

**AGREEMENT ESTABLISHING THE COLLABORATIVE AFRICA  
BUDGET REFORM INITIATIVE**

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**PREAMBLE****THE PARTIES:**

**RECOGNISING** the need for Senior African Budget Officials to cooperate and to promote improved public finance management, including budget management and budget reforms in their respective States;

**ACKNOWLEDGING** previous efforts by the Professional Network of Senior Budget Officials in Africa to establish a formal arrangement for cooperation between them;

**RECALLING** the objectives and aims of the African Union and New Partnership for Africa's Development;

**CONSCIOUS** of the important role played by sound public finance management procedures and practices in the promotion of economic development and good governance;

**DESIRING** to establish a culture of professionalism and mutual support among African Senior Budget Officials to promote transparency, disclosure and peer review;

**CONVINCED** that the establishment of a Collaborative Africa Budget Reform Initiative will contribute to the efficacy of public finance management and improved service delivery;

**HEREBY AGREE AS FOLLOWS:**

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## Article 1

### Definitions

In this Agreement, unless the context otherwise indicates:

“**African State**” means any State which is, or which is qualified to become, a member of the African Union;

“**CABRI**” means the Collaborative Africa Budget Reform Initiative established as an international organization in terms of Article 2;

“**Development Partners**” shall include all such countries, organisations, agencies and bodies that will contribute towards the development of CABRI, be it by way of provision of resources, funding, and/or technical assistance;

“**Financial Year**” means a period of twelve (12) months ending on 31 March;

“**General Assembly**” means the General Assembly established in Article 9;

“**Management Committee**” means the Management Committee established in Article 10;

“**Member State**” means an African State party to this Agreement;

“**Secretariat**” means the Secretariat established in Article 11;

“**Senior Budget Official**” means a senior civil servant or official working Ministry of Finance or Planning or in a Department or in any other government organ or unit that is involved in the formulation of budget policy or the planning or preparation of the budget of a Member State.

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## Article 2

### Establishment and Autonomy

1. CABRI is hereby established in accordance with the provisions of this Agreement.
2. CABRI shall be autonomous and shall enjoy independence in its operations and the discharge of its functions.

## Article 3

### Legal Status and Capacity

1. CABRI shall possess international legal personality.
2. CABRI shall have the legal capacity to:
  - (i) institute judicial and other legal or administrative proceedings and be party thereto;
  - (ii) acquire and dispose of any property;
  - (iii) enter into contracts and conclude agreements;
  - (iv) open and maintain accounts in any bank or other financial institution;
  - (v) take such steps as may be necessary to protect its interests; and
  - (vi) undertake such acts as are necessary for or incidental to the attainment of its objectives, the exercise of its powers, performance of its functions or the conduct of its business, as are provided for by this Agreement.

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## Article 4

### Objectives and Functions

1. CABRI shall promote efficient and effective management of public finances to foster economic growth and enhance service delivery for the improvement of living standards of people living in Africa. In order to achieve its objectives CABRI shall:
  - (i) support senior budget officials in the management of public finance systems and develop approaches, procedures and practices for improving these;
  - (ii) advance the development of Member States by building capacity and promoting training and research in the field of public finance management, in particular from a practitioner's perspective; and
  - (iii) develop and promote common African positions on budgetary issues of interest to Africa.
  
2. The functions of CABRI and its institutions shall be to:
  - (i) facilitate regular exchanges on public finance management issues between African States;
  - (ii) organise an annual seminar and seminar dialogues;
  - (iii) expand the existing resource base of African public finance management experience through publications reflecting discussions at various CABRI forums;

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- (iv) undertake capacity development activities, such as cooperating with training institutions in designing and presenting programmes on aspects of public finance management addressing the needs of African States;
- (v) increase awareness of high-level decision-makers of the knowledge gained through CABRI activities;
- (vi) enrich dialogue between African States and Development Partners on public finance management issues;
- (vii) provide technical support to regional initiatives relating to public finance management; and
- (viii) perform any other activity necessary for attaining the objectives of CABRI.

## Article 5

### The Seat of the Secretariat

1. The Republic of South Africa shall host the Secretariat of CABRI. This arrangement may be altered by a decision of the General Assembly.
2. CABRI shall conclude a Headquarters Agreement with the hosting Member State. The Headquarters Agreement shall be concluded and be implemented as soon as reasonably possible after the date of entry into force of this Agreement.

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## Article 6

### Privileges and Immunities

1. Member States shall accord CABRI and the officials of the Secretariat and other CABRI institutions such privileges and immunities as are necessary for the exercise of their functions and performance of their duties and shall facilitate the activities undertaken in the promotion of the objectives of CABRI in accordance with the domestic laws of the Member States.
2. Tax exemptions to be accorded by the hosting Member State shall be provided for in the Headquarters Agreement.

## Article 7

### Membership

1. Membership of CABRI shall be open to all African States, in accordance with the provisions of Article 19.
2. Observer status may be granted to officials or representatives of organisations or countries who are involved in, or which have expertise in, public finance management in terms of conditions and procedures developed in accordance with Article 15 of this Agreement.

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## Article 8

### Institutions and Governance

1. CABRI shall have a General Assembly, Management Committee and Secretariat. Other institutions may be established as determined by the General Assembly.
2. CABRI institutions shall take decisions on the basis of consensus. Except as provided otherwise in this Agreement, where a decision cannot be arrived at by consensus, the matter at issue shall be decided by voting in accordance with the applicable rules developed in terms of Article 15.
3. Except as otherwise provided in the rules and procedures of a particular institution, the quorum of all meetings of the institutions of CABRI shall be fifty percent plus one of the members of the particular CABRI institution.

## Article 9

### General Assembly

1. The General Assembly shall consist of a delegation from each Member State. Each delegation shall have one (1) vote. Voting procedures shall be developed in terms of Article 15.
2. The Chair of the General Assembly shall be held by the Member State elected by the General Assembly at the Annual General Assembly meeting. The Chair of the General Assembly shall hold office until the next Annual General Assembly meeting.
3. The General Assembly shall meet at least once every financial year.

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4. The General Assembly shall be responsible for the ratification of the annual work plan and budget of CABRI.
5. The General Assembly shall be responsible for the overall policy direction of CABRI.

## Article 10

### Management Committee

1. The Management Committee shall consist of seven (7) members of which five (5) will be appointed by the General Assembly on a basis ensuring a fair representation of the Member States. The criteria for their appointment shall be determined by the General Assembly in accordance with Article 15 and may be updated from time to time.
2. The Executive Secretary and the Chair of General Assembly shall be ex officio members of the Management Committee, but shall not have voting rights in the Management Committee.
3. The appointed members of the Management Committee shall serve for a term of two (2) years in line with CABRI's financial year and may be re-elected for up to two (2) consecutive terms.
4. The Chair of the Management Committee shall be elected by the members of the Management Committee.
5. The Management Committee shall oversee the implementation of this Agreement and shall be responsible for the management of CABRI. The

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Management Committee shall approve CABRI's work plan and oversee the use of funds.

6. The Management Committee shall oversee the work of the Secretariat.
7. The Management Committee may delegate specific tasks to the Secretariat.
8. The Management Committee shall meet at such intervals as it may decide but at least once every financial year.

### **Article 11**

#### **Secretariat**

1. The Secretariat shall consist of the Executive Secretary and such other officials as appointed by the Management Committee. The Management Committee shall determine their staffing levels and the terms and conditions of their employment.
2. The Secretariat shall be responsible for the day-to-day administration of CABRI.
3. The Secretariat shall arrange all meetings, seminars and dialogues of CABRI, keep reports, publications and the minutes of all meetings and shall disseminate information on behalf of CABRI.
4. The Secretariat shall prepare the annual work plan of CABRI and submit it to the Management Committee for approval and to the General Assembly for ratification.

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5. The Secretariat shall assist the General Assembly and the Management Committee in their work and shall perform all functions assigned to it by the Management Committee.
6. The Secretariat shall be the depository of all records of CABRI, of rules and procedures adopted for CABRI institutions and of all instruments of ratification and accession.
7. The Secretariat shall receive all correspondence related to CABRI and its activities.
8. The Executive Secretary shall be the head of the Secretariat and shall serve for a term of three (3) years and may be re-appointed.
9. The Executive Secretary shall be responsible for signing agreements and contracts on behalf of CABRI and shall do so in consultation with the Management Committee.

## Article 12

### Official Languages

English, French and Portuguese shall be the official languages of CABRI.

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## Article 13

### Membership Fees

1. Member States shall pay annual membership fees. The levels of membership fees and procedures for payment shall be developed in accordance with Article 15.
2. The General Assembly shall review membership fees every three (3) years.
3. Membership fees are payable to CABRI in American Dollars at least two months prior to the start of each financial year.

## Article 14

### Finances and Accounts

1. The Secretariat shall prepare the budget of CABRI. This budget shall be approved by the Management Committee and adopted by the General Assembly.
2. CABRI shall operate a bank account in the Member State hosting the Secretariat. The Executive Secretary shall be the chief accounting officer of CABRI and shall manage the CABRI bank account under the financial rules and procedures developed in accordance with Article 15. The Executive Secretary may delegate administrative functions in respect of the CABRI bank account to a financial officer in the Secretariat.
3. All membership fees, donations, income from endowment funds and income from CABRI services, activities, products and publications shall be paid into the CABRI bank account.

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4. The Management Committee shall appoint external auditors for CABRI and determine their mandate and remuneration.
5. The General Assembly shall adopt the audited annual accounts of CABRI.
6. CABRI shall prepare accounts in accordance with generally recognised accounting practices.

## Article 15

### Rules and Procedures

1. The rules and procedures of CABRI institutions shall be drafted by the Secretariat, approved by the Management Committee and adopted by the General Assembly.
2. Rules and procedures developed in terms of this provision shall deal with:
  - (i) observer status;
  - (ii) decision-making and voting procedures in the institutions of CABRI;
  - (iii) the appointment of members of the Management Committee;
  - (iv) the appointment of the Executive Secretary;
  - (v) membership fees and procedures for payment;
  - (vi) financial rules and procedures;
  - (vii) personnel rules and procedures;
  - (viii) dispute resolution procedures; and

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- (ix) any other matter that may facilitate the implementation of this Agreement.

## Article 16

### Dispute Resolution

Any dispute arising about the interpretation or application of this Agreement shall be settled through direct consultations or negotiations between the parties concerned. Should these fail to resolve the matter, the Management Committee shall refer such dispute to an Ad Hoc Conciliation Commission for settlement, the composition, criteria, rules and procedure of which shall be developed in accordance with Article 15 of this Agreement.

## Article 17

### Amendments

1. Any Member State wishing to amend this Agreement shall submit its written proposal for such amendment, together with its motivation, to the General Assembly through the Secretariat; for consideration and discussion.
2. Amendments shall be adopted by the General Assembly by consensus or, failing that, by a two-thirds majority, and shall be communicated to the Member States for ratification in accordance with their respective constitutional procedures.
3. Amendments shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-thirds of the Member States notified in terms of this Article.

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4. Amendments adopted in terms of this provision and instruments of ratification of amendments shall be deposited with the Secretariat.

### **Article 18**

#### **Signature**

This Agreement shall be open for signature by any African State until the date of entry into force.

### **Article 19**

#### **Ratification, Entry into Force and Accession**

1. This Agreement is subject to ratification.
2. This Agreement shall enter into force on the thirtieth (30<sup>th</sup>) day following the date of deposit of the sixth (6<sup>th</sup>) instrument of ratification.
3. Instruments of ratification shall be deposited with the Government of the Republic of South Africa.
4. Any African State wishing to become a Member State of CABRI after entry into force of this Agreement shall do so by acceding to this Agreement.
5. Instruments of accession shall be deposited with the Secretariat.
6. For each African State acceding to this Agreement, this Agreement shall enter into force fifteen (15) days after the deposit by such State of its instruments of accession.

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## Article 20

### Depositary

1. This Agreement, all instruments of accession, all amendments and instruments of ratification of amendments and all rules and procedures for any institution of CABRI shall be deposited with the Secretariat.
2. Instruments of ratification deposited with the Government of the Republic of South Africa shall be transferred to the Secretariat once it has been established, as provided for in Article 21.2.
3. The Secretariat shall transmit certified copies thereof to all Member States.

## Article 21

### Transition period

1. For transitional purposes, and until such time as CABRI is in a position to recruit and appoint the first Executive Secretary, the Government of the Republic of South Africa shall continue to perform the duties of the Executive Secretary, in consultation with the interim Management Committee.
2. All instruments of ratification deposited with the Government of the Republic of South Africa shall be transferred to the Secretariat once it has been established.
3. Interim rules and procedures necessary for the running of the first General Assembly meeting shall be prepared by the interim Secretariat, in consultation with the interim Management Committee.

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**Article 22****Reservations**

No reservations may be made to this Agreement.

**Article 23****Withdrawal**

A Member State may withdraw from this Agreement by providing three (3) months written notice thereof to the Secretariat.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed and sealed this Agreement in three originals in the English, French and Portuguese languages, all texts being equally authentic.



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For and on behalf of the Republic of Ghana

Director of Budget, Ministry of Finance and Economic Planning - Kwabena Adjei-Mensah

Done on the 24 day of *Jan* in the year 2007

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For and on behalf of the Republic of Kenya

Deputy Director Budget, Ministry of Finance – Kubai Khasiani

Done on the 24 day of June in the year 2007



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For and on behalf of the Republic of Mali

Ambassador Extraordinary and Plenipotentiary – His Excellency Mr Sinaly-Coulibaly

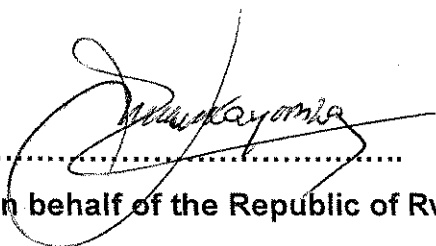
Done on the 24 day of June in the year 2007

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For and on behalf of the Republic of South Africa

Minister of Finance – Mr Trevor A Manuel, MP

Done on the        day of                    in the year 2007

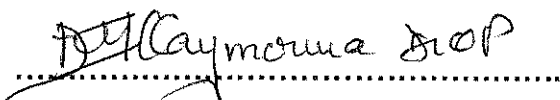




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For and on behalf of the Republic of Rwanda

Ambassador Extraordinary and Plenipotentiary – His Excellency Mr Eugène  
Munyakyanza

Done on the 24 day of June in the year 2007



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For and on behalf of the Republic of Senegal

Ambassador Extraordinary and Plenipotentiary – Her Excellency Mrs Maymouna Diop Sy

Done on the 24 day of June in the year 2007

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