

RULES OF PROCEDURE OF THE AFRICAN RISK CAPACITY CONFERENCE OF THE PARTIES

Rule I Scope

These rules of procedure shall apply to all sessions of the Conference of the Parties. They shall also apply, *mutatis mutandis*, to subsidiary bodies of the Conference of the Parties unless the Conference of the Parties should decide otherwise, in accordance with Rule 8.2.

Rule II Bureau

2.1 The Conference of the Parties shall elect a Bureau consisting of a Chairperson, three Vice-Chairpersons and a *Rapporteur* (hereinafter collectively referred to as “the Bureau”) from among the representatives of the Parties. In electing the Bureau, the Conference of the Parties shall have due regard to the principle of geographical rotation.

2.2 Members of the Bureau shall hold office for one year or until a new Bureau is elected, with the possibility of renewal for one additional term. No member of the Bureau may be re-elected for a third consecutive term.

2.3 If a Member of the Bureau resigns from his or her position or finds him or herself permanently unable to exercise his or her functions, the Party of that Bureau member shall designate another representative so that he or she may replace the said member during the remainder of the term.

2.4 The terms of office of the members of the Bureau shall commence on their election at the opening of the session at which they are elected. They shall serve as the Bureau of any special session held during their terms of office, and provide guidance to the Governing Board and the Director-General with regard to the preparations for, and conduct of, sessions of the Conference of the Parties.

2.5 The Chairperson shall preside at all sessions of the Conference of the Parties and shall exercise such other functions as may be required to facilitate the work of the Conference of the Parties. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

Rule III Sessions

3.1 In accordance with Article 12.3 of the Agreement for the Establishment of the African Risk Capacity (ARC) Agency (the Establishment Agreement), the Conference of the Parties shall hold ordinary sessions at least once every year.

3.2 Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be requested in writing by the Governing Board or at the written request of at least two-thirds of the Parties.

3.3 Sessions of the Conference of the Parties shall be convened by the Chairperson of the Conference of the Parties with the agreement of the Bureau and in consultation with the

Chairperson of the Governing Board and the Director-General.

3.4 Notice of the date and place of each session of the Conference of the Parties shall be communicated to all Parties at least four weeks before the opening of the session.

3.5 Each Party shall communicate to the Director-General the name of its representatives on the Conference of the Parties before the opening of each session of the Conference of the Parties.

3.6 Each Party shall send a delegation authorized by its Head of State, Head of Government, Minister of Foreign Affairs, Minister of Finance or the Minister responsible for overseeing African Risk Capacity activities within the country. Permanent Representatives of Parties accredited to the African Union may be considered as representatives to the Conference of the Parties without additional authorization.

3.7 The Director-General may invite experts to sessions of the Conference of the Parties, with the agreement of the Bureau.

3.8 The presence of delegates representing a simple majority of the Parties shall be necessary to constitute a quorum at any session of the Conference of the Parties in accordance with Article 12.5 of the Establishment Agreement.

Rule IV Agenda and documents

4.1 The Director-General shall prepare the draft agenda on the request of the Chairperson and under the guidance of the Governing Board.

4.2 Any Party may request the Director-General to include specific items in the Draft Agenda before it is dispatched.

4.3 The draft agenda shall be circulated by the Director-General at least four weeks before the opening of the session to all Parties and observers invited to attend the session.

4.4 Any Party may, after the dispatch of the draft agenda, propose the inclusion of specific items on the agenda with respect to matters of an urgent or unforeseen nature, if possible not later than two weeks before the opening of the session. These items should be placed on a supplementary list, which, if time permits before the opening of the session, shall be dispatched by the Director-General to all Parties, failing which the supplementary list shall be communicated to the Chairperson for submission to the Conference of the Parties. Any Party may propose to include, before the adoption of the agenda, any other item that it considers to be of relevance.

4.5 After the agenda has been adopted, the Conference of the Parties may, by consensus amend the agenda by the deletion, addition or modification of any item.

4.6 Documents to be submitted to the Conference of the Parties at any session shall be furnished by the Director-General to the Parties at the time the agenda is dispatched or as soon as possible thereafter, but always at least three weeks prior to the opening of the session.

4.7 Formal proposals relating to items on the agenda and amendments thereto introduced

during a session of the Conference of the Parties shall be made in writing and handed to the Chairperson, who shall arrange for copies to be circulated to all representatives of Parties.

Rule V Decision-making

5.1 Subject to Rule 5.2, all decisions of the Conference of the Parties shall be taken by a two-thirds majority of the Parties present and voting, except that decisions taken pursuant to paragraphs 2(b), 2(n), 2(o) and 2(p) of Article 13 of the Establishment Agreement shall be taken by a two-thirds majority of the Parties to the Establishment Agreement.

5.2 The Chairperson shall at all times strive to achieve consensus whenever possible in decision-making by the Conference of the Parties.

5.3 The election of Members of the Governing Board shall be carried out in accordance with the procedures set out in the Annex to these Rules.

Rule VI Observers

6.1 The Director-General shall notify the African Union Commission, as well as any Member State of the African Union that is not a Party to the Treaty, of sessions of the Conference of the Parties so that they may be represented as observers, at least six weeks before the opening of the session. Such observers may, upon invitation of the Chairperson, participate without the right to vote in sessions of the Conference of the Parties.

6.2 The Director-General shall notify any other body agency or cooperating partner, whether governmental or non- governmental, qualified in fields relating to the subject-matter of the Treaty, including any donor, which has informed the Director-General of its wish to be represented as an observer, of the sessions of the Conference of the Parties at least six weeks before the opening of the session. Such observers may, upon invitation of the Chairperson, participate without the right to vote in sessions of the Conference of the Parties on matters of direct concern to the body or agency they represent unless at least one third of the Parties present at the session object.

6.3 Before the opening of a session of the Conference of the Parties the Director-General will circulate a list of observers who have requested approval to be represented at the session.

Rule VII Records and Reports

7.1 At the end of each session, the Conference of the Parties shall approve a report embodying its decisions, recommendations and conclusions. Such other records, for its own use, as the Conference of the Parties may on occasion decide, shall also be maintained.

7.2 The report of the Conference of the Parties shall be circulated, for information, by the Director-General within thirty days of its adoption to the Chairperson of the AU Commission and all Parties and observers that were represented at the session.

Rule VIII Subsidiary Bodies

8.1 The Conference of the Parties may establish such subsidiary bodies as it deems necessary for

the accomplishment of its functions. The establishment of subsidiary bodies shall be subject to the availability of the necessary funds in the approved budget of the ARC Agency. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Conference of the Parties shall have before it a report from the Director-General on the administrative and financial implications thereof.

8.2 The membership, terms of reference and procedures of the subsidiary bodies shall be determined by the Conference of the Parties.

8.3 Each subsidiary body shall elect its own Bureau, unless appointed by the Conference of the Parties.

Rule IX Expenses

9.1 Expenses incurred by representatives of Parties and their alternates in attending sessions of the Conference of the Parties or subsidiary bodies, as well as the expenses incurred by observers at sessions, shall be borne by their respective governments or organizations.

9.2 Any financial operations of the Conference of the Parties and its subsidiary bodies shall be governed by the appropriate provisions of the financial rules.

Rule X Languages

10.1 The working languages of the Conference of the Parties shall be those of the African Union.

Rule XI Amendment of the Rules

Amendments to these Rules may be adopted by a two-thirds majority of the Parties present and voting. Consideration of proposals of amendments to these Rules shall be subject to Rule 4 and documents on the proposals shall be circulated in accordance with Rule 4.7 and in no case less than 24 hours prior to their consideration by the Conference of the Parties.

Rule XII Application of the Rules of Procedure of the AU Assembly

The provisions of the Rules of Procedure of the AU Assembly shall apply *mutatis mutandis* to all matters not specifically dealt with under the Establishment Agreement or the present Rules.

Rule XIII Over-riding Authority of the Establishment Agreement

In the event of any conflict between any provision of these rules and any provision of the Establishment Agreement, the Establishment Agreement shall prevail.

Rule XIV Entry into Force

These Rules and any amendments thereto shall come into force upon their approval by the Conference of the Parties.

ANNEX 1

Procedures for the Election of Members of the Governing Board

1. The Conference of the Parties shall elect five members and one alternate for each member to serve on the Governing Board of the ARC Agency.
2. Such Members shall be elected from among the candidates put forward by the Parties that have, at the time of the election, current contracts for Insurance with an ARC Agency Subsidiary or Affiliated Entity. During the initial period before Parties have entered into contracts for Insurance with an ARC Agency Subsidiary or Affiliated Entity, the members of the Governing Board and alternates shall be elected from Parties that have signed pre-participation Memoranda of Understanding with WFP regarding the ARC Project and have notified in writing to the Chairperson of the Conference of Parties their intention to take out contracts for Insurance once such contracts are available.
3. All candidates shall meet the qualifications for Board Members set out in the Appendix to this Annex.
4. The Conference of Parties will take into account the need for equitable geographical representation and rotation among the Parties when electing the members of the Governing Board. An alternate shall not attend any meeting of the Governing Board if the member he or she is replacing is also present;
5. Members and their alternates shall serve in their personal capacities, and shall serve on a part-time basis as required to carry out their functions.
6. Members of the Governing Board shall be appointed for terms of not more than three years, which terms may be renewed for one further term of three years. The terms of the Members of the Governing Board shall be staggered to ensure continuity in the work of the Board.
7. The election of the members of the Governing Board shall as far as possible be carried out by consensus. If every effort has been made to achieve a consensus without success, the election shall be carried out in accordance with the following:
 - a) Each Party meeting the criteria set out in Paragraph 2 may propose no more than one candidate for election as a Member of the Governing Board and one candidate for election as an alternate. The candidates may be nationals from the Party concerned, or from any Member State of the African Union.
 - b) A proposal of a candidate for election as a Member of the Governing Board or alternate shall be accompanied by a curriculum vitae of the candidate. Indicating the way in which the candidate meets the Terms of Reference and Qualifications of Board Members.

- c) Subject to paragraph d) below, the required majority for the election of a member of the Governing Board shall be two-thirds of the votes cast.
- d) The candidates who receive the largest number of votes shall be declared elected up to the number of seats to be filled, provided that they have received the required majority.
- e) If in any ballot more candidates receive the required majority than there are seats available, the candidates receiving the highest number of votes shall be elected up to the number of seats available; further ballots shall be held among the remaining candidates that have received the required majority where necessary to resolve cases where candidates receive an equal number of votes.
- f) If in any ballot no candidate receives the required majority, the candidate with the smallest number of votes in that ballot shall be eliminated.
- g) If in any ballot no candidate receives the required majority and more than one candidate receives the smallest number of votes, a separate ballot shall be held between these candidates and the candidate receiving the smallest number of votes shall be eliminated.
- h) If in the separate ballot provided for above more than one candidate again receives the smallest number of votes, the above operation shall be repeated with respect to these candidates until one candidate is eliminated, provided that if all the same candidates receive the smallest number of votes in two consecutive separate ballots, such candidate as will have been designated by lot drawn by the Chairperson of the Conference of the Parties shall be eliminated.
- i) If at any stage all remaining candidates receive the same number of votes, and that happens again in the two successive ballots, the Chairperson shall suspend the session and then hold two further ballots. If after applying this procedure, the final ballot results again in an equally divided vote, such candidate as shall have been designated by lot drawn by the Chairperson of the Conference of the Parties shall be elected.
- j) The terms of office of the first members of the Governing Board shall be staggered in accordance with the following scheme:
 - i. The candidate receiving the highest number of votes shall be elected for a term of three years, and shall be eligible for re-election for one further term of three years only;

- ii. The two candidates receiving the second highest number of votes shall be elected for a term of two years, and shall be eligible for re-election for one further term of three years only;
- iii. The two candidates receiving the third highest number of votes shall be elected for a term of one year, and shall be eligible for re-election for one further term of three years only;
- iv. In the event that all candidates that are elected receive the same number of votes, the terms shall be allocated by the Chairperson of the Conference of the Parties by lot.

Appendix

Qualifications of Board Members

Board Members shall be persons of known competence and integrity and shall have expertise in one or more of the following areas:

- a) Disaster Risk Management
- b) Emergency Management
- c) Disaster Preparedness
- d) Extreme Weather Events
- e) Food Security
- f) Provision of Social Services
- g) Contingency Planning
- h) Finance
- i) Insurance

The Parties should ensure, as much as possible, a distribution of different fields of expertise across the Board Members.

ANNEX 2

Removal and Replacement of Members of the Governing Board

Section 1: General Provisions

1. The Conference of the Parties may, pursuant to Article 13, paragraph 2 (e) of the Agreement for the Establishment of the African Risk Capacity (ARC) Agency (the “Establishment Agreement”), dismiss Members of the Governing Board of the ARC Agency (the “Board”) for good cause.
2. Removal of a Member of the Board shall require due process and the agreement of a two-thirds majority of the Parties to the Establishment Agreement present and voting.
3. Good cause may include, but is not limited to, the following:
 - i. Violation of national laws;
 - ii. Violation of the Rules of Conduct for the Members of the ARC Agency Governing Board;
 - iii. Commission of unethical acts that, although not directly connected to ARC, the CoP finds are reasonably related to the activities of the Board or such as to affect the standing or integrity of a member;
 - iv. Failure to fulfil his or her duties as a Member of the Board, including repeated non-attendance at Board meetings; and
 - v. Loss of confidence in the capacity of the Board Member to fulfill the duties of a Board Member by the State that nominated him/her.

Section 2: Procedures for Removal and Replacement of a Member of the Board for Good Cause

4. Procedures for the removal for good cause of a Member of the Board shall be commenced if a complaint is filed against a Member of the Board with the Secretary to the Board (the “Complaint”) by:
 - i. another Member of the Board;
 - ii. a Party to the Establishment Agreement; or
 - iii. a member of the general public.
5. The Member of the Board against whom the Complaint has been made shall be notified within 10 working days of receipt of the Complaint. Such notice shall be in writing and shall advise the Member of the Board of his/her opportunity to rebut the Complaint.
6. The Member of the Board against whom a Complaint has been made shall have 14 working days to notify the Secretary to the Board of his/her desire to be heard during consideration of the Complaint.

7. The Chairperson of the Board shall be notified in writing within 10 working days of receipt of the Complaint.
8. Upon receiving notification of a written Complaint from the Secretary to the Board, the Chairperson of the Board shall, within 10 working days, establish an *ad hoc* Board Committee consisting of three Members of the Board to consider the Complaint.
9. The Board Committee shall have 45 days from its establishment by the Chairperson of the Board to conduct a hearing regarding the Complaint. The Member of the Board against whom the Complaint has been made and the complainant shall both be entitled to testify during the hearing, if they so desire.
10. Once the Board Committee has considered and made a determination regarding the Complaint, that body shall render a report and recommendations, based upon its finding of fact, to the Conference of the Parties at least one month prior to the session of the Conference of the Parties during which the removal of the Member of the Board will be discussed.
11. The Board Committee shall also submit its report to the full Board for informational purposes.
12. Removal of a Member of the Board by the Conference of the Parties must be expressly included on the agenda of the session of the Conference of the Parties during which it will be discussed, and the Member of the Board must be provided at least 30 days-notice that the Conference of the Parties will be discussing his or her removal.
13. The Conference of the Parties shall deliberate and discuss the issues and render a decision regarding whether the Member of the Board shall be removed from the Board. At the discretion of the Conference of the Parties, a brief statement may be made to the Conference of the Parties by the Member of the Board against whom the Complaint has been made.
14. If a Board Member is removed, his or her alternate Board Member shall take his or her position on the Board until such time as a new Board Member can be selected pursuant to the Procedures for the Election of the Members of the Governing Board annexed to the Rules of Procedure of the Conference of the Parties.

ANNEX 3

Procedures for the Election of the Director General of the ARC Agency

1. The Director General shall be selected from among the candidates recommended by the Board, according to the procedures set out in the Director General Search Guidelines approved by the CoP and the Framework for the Selection of the New Director General.
2. To the extent possible, the CoP will carry out the selection of the Director General by consensus. If every effort has been made to achieve a consensus without success, an election may be carried out in accordance with the Election Procedures.
3. The election of a candidate for the post of Director General will be conducted by secret ballot and each Party to the CoP shall be entitled to one vote.
4. For purposes of the Director General election, a two-thirds majority of the Parties present and voting shall be considered a majority.
5. Before the vote begins, the Chairperson of the CoP will appoint five Monitors to scrutinize the votes cast.
6. If paper ballots are used, the following shall be deducted from the total number of the Parties to the CoP:
 - a. the number of blank ballots, if any; and
 - b. the number of invalid ballots, if any.

The remaining number shall constitute the number of votes recorded. If electronic ballots are used and such deductions are done automatically by the election system, this rule shall not apply.

7. If a candidate obtains a majority of two thirds of the votes cast in the first ballot, he or she will be declared elected.
8. If no candidate obtains the required majority in the first ballot, further ballots will be taken. If, during any ballot, a candidate obtains two thirds of the votes cast, he or she will be declared elected.
9. If, after four ballots have been taken, no candidate has obtained a two-thirds majority, the candidate with the smallest number of votes in the fourth ballot shall be eliminated and a fifth ballot shall be taken. If no candidate has obtained a two-thirds majority in the fifth ballot, the candidate with the smallest number of votes shall be eliminated and

a sixth ballot shall be taken. This will continue with each successive ballot, until there is a ballot with only two candidates.

10. If after three further ballots neither of the two candidates obtains a two third majority of the votes cast, the candidate with fewer votes shall withdraw.
11. The remaining candidate shall proceed to the next round. If he or she fails to obtain a two thirds majority of the votes cast in that round, the Chairperson of the CoP shall suspend the election for a length of time to be determined by the CoP.