AFRICAN CHARTER ON VALUES AND PRINCIPLES OF PUBLIC SERVICE AND ADMINISTRATION

PREAMBLE

The Member States of the African Union (AU);

Reiterating their political commitment to strengthen professionalism and ethics in public service in Africa;

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

Cognisant of the mandate of the Public Service and Administration to protect the fundamental values of public service and promote an administrative culture based on respect for the rights of the user;

Committed to promoting the values and principles governing the organisation of Public Service and Administration;

Conscious of the need to maintain legitimacy of the public service and adapt African public services to evolving needs on the continent;

Reaffirming their collective desire to strive tirelessly for the modernisation, improvement and entrenchment of new values of governance in public service;

Guided by their common desire to strengthen and consolidate public service with a view to promoting integration and sustainable development on the continent;

Committed to promoting a Public Service and Administration that uses the optimum conditions of equity and efficiency;

Desirous of ensuring effective application of the Charter, taking into account conditions unique to member states;

Recalling Executive Council decision number Ex.CL/Dec.243 (VIII).

Have agreed as follows:

CHAPTER I
DEFINITIONS, OBJECTIVES AND PRINCIPLES

Article I
Definitions

In this Charter and unless otherwise stated, the following expressions shall have the following meaning:

Administration: Any institution or organisation at the continental, regional, national and sub-national levels that applies the public policies or undertakes public service duties;

Assembly: The Assembly of Heads of State and Government of the African Union;

AU: The African Union;

Charter: The African Charter on Values and Principles of Public Service and administration;

Commission: The Commission of the African Union;

Conference of States Parties: The Conference of Member States that have ratified this Charter;

Constitutive Act: The Constitutive Act of the African Union;

Executive Council: The Council of Ministers of the African Union;

Member States: The Member States of the African Union;

Public Service: Any service or public-interest activity that is under the authority of the administration;

Public Service Agent: Any worker or employee of the state or of its institutions, including those who were selected, appointed or elected to carry out activities in the name or on behalf of the State, at all levels of its structures;

Public Service Ethics: Accountability standards by which the work, behaviour and actions of Public Service Agents are scrutinized;

Regional Economic Communities: The African Union's regional integration blocs;
State Party: Any Member State of the African Union that has ratified or acceded to this charter and deposited the instruments of ratification or accession with the Chairperson of the Commission of the African Union;

User: Any juristic or natural person who calls on the public service for a service.

Article 2
Objectives

The objectives of this Charter are to:

1. Promote the principles and values contained herein.

2. Ensure quality and innovative service delivery that meets the requirements of all users.

3. Encourage the efforts of Member States in modernising administration and strengthening capacity for the improvement of public service.

4. Encourage citizens and users of Public services to actively and effectively participate in public administration processes.

5. Promote the moral values inherent in the activities of Public Service Agents with a view to ensuring transparent service delivery.

6. Improve the working conditions of Public Service Agents and ensure the protection of their rights.

7. Encourage the harmonisation of policies and procedures related to Public Service and Administration among Member States with the aim of promoting regional and continental integration.

8. Promote equality between men and women as well as equality within Public Service and Administration structures.

9. Strengthen cooperation among Member States, Regional Economic Communities and the International Community for the improvement of public service and administration.

10. Encourage the exchange of experiences and best practices in order to create a data base of information within the Member States.

Article 3
Principles

The Member States agree to implement the Charter in accordance with the following principles:

1. Equality of all users of Public Service and Administration.

2. The prohibition of all forms of discrimination on any basis, including place of origin, race, gender, disability, religion, ethnicity, political opinion, membership in a trade union or any other lawful organization.

3. Impartiality, fairness and due process in the delivery of public services.

4. Continuity of public services under all circumstances.

5. Adaptability of public services to the needs of users.

6. Professionalism and Ethics in Public Service and Administration.

7. Promotion and protection of rights of users and Public Service Agents.

8. Institutionalizing a culture of accountability and integrity and transparency in Public Service and Administration.

9. Effective, efficient and responsible use of resources.

CHAPTER II
DUTIES OF THE PUBLIC SERVICE AND ADMINISTRATION

Article 4
Respect for Human Rights and Legality

1. The Public Service and Administration and its agents shall respect the human rights, dignity and integrity of all users.

2. Public services must be delivered in accordance with national laws, regulations and policies in force.

3. Decisions of the Public Service and Administration shall conform to existing national laws and regulatory frameworks.

Article 5
Access to Public Service

1. State Parties shall entrench into their national laws and regulations the principles of equal access and non-discrimination.

2. Public Service and Administration shall be organized to ensure and facilitate easy access to adequate services.

3. Public Service and Administration shall be organised in a manner which ensures that services are delivered closer to users.

4. Public Service and Administration shall be participatory in order to ensure the effective involvement of all stakeholders including Civil Society in the planning and delivery of services.

Article 6
Access to Information

1. Public Service and Administration shall make available to users information on procedures and formalities pertaining to public service delivery.

2. Public Service and Administration shall inform users of all decisions made concerning them, the reasons behind those decisions, as well as the mechanisms available for appeal.

3. Public Service and Administration shall establish effective communication systems and processes to inform the public about service delivery, to enhance access to information by users, as well as to receive their feedback and inputs.

4. Public Service and Administration shall ensure that administrative procedures and documents are presented in a user-friendly and simplified manner.

Article 7
Efficient and Quality Service

1. Public services shall be delivered in the most effective, efficient and economical manner, consistent with the highest possible standards.

2. Public Service and Administration shall establish appropriate mechanisms to periodically monitor and evaluate the effectiveness of public service delivery.

3. Public Service and Administration shall set and respect time-frames for public service delivery.

4. Public Service and Administration shall ensure that its services are adapted to the evolving needs of users.

5. Public Service and Administration shall take the necessary steps to create and maintain trust among public service agents and users.

Article 8
Modernization of the Public Service and Administration

1. Public Service and Administration shall facilitate the introduction of modern and innovative procedures and systems for the delivery of its services.

2. Public Service and Administration shall ensure that modern technologies are used to support and improve the delivery of services.

3. Public Service and Administration shall simplify its procedures and ease formalities related to access and delivery of services.

CHAPTER III
CODE OF CONDUCT FOR PUBLIC SERVICE AGENTS

Article 9
Professionalism

1. Public Service Agents shall demonstrate professionalism, transparency and impartiality in the performance of their duties.

2. Public Service Agents shall demonstrate excellence and innovation in their performance of duties.

3. Public Service Agents shall be required to perform their professional duties and show courtesy, integrity and neutrality in dealing with users.

4. Public Service Agents shall act responsibly and in accordance with the national laws and regulations.

Article 10
Ethical Behaviour

1. Public Service Agents shall demonstrate integrity and respect all rules, values and established codes of conduct in the performance of their duties.

2. Public Service Agents shall not solicit, accept, or receive directly or indirectly any payment, gift, donation, or reward in kind or cash, for services rendered.

3. Public Service Agents shall on no account use their positions for political or personal gains. In all circumstances, they shall act with impartiality and loyalty.

Article 11
Incompatibilities and conflict of Interest

1. Public Service Agents shall not participate in making decisions or intervene in situations in which they have vested interests in order not to compromise their impartiality or cast doubt over the image of the administration.

2. States Parties shall clearly stipulate norms of incompatibility and conflicts of interest in national laws.

3. Public Service Agents shall not occupy any position, engage in transactions or hold financial, commercial or material interest incompatible with their duties or responsibilities.

4. Public Service Agents shall respect the confidentiality of documents and information in their possession or at their disposal in the exercise of their duties.

5. Public Service Agents shall refrain from unduly profiting from offices they previously occupied.

Article 12
Preventing and Combating Corruption

1. States Parties shall enact laws and adopt strategies to fight corruption through the establishment of independent anti-corruption institutions.

2. Public Service and Administration shall constantly sensitise public service agents and users on legal instruments, strategies and mechanisms used to fight corruption.

3. State Parties shall institute national accountability and integrity systems to promote value-based societal behaviour and attitude as a means of preventing corruption.

4. State Parties shall promote and recognize exemplary leadership in creating value-based and corruption-free societies.

Article 13
Declaration of Assets

Public Service Agents shall declare their assets and income at the beginning, during and at the end of their service as prescribed in national laws and regulations.

CHAPTER IV
RIGHTS OF PUBLIC SERVICE AGENTS

Article 14
Equality of Public Service Agents

1. The Public Service and Administration shall promote equality among its agents.

2. Public Service and Administration shall not encourage or perpetuate discrimination based on origin, race, gender, disability, religion, ethnicity, political opinion or any other consideration.

Article 15
Freedom of Expression and Association

1. Public Service Agents shall have freedom of expression giving due consideration to their status as public servants.

2. Public Service Agents shall have the right to create or belong to associations, trade unions or any other group to promote and protect their rights in accordance with national laws.

3. Without prejudice to national laws, membership or non-membership in a political party shall, in no way affect the career of a public servant.

4. Public Service Agents shall have the right to engage in collective bargaining, or take industrial action having due regard to national laws and regulations.

5. Representatives of trade unions shall be protected against discriminatory practices and any form of punishment on account of their trade union activities.

6. Public Service and Administration shall promote an enabling environment which enhances dialogue and consultation.

7. Procedures and mechanisms to resolve disputes shall be clearly stipulated in national laws and regulations.

Article 16
Working Conditions

1. Public Service and Administration shall provide a working environment that guarantees the safety of its agents.

2. Public Service and Administration shall protect its agents against all forms of threats, insults, harassment or aggression.

3. Public Service and Administration shall protect its agents against all forms of sexual harassment in the performance of their duties.

Article 17
Remuneration

Public Service Agents shall have the right, within a coherent and harmonized pay system, to a just and equitable remuneration which corresponds to their qualifications, responsibilities, performance and tenure.

Article 18
Social Rights

Public Service Agents shall have the right to leave, social security and retirement benefits.

CHAPTER V
MANAGEMENT AND DEVELOPMENT OF HUMAN RESOURCES

Article 19
Recruitment

1. Public Service and Administration shall endeavour to establish a human resource policy framework and plan for effective and efficient operation.

2. The recruitment of Public Service Agents shall be based on the principle of merit, equality and non-discrimination.

3. Without prejudice to any provision of this Charter, State Parties shall adopt legislative, executive and administrative measures that guarantee the right to employment of women, ethnic minorities, and people with disabilities, marginalised and vulnerable social groups.

4. State Parties shall adopt procedures for selection and recruitment into the Public Service and Administration that shall be based on principles of competition, merit, equity and transparency.

Article 20
Performance Management of Public Service Agents

1. State Parties shall institute a performance culture within the Public Service and Administration.

2. Public Service Agents shall undergo a process of performance management based on clear and measurable criteria.

3. State Parties shall carry out continuous monitoring and evaluation to assess the performance of Public Service Agents in order to determine their promotional requirements, development needs, levels of efficiency and productivity.

Article 21
Capacity Development

1. State Parties shall undertake a systematic, comprehensive and evidence-based capacity development programmes to strengthen the effectiveness and efficiency of Public Service and Administration.

2. State Parties shall collaborate with Management Development and Research Institutions as well as leveraging knowledge networks to strengthen capacities of public service agents.

3. State Parties shall provide working tools and create conducive working environment for the application of new knowledge within the limits of available resources.

4. State Parties shall put in place mechanisms and processes for the exchange of expertise, knowledge, information, technology and best practices in capacity enhancement of Public Service and Administration.

Article 22
Mobility

1. Public Service and Administration shall adopt the principle of 'mobility' in the management of the career of its agents.

2. Mobility shall take into account the service requirements and needs of Public Service Agents.

CHAPTER VI
MECHANISMS FOR APPLICATION

Article 23
Mechanisms for Application

To give effect to the commitments contained in this Charter, the following actions shall be undertaken:

1. Individual State Party Level

State Parties commit themselves to implement the objectives, apply the principles and respect the commitments enshrined in this Charter as follows:

a) Adopt executive, legislative, and administrative instruments to align their national laws and regulations to this Charter;

b) Take all necessary measures to ensure broader dissemination of the Charter;

c) Demonstrate political will as a necessary condition for the achievement of objectives outlined in the Charter;

d) Integrate commitments, values and principles of the Charter in national policies and strategies;

e) Take the necessary steps to develop cooperation and share experiences in the area of public service and administration consistent with the objectives, values and principles of the Charter.

2. Commission Level

i. At Continental Level

With a view to ensuring and facilitating the implementation of this Charter, the Commission shall:

a) Ensure that a Conference of State Parties is established.

b) Develop guidelines on the implementation of the Charter in partnership with the Conference of State Parties.

c) Establish, in consultation with the Conference of Parties, a Secretariat to coordinate and undertake the implementation of duties, obligations and responsibilities enshrined in this Charter.

d) Facilitate the creation of conditions for good governance and the delivery of quality public services on the continent through the harmonisation of policies and laws of State Parties.

e) Assist State Parties to implement the Charter and coordinate the evaluation of its implementation.

f) Mobilise necessary resources to support State Parties to strengthen their capacity for the implementation of this Charter.

g) Establish the required mechanisms and create capacities for the implementation of this Charter.

h) Undertake periodic review of the Charter and make recommendations to the Policy Organs of the African Union.

ii. At Regional Level

In accordance with their constitutive instruments, the Regional Economic Communities shall:

a) Encourage their Member States to ratify or accede to this Charter and implement it;

b) Integrate and take into account the objectives, principles and values of this Charter in the drafting and adoption of their legal instruments.

Article 24
Reporting and Follow-Up Mechanisms

1. State Parties shall submit every two years, from the date the Charter comes into force, a report to the Commission on the legislative or other relevant measures taken with a view to giving effect to the principles and commitments of the Charter.

2. A copy of the report shall be submitted to the relevant organs of the African Union for appropriate action within their respective mandates.

3. The Commission shall prepare and submit to the Assembly, through the Executive Council and the Conference of States Parties a synthesized report on the implementation of the Charter.

4. The Assembly shall take appropriate measures aimed at addressing issues raised in the report.

Article 25
Recognition and Award System

1. State Parties shall institutionalize a transparent and impartial system for recognizing outstanding performance, creativity and innovation in Public Service and Administration.

2. The Conference of State Parties shall promote mechanisms to support activities for the improvement of Public Service and Administration.

3. The Commission shall promote innovative experiences and institute a system of awards for Innovation in Public Service and Administration.

CHAPTER VII
FINAL CLAUSES

Article 26
Cautionary Clauses

1. No clause contained herein shall affect more favourable legislation on public service and Administration or better laws on rights and obligations contained in national legislation of State Parties or in other national, regional or international instruments.

2. In the event of a contradiction between two or more provisions of this Charter, the interpretation that shall prevail is that which favours the rights and legitimate interests of public service users.

Article 27
Interpretation

The African Court of Justice and Human Rights shall be seized with matters of interpretation arising from the application or implementation of this Charter. Pending the establishment of the Court, such matters shall be submitted to the Assembly.

Article 28
Settlement of Disputes

1. Any dispute or differences arising between the States Parties with regard to the interpretation or application of this Charter shall be settled amicably through direct consultations between the States Parties concerned. In the event of failure to settle the dispute or differences, either State may refer the dispute to the African Court of Justice and Human Rights.

2. Until such time as and when the latter shall have been established, the dispute or differences shall be submitted to the Conference of the States Parties, which will decide by consensus or, failing which, by a two-third (2/3) majority of the States Parties present and voting.

Article 29
Signature, Ratification and Accession

1. This Charter shall be open for signature, ratification and accession by all Member States, in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission.

Article 30
Entry into Force

1. This Charter shall enter into force thirty (30) days after the deposit of the instruments of ratification by fifteen (15) Member States.

2. For each Member State that accedes to this Charter after its entry into force, the Charter shall become effective on the date the State deposits its instrument of accession with the Chairperson of the Commission.

3. The Chairperson of the Commission shall notify Member States of the entry into force of this Charter.

Article 31
Amendment and Revision

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

2. Proposals for amendment or revision shall be submitted, in writing, to the Chairperson of the Commission who shall transmit copies thereof to the State Parties within thirty (30) days following the date of receipt of such proposals.

3. The Assembly shall, on the recommendation of the Executive Council, consider such proposals within one (1) year following the notification of State Parties, in keeping with the provisions of paragraph 2 of this Article.

4. Amendments or revision shall be adopted by the Assembly and then submitted for ratification by all Member States in accordance with their respective constitutional procedures. Such amendments or revision shall become effective following the deposit of instruments of ratification by fifteen (15) States Parties.

Article 32
Depository

This Charter, drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic, shall be deposited with the Chairperson of the Commission who shall transmit certified copies thereof to each signatory State and notify them of the dates of the deposit of the instruments of ratification or accession.

Article 33
Registration of the Charter

This Charter shall, after due ratification, be registered with the Secretariat of the United Nations through the Commission of the African Union in conformity with Article 102 of the Charter of the United Nations.

Article 34
Reservations

State Parties shall not make or enter reservations to this Charter that is incompatible with the object and purpose of this Charter.

ADOPTED BY THE SIXTEENTH ORDINARY SESSION OF THE ASSEMBLY, HELD IN ADDIS ABABA, ETHIOPIA, 31ST JANUARY 2011

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