

**DECISION ON THE ACTIVITIES OF THE PERMANENT
REPRESENTATIVES' COMMITTEE
Doc. PRCZRpt(XXXI)**

The Executive Council,

1. TAKES NOTE of the Report of the Permanent Representatives' Committee (PRC) and **ENDORSES** the recommendations contained therein as follows:

**A. ON ADMINISTRATIVE AND BUDGETARY MATTERS FOR THE 2015
SUPPLEMENTARY BUDGET**

2. DECIDES as follows:

- i) The proposed supplementary budget for 2015 will amount to USD 53,836,582.87 broken down as follows:
 - a) Operating budget of US\$ 1,035,250.39;
 - b) Programme budget: USD 52,801,332.48 to be financed as follows:
 - > Contribution by Member States: :USD 1,324,752.39 subject to availability of funds;
 - > Contributions by Partners: US\$ 52,511,830.48.
- ii) With effect from the 2017 budget, all budgetary requests should be realistic, detailed and annotated, including the amounts pledged by Partners;
- iii) Proposals for supplementary budget should be restricted to unforeseen and exceptional circumstances;
- iv) A supplementary budget of US\$ 150,000.00 should be secured from the Turkish Government as per the latter's pledge in 2015. This should be done before March 2017, failing which such pledge will be lost;
- v) A supplementary budget of US\$ 1,500,000.00 to be financed from the grant by the Government of the Republic of Congo;
- vi) A supplementary budget of US\$ 154,000.00 for payment of forty-one (41) short term Commission Staff who were recruited for service delivery improvement and whose salaries were to be paid from a partner fund that was not released;
- vii) The salaries of the said staff members should be provided for in the 2016 budget and paid up to the end of their contracts;
- viii) The initial approved budget for 2015 is \$393,039,455.00. The total amount for

supplementary budget is \$53,836,582.87 which brings the total approved budget for 2015 at \$466,874,038.00;

- ix) The Commission should ensure the observance of competence as well as gender and regional representation in conducting recruitment.
3. **TAKES NOTE** with concern of the low level of budget execution by the Commission during the period under review and **REQUESTS** the latter in collaboration with Member States and partners to take the necessary measures with a view to enhancing the budget execution rate;
 4. **APPEALS** to all Member States to meet their obligations and clear their arrears as well as their assessed contributions for 2015;
 5. **REQUESTS** the Commission to:
 - i) Ensure that Member States pay their contributions;
 - ii) Pursue dialogue with Partners with a view to bringing them to release their pledged funds for 2015;
 - iii) Ensure, in collaboration with the PRC, that there is effective communication to enhance information sharing on the financial situation of the Union.
 6. **ALSO REQUESTS** the PRC to consider a top up amount during the 2016 supplementary budget for the Administrative Tribunal;
 7. **FURTHER REQUESTS** the Commission to report on the implementation of this decision in January 2017;

B. ON PROGRAMMES AND CONFERENCES

8. **REQUESTS** the Commission to highlight the budgetary assumptions on how the programmes and activities around the 2017 theme of the African Union would impact on the budget;
9. **RECALLS** the need for Member States to increase their contributions to the programme budget as well as the peace operations budget;
10. **REQUESTS** the Commission to:
 - i) Ensure that the Budget Framework Paper (BFP) takes into account the priorities identified in Agenda 2063;
 - ii) Factor in the operationalization of the African Standby Force (ASF) and its budget implications into the BFP.

C. ON STRUCTURAL REFORMS

- 11. RECALLS** its previous Decision EX.CL/Dec. 877(XXVII) adopted by its 27th Ordinary Session held in Johannesburg, South Africa in June 2015, requesting the PRC, through its relevant Sub-Committee and the Commission to intensify their efforts towards the development of a new structure based on the requirements of the AU Agenda 2063 Framework and its First Ten-Year Implementation Plan guided by the principles of subsidiarity and complementarity at national, regional (Regional Economic Communities (RECs)) and continental levels;
- 12. REQUESTS** the Commission to:
 - i) Finalize, in collaboration with the PRC, all the proposals with a view to submitting a final report to the next ordinary session of the Executive Council scheduled for July 2016;
 - ii) Present a status report to the PRC on a regular basis and draw up timelines on the implementation plan;
 - iii) Strictly apply the provisions of the existing African Union Staff Regulations and Rules regarding compulsory retirement of both regular and separation of short term staff as well as implement an effective succession planning system;
 - iv) Reduce its dependence on partners' funds in the management of key and sensitive posts in the proposed structure;
 - v) Present a detailed report on the financial implication of the proposed structure;
 - vi) Design and submit the macro structure for Peace Keeping Liaison Offices under the structure of the Department of Peace and Security;
 - vii) Implement the measures to improve operational efficiency and effectiveness that do not entail structural reform;
 - viii) Carry out, with the support of the Consultants, a comprehensive exercise with respect to the other Organs, the Commission Representational, Technical, Regional and Peace Keeping Liaison Offices in the next phase of the exercise by June 2016.
- 13. APPROVES** the principle used in the design of the macro structures of the Commission and methodology adopted in the assessment of the current Commission structure which aims at bringing process and cost efficiencies as well as alignment with the Agenda 2063;
- 14. ENDORSES** the proposed structures of the Commission for which alignment had

been agreed upon and **REQUESTS** the Commission to ensure that the financial implications of the proposed structure is not more than the already anticipated cost of United States Dollars (USD) 1.5 million to Member States;

D. ON AUDIT MATTERS

15. REQUESTS the Commission to continue to follow-up on the implementation of the recommendations of the Office of Internal Audit (OIA) as well as those of the Board of External Auditors and report on audit matters periodically;

16. DECIDES as follows:

- i) Identify and establish the responsibility of those implicated in audit reports ;
- ii) All concerned Departments/Directorates/Offices of the Commission will henceforth attend meetings where audit matters are being considered with a view to ensure implementation of recommendations;
- iii) The Commission should ensure that it carries out most of its activities hence scale up the execution rate of available funds in the first half of the year, in order to achieve a satisfactory implementation rate by the end of each financial year;
- iv) The Commission should propose realistic project implementation plans based on the available funds and human resources capacity and the OIA should carry out an audit of human resources and staff performance;
- v) In preparing reports on budget performance, the Commission should include detailed information on the funds received showing the breakdown of the monies received;
- vi) Over-expenditure of budget allocation without authorization, will be addressed in line with the existing rules and in particular the Financial Regulations and Rules;
- vii) The Commission should set deadlines for internal and external audits, and take necessary measures to ensure that those deadlines are met;
- viii) The OIA should undertake an audit of the reserve funds of the Union and present the report during the first quarter of 2016 to the Executive Council in July 2016, through the PRC;
- ix) The OIA should submit a report to the PRC, through its relevant Sub-Committee every three (3) months to enable it to follow-up on implementation.

E. ON MULTILATERAL COOPERATION - Doc. EX.CL/928(XXVIII)v

a) *On the Evaluation of the Africa's Strategic Partnerships*

17. REQUESTS the PRC in collaboration with the Commission to:

- i) Comply with and implement paragraph 10 Decision EX.CL/Dec.877(XXVII) adopted by its 25th Ordinary Session of the Executive Council held in Johannesburg, South Africa in June 2015 reaffirming the right of all Member States without distinction to participate in all meetings, activities and events organised within the context of partnerships of which the AU is part;
- ii) Continue its evaluation of Strategic Partnerships and to submit its recommendations in the envisaged overall evaluation report during the July 2016 Summit;
- iii) Engage the Partners and other relevant stakeholders, with a view to identifying areas of competencies of the Strategic Partners.
- iv) Align the African Union Program Budget, jointly funded by Strategic Partners, with the priority areas identified in the First Ten Year Implementation Plan of Agenda 2063.

18. DECIDES that the PRC will take the lead in representing Africa before the Partners, while soliciting the views of the Africa Groups accredited to the Partners concerned;

b) *On Rescheduling of Partnerships Summits*

19. ENCOURAGES Partners or designated host countries to ensure that other Partnership Summits' meetings (Senior Officials and Ministerial Meetings) are held at the same venue and immediately precede respective Partnership Summits;

20. APPROVES a five (5) year cycle and to organize two (2) partnership meetings per year as from 2017 for all Strategic Partnerships and **REQUESTS** the Commission to adopt its gradual implementation taking into consideration the need to reschedule previously adopted Partnership meetings accordingly, including at the Summit level, and in consultation with the respective Partners and host countries;

c) *On Involvement of the PRC at meetings with Partners*

21. REQUESTS the Commission to:

- i) Ensure that financial provisions are earmarked to cover the cost of participation of the representatives of the PRC, through the Sub-Committee on Multilateral Cooperation in all partnership meetings abroad, while ensuring that such meetings are held at the Headquarters of the African Union whenever possible;

ii) Review the Banjul Formula on the participation from Africa's side.

d) *On Africa-Arab Partnership*

22. REQUESTS the Commission in collaboration with the League of Arab States to commence preparations for the 4th Africa-Arab Summit scheduled for Equatorial Guinea in November 2016, as per the agreed roadmap;

e) *On Africa-India Partnership*

23. REQUESTS the Commission in collaboration with the PRC to follow up on the implementation of the Declaration and Framework for Strategic Partnership adopted by the 3rd Africa-India Summit held in Delhi, India from 26 to 30 October 2015;

f) *On Tokyo International Conference on African Development (TICAD)*

24. COMMENDS the Islamic Republic of The Gambia and Kenya for the agreement reached to hold the TICAD VI Summit in Nairobi, Kenya;

25. ENDORSES:

i) The agreement to hold TICAD VI Summit in Nairobi, Kenya, on 27 and 28 August 2016;

ii) The proposal by the Co-organizers, the Government of Japan, the United Nations Office of the Special Advisor on Africa (OSAA) the Commission, the United Nations Development Programme (UNDP) and the World Bank to combine the holding of the Second TICAD V Ministerial Follow-Up and the TICAD VI Ministerial Preparatory Meetings.

26. APPROVES the offer by:

i) The Islamic Republic of The Gambia to host the combined Ministerial Meeting and **REQUESTS** the Commission, in close collaboration with the host and Co-Organizers of TICAD, to propose a suitable date for the said Ministerial meeting, and to engage in active preparations;

ii) Djibouti to host the Senior Officials Meeting for the combined Ministerial Meeting on 14 and 15 March 2016.

g) *Forum on China-Africa Cooperation (FOCAC)*

27. REQUESTS the Commission in collaboration with the PRC to follow up on the implementation of the outcomes of the Johannesburg Summit Plan of Action (2016-2018) of FOCAC of December 2015 and to develop a follow-up mechanism in that regard.

h) On Africa-Korea Forum

28. REQUESTS the Commission to:

- i)*** Propose in close collaboration with Ethiopia and Korea, for consideration by the PRC, a new suitable date for the holding of the 4th Africa-Korea Forum in 2016;
- ii)*** In collaboration with the PRC, together with Korea, to take the necessary steps to ensure effective preparation for the 4th Africa-Korea Forum and to speed up the process of consideration of the draft working documents to be communicated to Member States.

i) On Africa-South America Cooperation Forum (ASA)

29. TAKES NOTE of the request by Ecuador to postpone the 4th Africa-South America Summit scheduled for Quito, Ecuador, from 5 to 7 May 2016;

30. REQUESTS the Commission, together with the South American side and the PRC to consult with a view to proposing suitable new dates for the holding of the 4th ASA Summit in 2017 and to ensure that the working documents are finalized in a timely manner;

j) On Africa-EU Partnership

31. REQUESTS the Commission in collaboration with the PRC to:

- i)*** Agree, with the European Union side, on a date for the Joint Africa-EU Forum (JAF);
- ii)*** Take the necessary steps to ensure effective preparation of the JAF and speed up the process of consideration of the draft working documents.

k) Africa-Turkey Partnership

32. REQUESTS the Commission in collaboration with the PRC to engage in consultations with Turkey regarding a more suitable date for the 2^{no} Senior Officials Meeting.

l) On the Recruitment of staff for the Partnership Management and Coordination Division (PMCD)

33. REQUESTS the Commission to fast-track the recruitment of staff to fill the approved and vacant positions within PMCD, to enable the latter undertake its numerous activities and deliver on its challenging mandate, and report back to the next session of the Executive Council in July 2016;

**F. ON REFUGEES, RETURNEES AND INTERNALLY DISPLACED PERSONS
IN AFRICA - Doc. EX.CL/928(XXVIII)vi**

- 34. RECALLS** Decision EX.CL/Dec.567(XVII) adopted by the 27th Ordinary Session of the Executive Council held in Johannesburg, South Africa in June 2015 to increase the assessed contribution of Member States for assistance towards alleviating humanitarian situation from two percent (2%) four percent (4%), and **REQUESTS** the appropriate policy organ to implement this decision, in view of the increasing complexity of humanitarian situations on the continent;
- 35. REQUESTS** as follows:
- i) Member States to assist the PRC to organize and carry out assessment missions led by the Commission to countries affected by dire humanitarian crisis by relaying information on requests to carry out assessment missions to respective capitals in good time;
 - ii) The regional Deans to nominate heads of delegations in time to ensure that assessment missions are carried out as scheduled;
 - iii) The Commission to ensure that appropriate follow up action on assessment missions is undertaken by engaging national stakeholders, civil society organisations and international partners.
- 36. URGES** Member States to speak with one voice at the World Humanitarian Summit (WHS) scheduled for Istanbul, Turkey, on 23 and 24 May 2016 and **CALLS UPON** Member States and the Commission to implement the recommendations contained in the Common African Position (CAP);
- 37. REQUESTS** the Commission to report on the implementation of this decision to the ordinary session of the Executive Council scheduled for January 2017;

G. ON CONTRIBUTIONS

- 38. WELCOMES** the following:
- i) The efforts by Member States to pay up their contributions and **URGES** those Member States that have not yet done so to honour fully their obligations;
 - ii) The support of development partners to the Union and **CALLS ON** them to honour their commitments.
- 39. DECIDES** to grant temporary exemption from sanctions to the State of Libya until the beginning of the 2017 financial year, taking into account the difficulties it has been facing for the last few years;
- 40. REQUESTS** the Commission to hold discussions with Member States that are in

arrears with a view to coming up with an agreed payment plan/schedule;

41. **CALLS UPON** Member States that are in arrears of over two (2) years to settle the arrears promptly, to avoid sanctions being applied on them in accordance with the existing rules;
42. **ALSO CALLS UPON** the United States of America to lift the long- standing unilateral economic sanctions imposed on The Sudan, to allow the latter to honour its commitments to the African Union and other International Organizations;
43. **REQUESTS** the Commission to explore means of opening an account within Africa dedicated to and aimed at facilitating timely payment of contributions by Member States;
44. **APPROVES** the setting up of a Sub-Committee of the PRC to oversee the implementation of the sanction regime and to study the issues relating to the banks and the currency used by the organization in light of the new challenges faced in the global arena;
45. **WELCOMES** the efforts by the Ad-hoc Ministerial Committee on the Scale of Assessment which met on the margins of the 28th Ordinary Session of the Executive Council in January 2016 and finalized consultations with and reached final conclusion on the proposed new scale assessment of the Republic of Angola;
46. **DECIDES** as follows:
 - i) Maintain sanctions on the **Central African Republic** for non-payment of its assessed contributions and accumulated arrears since the 2011 financial year;
 - ii) Impose sanctions on the **Republic of Sao Tome and Principe** for non-payment of its arrears of contribution for the last two (2) financial years;
 - iii) Maintain the temporary exemption granted to the **Republic of Madagascar** as long as it continues to honour its obligations in line with the agreed plan.

H. ON ECONOMIC AND TRADE MATTERS

47. **REQUESTS** the Commission to:
 - i) Conduct a continent-wide study to investigate the causes of shortcomings in the African Growth and Opportunity Act (AGOA) process and make the most of the experiences of countries that have recorded better economic and commercial performance in this process;
 - ii) Remain engaged with the United States of America (USA) to ensure that there is no erosion of preferences available to Member States under AGOA.

48. URGES Member States to:

- i) Set up their national AGOA response strategies to take better advantage of the economic and commercial potential of AGOA;
- ii) Define a common African position and respect the commitments that will be made in this context to ensure that Africa speaks with one voice on this matter during negotiations of trade agreements;
- iii) Speed up the implementation of the Continental Free Trade Area (CFTA) process by allocating the necessary funds for the indigenization of the negotiation process to allow the Commission to train more national experts and those within the Permanent Missions of Member States in Addis Ababa, Ethiopia.

49. CALLS ON Member States to sign and ratify expeditiously, the Protocols establishing the Pan-African financial institutions, namely, the African Central Bank (ACB), the African Investment Bank (AIB) and the African Monetary Fund (AMF), with a view to providing the continent with adequate resources for the implementation of the Continental Development Agenda;

50. URGES Member States to:

- i) Forward, with negotiating regions their signed Economic Partnerships Agreement (EPAs) to the Commission and **REQUESTS** the latter, in collaboration with the United Nations Economic Commission for Africa (UNECA), to analyse them and ensure that they are compatible with Africa's development as framed in Agenda 2063;
- ii) Designate their Chief and alternate Negotiators as well as focal points within their respective Permanent Missions in Addis Ababa, Ethiopia in preparation for the negotiations on CFTA.

51. REQUESTS the Commission to:

- i) Collaborate with China within the Forum on China-Africa Cooperation (FOCAC) and the Memorandum of Understanding (MOU) signed with China for industrialization;
- ii) Organize a Ministerial Roundtable on current economic, financial, agricultural and humanitarian challenges facing the continent with a view to building long-term resilience;
- iii) Fast-track, in collaboration with Member States, the implementation of flagship programmes of Agenda 2063 such as the Grand Inga Dam Project to unleash the economic potential of the continent.

52. **URGES** Member States to provide available strategic information to the Commission regarding their Mineral Resources to ensure full continental beneficiation and shared prosperity through the African Minerals Development Centre (AMDC);

53. **REQUESTS** the Commission to report on the implementation of this decision to the July 2017 ordinary session of the Executive Council.

I. ON THE NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT (NEPAD)

54. **RECOMMENDS** to the Assembly to:

- i) **Request** the Commission to expedite the finalization of the integration of NEPAD Planning and Coordination Agency (NPCA) into the African Union (AU) structures and processes, particularly in light of the envisaged restructuring exercise, with a view to avoiding programmes overlap and duplication;
- ii) **Also Request** the Commission, in collaboration with NPCA, to propose well defined criteria for eligibility of all Member States for NEPAD projects;
- iii) **Declare** the vacancy of the position of the Chief Executive Officer (CEO) of NPCA and request the NPCA Secretariat in collaboration with the Commission to circulate the Terms of Reference of the position to all Member States;
- iv) **Decide** that NEPAD programmes and projects be extended to the Sahrawi Arab Democratic Republic and Somalia;
- v) **Also Decide** that the harmonization of medical products should take into account the draft AU model law on regulation of medical products;
- vi) **Request** NPCA to provide clear completion time lines for the infrastructure development projects with respect to the sixteen (16) Mega projects as well as the new projects in the pipeline on the continent.

J. ON THE SPECIAL EMERGENCY FUND FOR DROUGHT AND FAMINE IN AFRICA

55. **REQUESTS** the PRC in collaboration with the Commission to:

- i) Ensure harmonization between the objectives and mandate of its sub-committees including with those relating to refugees due to the similarity of issues dealt with and in the interest of synergy, thereby avoiding duplication of efforts; and make necessary arrangements for the participation of the Members of SEAF in the humanitarian assessment missions of the Commission;

- ii) Sensitize Member States, on the status of the Fund and the need to replenish it without delay in order to combat the dire humanitarian situation on the continent;
- iii) Draw a timetable for convening a pledging Conference aimed at mobilizing additional resources to ensure sustainability of the Fund and to enable address among others, the effects of the El Nino phenomenon;
- iv) Take necessary measures, with the competent organs, to harmonize all offers made at different fora (COP21 and G8) in order to maximize the use of possible funds released;
- v) Continue to raise awareness in 2016 on the effects of climate change in Africa, particularly on the impact of El Nino in East Africa, Southern Africa and other regions of the continent.

56. CALLS UPON Member States to pull their risks together in the area of climate change by joining the African Risk Capacity (ARC);

57. REQUESTS the Commission to:

- i) Present, the final draft of the document to implement the Executive Council's decision on expanding the mandate of the Fund and to organize, in 2016, a special session of PRC on this issue;
- ii) Find ways and means to expand the donor base of the Fund to include the private sector, and individuals including from the Diaspora as well as non-traditional donors;
- iii) Harmonize the joint working arrangement between the PRC Sub-Committee on SEAF and the PRC Sub-Committee on Refugees, Returnees and IDPs.

58. CALLS ON all Member States and partners to assist the Sahrawi Arab Democratic Republic, which has been affected by floods in 2015;

59. REQUESTS the Commission to report on the implementation of this decision at its ordinary session scheduled for January 2017.

K. ON THE HEADQUARTERS AGREEMENTS

60. REGRETS the problem encountered by the Permanent Representative of the State of Eritrea and his spouse at the Bole International Airport on 14 May 2014;

61. APPRECIATES that the Host Government was magnanimous to state that it did all that was necessary to ensure that the Permanent Representative of the State of Eritrea and his spouse were accorded the full privileges and immunities on their arrival at the Bole airport and that it regrets any irregularity or incident that may have occurred on their arrival that does not amount to the full enjoyment of

privileges and immunities;

62. **URGES** the Host Government to accord to the Permanent Mission of the State of Eritrea, its Head and diplomatic staff the same privileges and immunities it accords to diplomats from other AU Member States as well as abide by its hosting obligations;
63. **INVITES** the Host Government, in consultation with the Commission, to develop better guidelines on receiving diplomats and ensure expedient immigration processing;
64. **REQUESTS** the Permanent Representatives' Committee (PRC) to follow up with its proposal to have the Host Government and the PRC meet in a Special Session after the Summit to discuss and address broad issues of concern;
65. **URGES** the Host Government to:
 - i) Liaise with its relevant departments to ensure that immunities and privileges are fully accorded to AU Staff and Diplomats of Member States at the airport;
 - ii) Synchronize the exercise of the duty free privilege in Ethiopia in accordance with the Headquarters Agreement in transactions where United States Dollars (US\$) is the required mode of payment;
 - iii) Review the rules governing the purchase of tickets and duty free items in Addis Ababa in Dollars while Diplomats and staff members of the Commission are legally restricted from withdrawing dollars and making the necessary payment locally;
 - iv) Expedite the implementation of the Quick Wins including effective money transfer;
 - v) Work out, in collaboration with the Commission, a timetable for the drafting and finalization of the relevant guidelines to facilitate the implementation of the Host Agreement;
 - vi) Inform the Commission before putting in effect changes in rules that may affect the rights and privileges of staff members of the Commission, and the Permanent Representatives and their personnel accredited to the African Union as provided for in the Headquarters Agreement;
 - vii) Borrow a leaf from other countries which host International Organisations with respect to the modalities those countries use to implement diplomatic privileges and immunities.
66. **REQUESTS** the Commission to develop guidelines on the issuance of visas to individuals in the employment of the Commission, not fully covered in the African

Union Staff Regulations and Rules and submit same to the Host Government for consideration;

67. **ALSO REQUESTS** the Commission to report on the implementation of this decision in January 2017.