AFRICAN UNION

DRAFT

AFRICAN CHARTER ON THE VALUES AND PRINCIPLES OF PUBLIC SERVICE AND THE ADMINISTRATION
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PREAMBLE

We, Member States of the African Union (AU):

Inspired by the objectives and principles laid down in the Constitutive Act of the African Union;

Reiterating our political commitment to boost professionalism and ethics in African administration;

Resolved to promote universal values and the principles of democracy, good governance, human rights and the right to development;

Considering that the administration has as mandate to safeguard the fundamental values of public service and to promote an administrative culture based on preserving the rights of users;

Conscious of the need to preserve public service legitimacy and to adapt the African civil service to the demands of economic, social, human and sustainable development;

Reaffirming our collective will to work unrelentingly for the modernisation and improvement of an African public service attached to the new values of governance;

Guided by our common concern to build and consolidate public service in order to foster development in the Continent;

Committed to the promotion of the values and principles governing the organisation and functioning of public service;

Determined to build an administration functioning under optimum conditions of equity and efficiency;

Anxious to effectively apply the Charter, taking into account the specific conditions of each State Party;

Have agreed as follows:

CHAPTER I: DEFINITIONS, OBJECTIVES AND PRINCIPLES

ARTICLE 1: DEFINITIONS

In this Charter, except otherwise indicated, the following expressions mean:

1. **Constitutive Act:** the Constitutive Act of the African Union;

2. **Administration:** any national or local institution or organisation applying public policies or exercising a public service mission;

3. **Public service employee:** any civil servant or employee of the State or of its institutions, including those selected, appointed or elected to carry out activities or to exercise duties on behalf of or at the service of the State, at all levels;

4. **Charter:** the African Charter on the Values and Principles of Public Service and the Administration;

5. **Commission:** The African Union Commission;

6. **Assembly:** the Assembly of Heads of State and Government of the African Union;

7. **Regional Economic Communities:** African Union regional integration groups;

8. **State Party:** any Member State of the African Union that has ratified or adhered to this Charter and deposited the ratification or adherence instruments with the Chairperson of the African Union Commission;

9. **Member States:** Member States of the African Union;

10. **Ethics:** the standards guiding the behaviour and actions of public service employees;

11. **Public service:** any service or activity of public interest placed under the authority of the administration;
12. User: any individual or legal person using the services of a public service;


**ARTICLE 2: OBJECTIVES**

The objectives of this Charter shall be to:

1. Foster adherence to a body of fundamental principles and values agreed upon in a bid to provide efficient, effective and innovative public services that are satisfactory to the community and users;

2. Encourage the efforts made by States Parties to modernise the administration and build capacities in order to improve the quality of public services rendered;

3. Encourage citizens and users to participate in the process of providing public service, particularly through communication, consultation and active contribution to the formulation of administrative procedures;

4. Promote the moral values inherent in the duties of public service employees in order to ensure transparency in the provision of public services;

5. Contribute to improving the working conditions of public service employees and protecting their rights;

6. Encourage the States Parties to harmonise their policies and procedures with respect to the public service and the administration with a view to fostering regional and continental integration;

7. Promote gender balance and equality in public service and the administration;

8. Foster cooperation between States Parties, Regional Economic Communities and the international community to improve public service and the administration;

9. Stimulate the exchange of experiences and good practices with a view to building a community of knowledge among States Parties.
ARTICLE 3: PRINCIPLES

States Parties undertake to implement the Charter according to the following principles:

1. Equality of all users before the public service;
2. Prohibition of all forms of discrimination, notably in respect of origin, race, gender, handicap, religion, ethnic group, political conviction, membership of a trade union or other forms of intolerance;
3. Neutrality in the provision of public service;
4. Continuity of public service in all circumstances;
5. Adaptability of public service to changing needs of the community and users.

CHAPTER II: OBLIGATIONS ATTACHED TO PUBLIC SERVICE AND THE ADMINISTRATION

ARTICLE 4: RESPECT FOR HUMAN RIGHTS AND THE PRINCIPLE OF LEGALITY

1. The administration shall respect human rights, particularly the dignity and integrity of the human being.
2. Public service shall be provided in compliance with the laws and regulations in force.
3. Administrative decisions shall be taken in compliance with the laws and regulations in force.

ARTICLE 5: ACCESS TO PUBLIC SERVICE

1. The administration shall organise public service to guarantee the provision of adequate and accessible services to users.
2. The principle of equal access of users to public service and non-discrimination shall be enshrined in the national laws and regulations of States Parties.
3. The administration shall organise public service in a manner to bring public management closer to the people and provide them with appropriate and accessible services.
4. The administration shall put in place mechanisms for civil society participation and consultation in the management of public service provision.
ARTICLE 6: ACCESS TO INFORMATION

1. The administration shall make available to users by all appropriate means the necessary information on procedures and formalities relating to the provision of public service.

2. The administration shall inform citizens of any decision taken concerning them, indicating the reasons for such decision and stating the legal remedies open to them should they decide to challenge the decision.

3. The administration shall establish or strengthen reception and information units for users in order to assist them in gaining access to services and in recording their views, suggestions and complaints.

4. Administrative documents intended for users shall be drafted in simple, accessible language.

ARTICLE 7: EFFICIENT, QUALITY SERVICES

1. Services provided by the administration shall be of good quality and be carried out with the optimum use of available resources.

2. The administration shall put in place appropriate evaluation mechanisms to carry out the periodic evaluation of service output and the quality of services offered to the public.

3. The administration shall determine and respect deadlines in the delivery of its services.

4. The administration shall adjust the provision of its services to changing needs of the community and users.

5. The administration shall take steps to build and maintain confidence between public service employees and users.

ARTICLE 8: MODERNISING THE PUBLIC SERVICE AND THE ADMINISTRATION

1. The administration shall ensure the introduction of innovative and appropriate methods in the provision of its services.

2. The administration shall encourage the use of modern methods, particularly information and communication technologies, in order to improve service output.

3. The administration shall establish one-stop shops where they are compatible with the nature of services provided.

4. The administration shall strive to simplify procedures and ease formalities relating to its services.
CHAPTER III: RULES OF CONDUCT BINDING
PUBLIC SERVICE EMPLOYEES

ARTICLE 9: PROFESSIONALISM

1. Public service employees shall carry out their assignments and duties with professionalism and diligence.

2. Public service employees are required to be civic-minded and courteous when dealing with users.

3. Public service employees must behave responsibly and respectfully towards their superiors, colleagues and associates.

ARTICLE 10: ETHICS AND RULES OF CONDUCT

1. Public service employees shall display integrity, full and total adherence to ethical rules and values.

2. Public service employees shall not solicit, accept, demand or receive, directly or indirectly, any payment, gift or other advantage, in return for performing their obligations.

3. Public service employees shall not use their posts, functions or responsibilities for political or partisan purposes. They shall in all circumstances be impartial and loyal in performing their duties.

ARTICLE 11: INCOMPATIBILITIES AND CONFLICT OF INTEREST

1. In no way may public service employees intervene in situations in which they may have an interest that could compromise their impartiality or jeopardise the image of the administration.

2. States Parties shall lay down legal provisions on incompatibilities and conflict of interest in their national legislations.

3. Public service employees shall not take up functions or positions, engage in transactions or have any financial, commercial or material interests that might be incompatible with their functions, responsibilities or duties.

4. Public service employees shall respect the confidentiality of documents, information or acts in their possession or to which they are privy by virtue of their duties.

5. Upon leaving office, and for such a period of time as may be stipulated by the laws or regulations, public service employees appointed to certain positions of responsibility and trust shall not take undue advantage thereof.

ARTICLE 12: FIGHT AGAINST CORRUPTION

1. States Parties shall put in place the structures and facilities needed to fight against corruption.
2. The administration shall constantly raise the awareness of public service employees and citizens to the anti-corruption instruments in force and the adverse effects of corruption.

ARTICLE 13: DECLARATION OF ASSETS

In order to ensure transparency in public life and to safeguard common property, public service employees appointed to certain positions of responsibility shall, upon taking and leaving office, declare their assets.

CHAPTER IV: GUARANTEES AND RIGHTS OF PUBLIC SERVICE EMPLOYEES

ARTICLE 14: EQUALITY OF PUBLIC SERVICE EMPLOYEES

The administration shall ensure that all public service employees are treated equally. There shall be no discrimination on the basis of origin, race, gender, disability, religion, ethnic group, political conviction or any other consideration.

ARTICLE 15: FREEDOM OF SPEECH AND ASSOCIATION

1. Public service employees shall be guaranteed freedom of opinion and speech within the limits of the reserve obligation incumbent on them.

2. Public service employees shall have the right to form associations, trade unions or any other group and to belong to them in order to defend and promote their rights.

3. National laws in force notwithstanding, in no case should membership or non-membership of a political party affect the career of a public service employee.

4. Public service employees shall exercise their trade union rights and the right to strike under conditions laid down by national laws in force. The right to strike shall be exercised within the bounds of respect for the principle of continuity of public service.

5. Trade union representatives shall be protected against any form of discriminatory treatment and any measure that may be prejudicial to them on account of their trade union activities.

6. The administration shall strive to promote labour relations conducive to dialogue and consultation.

7. National legislations shall contain procedures and mechanisms for settling labour disputes.
ARTICLE 16: CONDITIONS OF WORK AND REMUNERATION

1. Public service employees shall be provided an enabling working environment to enhance the performance of their duties, with due respect for their physical and moral well-being.

2. In the performance of their duties, public service employees shall be protected against threats, insults, defamation or aggression of all types as well as all forms of harassment, including sexual harassment.

3. Public service employees shall be entitled, within the framework of a coherent and harmonized system, to fair and equitable remuneration commensurate with their qualifications, responsibilities and performance.

ARTICLE 17: SOCIAL BENEFITS

Public service employees shall be entitled to leave, social insurance and retirement.

CHAPTER V: MANAGEMENT AND DEVELOPMENT OF HUMAN RESOURCES

ARTICLE 18: RECRUITMENT

1. The administration shall, within the framework of its human resources management, plan the needs necessary for its functioning.

2. Public service employees shall be recruited on the basis of equal access to public employment.

3. States Parties shall enact legislative, executive and administrative instruments to guarantee the right to recruitment for women, ethnic minorities, disabled persons and any other marginalized or vulnerable social segment.

4. Selection and recruitment procedures for public employment shall be based on principles that guarantee competition, merit, equity and transparency.

ARTICLE 19: EVALUATION OF PUBLIC SERVICE EMPLOYEES

1. The administration shall promote the merit, excellence and the spirit of innovation among public service employees.

2. Public service employees shall be subject to a performance evaluation system based on clear criteria and quantifiable objectives.

3. The administration shall regularly assess the output of public service employees with a view to promoting them in their careers.
ARTICLE 20: TRAINING

1. States Parties hereby undertake to put in place a continuing training system in order to improve the efficiency of the administration and to develop the skills and performance of their employees.

2. In this respect, States Parties shall establish a network of training institutions and ensure optimum use of their capacities and resources.

ARTICLE 21: MOBILITY

1. The administration shall consider mobility as the basic principle of career management for public service employees.

2. Mobility shall take due account of service exigencies and respond to the aspirations of public service employees.

CHAPTER IV: IMPLEMENTATION AND MONITORING MECHANISMS

ARTICLE 22: IN EACH STATE PARTY

States Parties undertake to achieve the objectives and apply the values and principles enshrined in this Charter. Accordingly, they shall:

a) Take appropriate actions, including legislative, executive and administrative measures aimed at making their national laws and regulations to conform with the Charter.

b) Take all the necessary measures, in conformity with constitutional provisions and procedures, to ensure the widest dissemination of the Charter and of any relevant law that is essential for the application of the fundamental principles laid down in it.

c) Encourage political will as a necessary condition for achieving the goals outlined in the Charter.

d) Include the commitments, values and principles of the Charter in their national policies and strategies.

e) Take measures needed to develop cooperation and foster the exchange of experiences relating to public service and the administration, which should be compatible with the goals, values and principles laid down in this Charter.

ARTICLE 23: AT REGIONAL LEVEL

The Commission calls on Regional Economic Communities, in conformity with their cooperation frameworks, to:

a) Encourage their Member States to ratify or adhere to this Charter;
b) Include or consider the objectives, principles and values of the Charter during the preparation or adoption of regional legal instruments on public service and the administration.

ARTICLE 24: AT CONTINENTAL LEVEL

1. To assure and facilitate the implementation of this Charter, the Commission shall:

   a) Develop guidelines, in consultation with States Parties;

   b) Foster the creation of enabling conditions for a sound administration and a good public service in Africa, particularly by harmonizing the policies and laws of States Parties;

   c) Assist and support States Parties in the implementation of the Charter and coordinate the evaluation of such implementation, in conjunction with the Pan-African Conference of Ministers of Public Service.

   d) Mobilize resources needed to assist and support States Parties as much as possible with a view to building their capacities for the implementation of the Charter.

2. The Pan-African Conference of Ministers of Public Service shall:

   a) Serve as the focal point within the African Union to encourage the ratification of the Charter and to monitor its implementations;

   b) Establish within itself a committee to monitor the implementation of the Charter, in coordination with the Commission;

   c) Conduct periodic reviews of the implementation of the Charter and make recommendations in this connection to the Executive Council.

ARTICLE 25: MONITORING MECHANISMS

1. States Parties shall, every two (2) years, with effect from the date the Charter enters into force, submit to the Commission a report on the legal and executive measures taken to realise the principles and commitments enshrined by this Charter.

2. The report shall be forwarded through the Pan-African Conference of Ministers of Public Service to the policy organs of the African Union for appropriate action.

3. The Commission shall prepare periodic reports on the implementation of the Charter. Such reports shall be submitted through the Executive Council to the Assembly which shall take the appropriate measures on issues raised.

4. The assembly shall take the appropriate measures on issues raised in the report.
ARTICLE 26: REWARDS

1. In conformity with the objectives of the Charter and to support the efforts deployed by States Parties towards the implementation of the values and principles enshrined therein, the Commission shall take initiatives aimed at supporting all actions to improve public service and the administration.

2. The Pan-African Conference of Ministers of Public Service shall evaluate stages in the implementation of the Charter and assess innovative experiences. The African Union hereby institutes a public service innovation award.

CHAPTER VII: FINAL PROVISIONS

ARTICLE 27: SAFEGUARD CLAUSES

More favourable provisions relating to public service and the administration as well as to the rights and obligations of public service employees contained in national laws of States Parties or in other regional, continental or international instruments in force in the States Parties may not be affected by any provision of this Charter.

ARTICLE 28: SIGNATURE, RATIFICATION, ADHERENCE AND ENTRY INTO FORCE

1. This Charter shall be open for signature, ratification and the adherence of Member States in conformity with their respective constitutional procedures.

2. Ratification or adherence instruments shall be deposited with the Chairperson of the Commission.

3. This Charter shall enter into force thirty (30) days following the deposit of fifteen (15) ratification instruments.

ARTICLE 29: AMENDMENT AND REVISION

1. Any State Party may submit proposals for the amendment or revision of this Charter.

2. Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall forward copies thereof to States Parties within thirty (30) days of reception of the said proposals.

3. On the recommendation of the Executive Council, the Assembly shall consider the proposals at the session following the notification, provided that all States Parties have been informed at least three (3) months before the session begins.

4. Amendments or revisions shall be adopted by the Assembly by consensus or, failing that, by a two-thirds majority of States Parties, and be submitted for ratification in conformity with their respective constitutional procedures.
5. Amendments or revisions shall enter into force after fifteen (15) ratification instruments have been deposited.

ARTICLE 30: DEPOSITORY AND REGISTRATION

1. This Charter shall be deposited with the Chairperson of the Commission.

2. The Chairperson of the Commission shall inform all Member States of the signature, ratification, adherence to, entry into force of this Charter and of reserves, requests for amendment and approval of such requests.

3. Once the Charter enters into force, the Chairperson of the Commission shall have it registered with the United Nations Secretary General in accordance with Article 102 of the United Nations Charter.

ARTICLE 31: AUTHENTIC VERSIONS

The present Charter is established in four (4) original copies in Arabic, English, French and Portuguese. All four versions shall be authentic and be deposited with the Chairperson of the Commission who shall forward certified true copies thereof to all Member States.

IN WITNESS WHEREOF WE, Heads of State and Government of the African Union, have adopted the present Charter.

Adopted at the .........................Ordinary Session of the Assembly of the African Union held in.........................on.............................