within the context of this MoU, a dialogue between the Parties shall be developed through joint meetings, where policy, technical and operational issues related to the Partnership shall be discussed.
2. The focal points for the implementation of this MoU shall be the Commissioner, on the one hand, and the President of the AAPSComs on the other.
3. Regular and *ad hoc* meetings may be held between officials of the Parties, these meetings shall cover practical matters of the MoU, in particular the implementation of projects, and the possibility of further collaboration.

ARTICLE VI FINANCIAL PROVISION

This MoU shall not impose any financial obligations on any Party. Nothing in this MoU shall constitute a commitment of any Party to contribute funds towards implementation of the activities envisaged under this MoU. Financial obligations incurred by the Parties under the agreement resulting from the MoU shall be subject to the decisions taken by their governing bodies, the availability of funds, and the budgetary and financial regulations of the Parties.

ARTICLE VII SETTLEMENT OF DISPUTES

This MoU shall be regarded as an administrative arrangement between the Parties thereto. A dispute arising out of or in connection with this Agreement shall be settled through amicable negotiation between the Parties. Should attempts at amicable resolution fail, any such dispute shall, upon request by either party, be referred to arbitration in accordance with the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules in force.

ARTICLE VIII AMENDMENT AND TERMINATION

1. This MoU may be amended or modified by mutual consent of the Parties, provided the Party seeking the amendment notifies the other in writing of the proposed amendment. The amendment shall come into force once it is approved in writing by the other Party.
2. This MoU may be terminated by either Party upon giving notice in writing to the other Party. It shall cease to exist ninety (90) days following the date of notification. However, after the termination of the Agreement, Parties shall still be bound to honour any outstanding obligations incumbent upon them as provided for in the MoU.

ARTICLE IX ENTRY INTO FORCE AND DURATION

This memorandum shall enter into force on the date of its signature by the duly authorised representatives of the parties and shall remain in force unless terminated under the provisions of Article VIII hereof.

IN WITNESS WHEREOF, the duly authorised representatives of the AU Commission and AAPSComs have hereby signed the present MoU in two (2) original copies in the English language.

Done at ABUJA this 20th day of JULY 2011.

For the Commission of the African
Union


Julia Dolly Joiner
Commissioner for Political Affairs

For the Association of African Public
Services Commissions


Phelele M. Tengeni
President of the AAPSComs