

DECISION ON THE REPORTS OF THE SUB-COMMITTEES OF THE PERMANENT REPRESENTATIVES' COMMITTEE (PRC)

The Executive Council,

1. **TAKES NOTE** of the PRC recommendations on the Reports of its Subcommittees, taking into account observations made by Member States;
1. **SUB-COMMITTEE ON STRUCTURAL REFORMS - Doc: EX.CL/1241 (XXXVIII)**
2. **RECALLS** the following Decisions:
 - a) The Assembly Decision Assembly/AU/Dec.635 (XXVIII) of February 2017 and DEC. 750 of February 2020 requesting the Chairperson of the Commission to finalize the review of the other organs and institutions and to submit its proposals to the 34th Ordinary Session of the Assembly of Heads of State and Government in February 2021;
 - b) The Assembly Decision AHG/Dec.167 (XXXVII) of the 37th Summit of the OAU African Heads of States and Governments held in Lusaka, Zambia, on 11 July 2001 that created the establishment of The African Energy Commission (AFREC).
3. **TAKES NOTE** of the report of the Subcommittee on structural Reforms on the structures of AFREC and Beijing Office.
4. **RECOMMENDS** the following proposed structure of AFREC for adoption by the Assembly:

Post	Grade	Number of Staff	Status
Office of the Executive Director			
Executive Director	P6	1	Existing
Admin. Assistant	GSA5	1	Existing
Communication Officer	P2	1	Existing
Division of Policies, Strategies and Support			
Head of Division	P5	1	Existing
Country Support & Capacity Building Officer	P4	1	Renamed
Renewable Energy Officer	P3	1	New
Energy Efficiency Officer	P3	1	New
Research, Oil & Gas Officer	P3	1	New

Post	Grade	Number of Staff	Status
Energy Product Technologies Officer	P3	1	New
Energy Economy & Modelling Officer	P3	1	New
Division of Energy Information System & Statistics			
Head of Division	P5	1	New
Energy Statisticians Officers	P3	3	1 Existing 2 New
IT & Data Management Expert	P3	1	New
Graphic Designer	P1	1	New
Unit of Administration, Finance & support			
Finance officer	P2	1	Existing
Assistant Accountant	GSA5	1	New
Administrative Assistant	GSA5	1	New
Secretary Receptionist	GSA4	1	Existing
Driver	GSB7	1	Existing
Mail Runner	GSB7	1	New
Total Number of Staff		22	

The annual estimated staff cost and other benefits (education allowance) is \$ 2,377,843. This excludes other operational cost such as initial recruitment cost.

5. **DECIDES** that the implementation of the above structure should be phased and subject to budget availability.
 6. **DIRECTS** the Commission to finalize the draft structures of the Beijing office and all the other organs and institutions that are still outstanding in conformity with the above stated Assembly Decision Assembly/AU/Dec.635 (XXVIII) and it should be presented to the next ordinary session of the Executive Council of July 2021.
- II. THE JOINT SITTING OF THE SUB-COMMITTEE ON GENERAL SUPERVISION AND COORDINATION ON BUDGETARY, FINANCIAL AND ADMINISTRATIVE MATTERS, SUB-COMMITTEE ON PROGRAMS AND CONFERENCES AND THE TECHNICAL EXPERTS OF F15 - Doc: EX.CL/1242(XXXVIII)**

A. Supplementary Budget Request for 2020

7. **APPROVES** the virement of **US\$7,712,869** to be financed from internal savings as follows:

Staff Cost	163,855.75
Staff Cost-Other	3,666,639.52
Communication	300,551.68
Maintenance	349,460.92
Utilities, Insurance & Fuel	143,445.70
Stationery & Supplies	86,420.16
Bank Charges	16,949.34
Statutory Meetings	100,000.00
Capital	176,971.00
Programs	2,708,574.93
Total	7,712,869

8. **DIRECTS** that discussion on other supplementary budget requests be deferred to a date after the Ordinary summit.
9. **REQUESTS** the Commission to circulate to the Joint Sitting of the PRC sub-committee and the F15 the detailed report on the New York building, and Brussels buildings as well as the AU properties in Lagos for consideration at a meeting to be held after the Ordinary summit and report back to the Executive Council in June/July 2021 on the appropriate way deal with the properties.

B. Report on 2021 Budget Gap

10. **TAKES NOTE** of the Reports of the PRC and Joint Sitting of the Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters, Sub-Committee of Programs and Conferences and the F15's Committee of Experts;
11. **RECALLS** Executive Council decision EX.CL/Dec. 1097(XXXVII) Paragraph 49 which provisionally approved a list of activities under GAP amounting to **US\$20,297,433** for the Union which was part of the approved 2021 program budget and directed the Commission to solicit additional funds to 30 November 2020 and report back to the PRC on the outcome of the negotiations with partners not later than 14 December 2020.
12. **TAKES NOTE** of the mobilized additional funds of **US\$8,057,610** from the Budget Gap as follows:

Row Labels	Sum of Funds Secured
Administration and Human Resource Development	478 000,00
Africa CDC	3 500 000,00
Bureau of the Chairperson - Cabinet	270 389,00
Bureau of the Deputy Chairperson - Cabinet	211 623,00
Conference Management and Publications	40 000,00
Economic Affairs	69 998,00
Human Resource Science and Technology	510 500,00
Information and Communication	125 696,00
Office of the Legal Counsel	330 632,00
Political Affairs	349 000,00
Program Budget Finance and Accounting	197 700,00
SPPMERM	81 542,00
Trade and Industry	1 757 420,00
Women, Gender and Development	103 456,00
Social Affairs	22 470,00
Infrastructure and Energy	9 184,00
Grand Total	8,057 610,00

13. **UNDERLINES** the urgent need for the implementation of decision EX.CL1097 of October 2020 and **RECOMMENDS** that the Commission take into consideration the ACBF within the framework of the execution of the amounts already secured and in particular the amount of **3.2 million** dollars financed by the world bank.
14. **CALLS UPON** the Commission to reprioritize its activities and all the unsecured funds for activities under the gap amounting to **US\$12,239,823** be cancelled and deleted from the 2021 budget forthwith.
15. **EXPRESSES CONCERN** that Partners, finance up to 75.4% of the program budget, which is not in line with the financial Golden rules and the 2015 Johannesburg decision, and **REQUESTS** the Commission in mobilizing funds, to prioritize the remaining programs and activities and to avoid creating new ones when submitting supplementary budget at a later date.
16. **RECALLS** the Executive Council decision 1097 Paragraph 46 which **APPROVED** a total budget of **US\$636,075,986** and **APPROVES** a new total budget of **US\$623,836,163** for the AU for the year 2021 of which **US\$203,500,000** is to be assessed on Member States (32%), **US\$8,500,000** from the Administrative Cost (1%); **US\$406,194,344** from Partners (65%), and **US\$5,641,820** from the Maintenance Fund (1%). This is further broken down as follows: **a)** Regular budget of **US\$359,097,502** broken down as follows:

i) Operating budget of **US\$172,089,820** to be funded as follows:

- **US\$161,000,000** (93%) assessed on Member States;
- **US\$8,500,000** (5%) from Administrative Cost; and
- **US\$2,589,820** (2%) from the Maintenance Fund.

ii) Programme Budget of US\$187,007,683 to be financed as follows:

- **US\$42,500,000** (22,6%) assessed on Member States;
- **US\$3,052,000** (2%) from the Maintenance Fund; and
- **US\$141,455,683** (75,4%) to be solicited from international partners.

b) Peace Support Operations with a total budget of **US\$264,738,661** to be fully solicited from international partners.

17. **DIRECTS** the Commission to urgently proceed to close the 2021 Budget Cycle.
18. **URGES** the Commission to start negotiations with partners to secure funds for the 2022 AU Budget.
19. **RECALLS** the decision 1097 Paragraph 56 which **DECIDED** that the Member States assessment for year 2022 shall not exceed **US\$250,000,000**.
20. **DECIDES that** AU budgets are to be adopted without Funding Gap in line with the golden rules.

C. The Budget Framework Paper of the African Union

21. **RECALLS** decision ref: EX.CL/Dec.578(XVII) where the Budget of the Union was recommended to be considered and approved at the June/July sessions hence necessitated the consideration of the Budget Framework Paper by the Executive Council in January/February sessions.
22. **UNDERScores** that the Budget Framework Paper is the basis for the formulation of the Budget of the African Union.
23. **AUTHORIZES** the PRC to review and approve the African Union Budget Framework Paper in order to expedite the composite budget formulation process and to institutionalize a 3-year budget cycle based on the Implementation plans of Agenda 2063.
24. **DIRECTS** all AU Organs to adhere to the priorities and thematic areas outlined in the Budget Framework Paper and reinforce a culture of accountability, result based management in line with the Golden Rules.
25. **REQUESTS** the Commission to report on the implementation of this Decision during the next ordinary session of the Executive Council.

D. Report of the Commission on the implementation of the Executive Council Decision on the New AU Wide Quotas and Report of the R10 experts on the AU quota system

26. **RECALLS** the EX.CL/Dec.1097(XXXVII) reiterating the need for the review of the current quota system to be applied to all AU professional positions in all organs (regular, short term, fixed term and special service) considering the requirement of gender and youth quotas excluding general service staff.
27. **TOOK NOTE** of the AU report on the Quota System and expressed concern that the Commission was unable to fully implement the Maputo and Sharm-el-Sheikh recommendations.
28. **RECOMMENDS** to the Assembly for adoption the new AU wide quota system, which is an equation based on the two fundamental principles of solidarity (membership) and equity (scale of assessment) at 50% each. **FURTHER RECOMMENDS** that the equation of the quota shall apply to the recruitment of each category of the professional positions of regular, fixed term, short term and special service staff members in all Union structures and should take into account gender and youth parity.
29. **DECIDES** that the quota shall be applied in line with the SRR with the following criteria:
- a. The quota should take into account the gender parity at all level;
 - b. Positions below P3 should favor Youth without prejudice to internal promotion procedures in line with the AU SRR;
 - c. The suggested quota shall be applied at two levels:
 - i) On the managerial level: to have a fair and equitable representation of all Member States (all positions at P4 and above);
 - ii) On tactical level: to have a fair and equitable representation of all Member States (all positions at P3 and below).
 - d. A Gap Cap of 25% will be applied while implementing the quota to the recruitment of the professional positions of regular, and non-regular staff members in all Union structures.
 - i. The Gap Cap is defined as the difference between the highest Member State in terms of its utilization of its respective quota, when compared to the least Member State in utilizing its respective quota.
 - ii. Once that Gap Cap reached at any time, the highest member state will be temporary blocked till that gap is back to less than 25%.
 - iii. That blockage can be lifted after a period of nine (9) months if the blocking Member State is not fulfilling his share of candidates.

30. **DIRECTS** the Commission and the R10 experts to develop a Quota Policy by the end of March 2021, applicable to the Union and should be presented to the next Executive Council Meeting through the relevant policy organs for approval. The Quota Policy shall take into consideration the application quota system on the African Union Youth Volunteer Program, Africa CDC Youth Fellows and Fellows and Scholarships of the Pan-African University Students, in line with Para. 38 Executive Council Decision EX.CL/Dec. 1097(XXXVII).
31. **FURTHER DIRECTS** the Commission to submit reports on the implementation of the quota policy at the sessions of the Executive Council.

E. Report on the Proposed AU Staff Pension Fund (AUSPF) Scheme

32. **RECALLS** Executive Council Decision EX.CL/Dec. 1073(XXXVI) of February 2020, paragraphs 45 to 47:
- i) **TAKES NOTE** of the consultant's proposal for internal management of the AU Staff Pension Fund (AUSPF) with its Secretariat being financed by Member States within the current structure;
 - ii) **EXPRESSES** concern regarding the unavailability of competent staff to manage internally the pension regime with the support of the AU Staff Association.
33. **TAKES NOTE** of the result of the study presented by the consultant with the revised proposal for internal management of the AU Staff Pension Fund without investments, and with the Secretariat of the AUSPF being financed by Member States within the current structure.
34. **DECIDES** that Member States shall not be responsible for any losses incurred due to the management of the fund internally.
35. **FURTHER DECIDES** that all expenses to be incurred to operationalize the AUSPF shall come from the AUSPF recourses, not the AU Budget, except the salaries of staff on the current approved structure of the Secretariat as per Assembly Decision Assembly/AU/Dec.750(XXXIII).
36. **ADOPTS** the proposed option four (IV) of the internal management of the African Union Pension Fund, as modified by the PRC, to be governed in line with the Pension Fund Scheme Rules and the Trust Deed, and **DIRECTS** that resources of the Fund be deposited into banks in Africa that guarantee the security of the funds in case of bankruptcy, as Fixed Deposits through an open bid process and officially notify Member States through Note Verbales.
37. **ALSO ADOPTS** that there be a Board of Trustees in accordance with the Pension Scheme Rules, who shall manage the Fund together with the Secretariat.

38. **DECIDES** that the Composition of the Board of Trustees shall be as follows:
- i. Appointed the Deputy Chairperson of the Commission to serve as the Chair of the Board:
 - ii. Five Members elected by the AU Staff Association:
 - iii. Head of Finance Division each appointed by three (3) Organs on a two (2) years rotational basis.

39. **UNDERLINES** that the investment Committee of the African Union should be consulted periodically.

40. **FURTHER DECIDES** that the AU Staff Pension Fund shall be oversighted by the Office of Internal Audit, Board of External Auditors and the PRC.

41. **REQUESTS** the STC on Justice and Legal Affairs to review the legal provisions of the AU Staff Pension Fund scheme at its next Ordinary Session for adoption by the Executive Council in June/July 2021.

F. Report of the R10 and Exit Strategy

42. **DIRECTS** having the Organs trained to have the minimum required number of experts to start the new recruitment process all over the AU.

G. Extension of the mandate of R10 and Request for a Supplementary Budget for the Extended mandate

43. **TAKES NOTE** of the Report of the joint sitting on the extension of the mandate of R10 and the exit strategy of the R10.

44. **APPROVES** the extension of the mandate of R10 until end of June 2021 and **REQUESTS** the R10 to report to the 39th Executive Council Session in June/July 2021.

45. **DIRECTS** the Commission to coordinate with the R10 to fully realize their mandate;

46. **APPROVES** the Supplementary Budget for Scenario 1 in the amount of \$ 494,445 to be funded from the reserve funds only with a single LinkedIn account at Commission level which will manage the entire Union platform;

47. **ALSO DECIDES** that in order to avoid any violation of the integrity of the African Union rules, and any conflict of interest and to ensure transparency, and fairness in the new recruitment system, members of the R10 should resign before applying for positions within the Union

H. Implementation of Phase 1 of the Transition Plan

48. **DECIDES** that all vacant posts approved as part of Phase 1 of the Transition Plan be immediately advertised for a period of three months to enable the widest possible opportunity for African citizens to apply. **DIRECTS** the Commission to phase this process starting with the recruitment of all vacant senior management posts as follows: Director-General and Director AHRM by end of May 2021, followed by other Directors and Heads of Division while taking due consideration to the quota of staff of least represented Member States and further request the R10 to train the new Director of AHRM on the system. As soon as the recruitment vacancies are published they shall be communicated through a Note Verbal to Member States in accordance with the decisions of November 2018.
49. **DIRECTS** the Commission to immediately initiate the procurement process, in line with AU FRR for the independent firm that will be responsible for undertaking the skills audit and competency assessment in line with phase one of the transitional plan the terms of reference developed by the Commission and the R10 and **FURTHER APPROVES** the supplementary budget request of \$450,000 to be funded from the African private sector funds, for the implementation of the skills audit and competency assessment.
50. **ALSO DIRECTS** having the new recruited staff during Phase 1 of the transition plan be trained and certified to enable them to recruit efficiently during their service at the Commission.
51. **FURTHER DIRECTS** the Commission and the R10 to execute a CBI Training of Trainers program that should be designed and executed to have a complete autonomy of the AU to train and continuously upgrade the team of experts to execute at the required level of proficiency the CBI interviewing throughout the new recruitments.
52. **INSTRUCTS** the Commission to finalize equipping the two dedicated caucus rooms by the end of February 2021 in order to start the recruitment's activities immediately in order to guarantee the transparency of the recruitment system.
53. **URGES** the Commission to immediately start the translation of the Job Profiles delivered by the R10 to the five working languages of the Union and allows the Commission to use all means, including outsourcing to achieve that task within a maximum of two months from the date of the decision.
54. **ALSO URGES** that the Commission, through APROB to install the two committees, Recruitment and Selection Committee (RSC) and Promotion and Mobility Committee (PMC) as subcommittees to the existing APROB, to serve as advisory bodies to the new recruitment system until the new Staff Regulations and Rules (SRR) are adopted by the Policy Organs.
55. **REQUESTS** the R10 to work with the Commission with a view to presenting to the

PRC the review on 2019 and 2020 Recruitments to enable the R10 to present their relevant report to the PRC by **March 2021**.

56. **DIRECTS** the R10 to finalize the remaining Job Profiles to enable an efficient Skills Audit as well as their usage within the new recruitment system: MBRS (Merit Based Recruitment System).
57. Applying decision EX.CL/Dec. 1097(XXXVII) of the Executive Council of October 2020, and referring to Executive Council Decision EX.CL/Dec. 1073(XXXVI) of the February 2020, **DIRECTS** the R10 to supervise the Skills Audit exercise that will be executed by an external firm in line with para 49 to preserve its integrity and fairness without prejudice to the approved extension timeframe, as provided in para 44.
58. **RECOMMENDS** the implementation of a complete communication plan that will cover all stakeholders on the new Merit Based Recruitment System (MBRS).

I. Revised Financial Rules and Regulations and Revised Staff Rules and Regulations of the African Union

59. **RECALLS** the Executive Council Decision EX.CL/Dec. 1097(XXXVII) requesting the PRC and the Commission and STC Justice and Legal Affairs to expedite the review of the Financial Rules and Regulations (FRR) and the Staff Rules and Regulations(SRR) for consideration and adoption by the relevant Policy Organs.
60. **COMMENDS** the Commission and the PRC for the finalization of the review and **REQUESTS** the STC on Justice and Legal Affairs to consider the draft African Union Financial Rules and Regulations and the Staff Rules and Regulations during its next extraordinary session for consideration by the Executive Council in June/July 2021.
61. **FURTHER REQUEST** the STC-JLA to consider the Draft Revised SRR taking into account the issue of conditions of service of the staff including promotion and upgrading of staff as well as staff benefit and allowances that is competitive and comparable to other international organizations as stipulated in Article 20 (12) of the Statute of the Commission, in order to retain and attract the best African talent across the continent.'
62. **APPROVES** in principle a supplementary budget to conduct the Extra-ordinary Session of the STC and **DIRECTS** the PRC, assisted by its relevant Sub-Committee, to identify the required budget.

III. THE SUB-COMMITTEE ON AUDIT MATTERS - Doc. EX.CL/1243(XXXVIII)

The Executive Council,

63. TAKES NOTE of the Activity Report of the PRC Sub-Committee on Audit Matters.

ON INTERNAL AUDIT REPORT ON BUDGET PERFORMANCE REPORT FOR THE PERIOD JANUARY TO DECEMBER 2019

64. EXPRESSES CONCERNS on the low technical and financial execution rates of the program budget, reaching 56% and 74% respectively, and which reflects the worrying implementation of half of the programmed activities, and thus affects the good administrative and financial governance of the Organization and **CALLS** the AUC managers to enhance the implementation of planned programmes.

65. ALSO DIRECTS the Commission as follows:-

- a) Reprioritize its programmes in order to be in tandem with the changing priorities of the funding Partners and avoid inclusion of unfunded activities/programmes in the approved budget.
- b) Investigate and establish the main reasons as to why some Partners are not remitting funds to AUC as pledged and report back to the PRC through the Sub-Committee on Audit Matters by 31 March 2021.
- c) Should ensure that internal audit reports on budget performance of other AU Organs are submitted along with the report of the AUC.
- d) Should ensure that accountability for the loss resulting from the Administrative Tribunal case of Mr. Moctar Yedaly is established, and that the detailed report requested earlier by the Subcommittee on General Supervision and Coordination from the Office of the Legal Counsel (OLC) is submitted as directed by 31st March 2021.
- e) The Chairperson of the Commission should be advised of implications on appointments of staff to the Organization, particularly when the Chairperson has made changes to the recommendations of the Appointments, Promotions, Recruitments Oversight Board (APROB).

ON THE INTERNAL AUDIT REPORT ON RECRUITMENT PROCESS ON THE AFRICAN UNION COMMISSION (AUC) JANUARY 2016 TO JUNE 2019

66. DIRECTS the Commission as follows:

- a) Should ensure that all wrong recruitments mentioned in the report, as well as those which are being appealed by staff due to wrong recruitment processes

followed are corrected accordingly for transparency and to avoid costs to the organization;

- b) Should ensure that the over payments made to the former Director of AH RM upon transfer to NEPAD is recovered;
- c) Should ensure that Staff Contracts in all AU Organs are revised with a view to indicate that the employment contract is between the staff and the Union, and not specific to any Organ;
- d) Verify all staff certificates and take corrective action as appropriate for any wrong doings and also put in place an effective consequence management system to ensure that sanctions are taken against staff found guilty of irregularities and violation of AU Rules and Regulations, after having followed due process;
- e) Should ensure that AU Recruitment policy is finalised as soon as possible to ensure that loopholes in the recruitment processes are closed including the use of automated system accessible by all Member States.

ON THE UPDATE FROM THE SECRETARIAT OF THE AU BOARD OF EXTERNAL AUDITORS ON THE 2019 FINANCIAL STATEMENTS AUDIT

- 67. TAKES NOTE** of the delays noted in the audit of 2019 financial statements due to the challenges brought by the COVID 19 Pandemic.
- 68. REQUESTS** the Commission to ensure that the presentation of the 2019 Financial Statements and the investigation report on the staff recruitment at the African Court on Human and People's Rights to the PRC through the Sub- Committee on Audit Matters is done before 31st March 2021 to enable the approval of the financial statements during the Executive Council meeting of June/July 2021.

ON THE INTERNAL AUDIT REPORT ON SALARY ARREARS VERIFICATION FOR THE PERIOD 2015-2017

- 69. APPROVES** the outstanding shortfall on salary arrears of **\$1,292,692.43** broken down as follows:
 - i) **USD1,096,039.28 (Gap between approved and certified amounts)**
 - ii) **USD196, 653.15 (Amount for Special Service Contracts to be paid following Legal Opinion).**
- 70. DIRECTS** the Commission as follows:
 - a) Prepare a comprehensive report on reallocation of internal savings on all areas where the outstanding amount of salary arrears should be drawn from the approved 2020 budget;

- b) Implement the audit recommendations in the internal audit report of salary arrears to enhance effective management of personnel records.

ON THE REPORT FOR DETAILED ANALYSIS OF ALL SPECIAL FUNDS AND AU DORMANT SPECIAL FUNDS

71. RECALLS Executive Council decision **EX.CL/Dec.1073 (XXVI)** of February 2020.

72. DIRECTS the Commission as follows:

- a) Carryout further work on the reconciliation of dormant accounts and mandate all concerned departments to provide detailed information on the implementation of programmes under these special funds;
- b) Submit a detailed audited report by the Office of Internal Audit (OIA) on the current reconciled balances of the special dormant accounts which should also reflect balances audited by the Board of External Auditors in the 2019 Financial Statements by 31st March 2021.

IV. THE JOINT MEETING OF THE PRC SUB-COMMITTEE ON AUDIT MATTERS AND THE PRC SUB-COMMITTEE ON GENERAL SUPERVISION AND COORDINATION ON THE ADMINISTRATIVE, BUDGETARY AND FINANCIAL MATTERS (GSCABFM) ON THE FORENSIC AUDIT REPORT - Doc. EX.CL/1244(XXXVIII)

The Executive Council,

73. TAKES NOTE of the Report of the Joint Sitting of the PRC Sub-Committees on Audit Matters, PRC Sub-Committee on General Supervision and Coordination on the Administrative, Budgetary and Financial Matters, and Experts of the Committee of Fifteen Ministers of Finance (F15) and, **ENDORSES** the recommendations contained therein.

74. RECALLS Decisions EX.CL/Dec. 1031 (XXXV) and EX.CL/Dec. 1057(XXXV) adopted at the Thirty Fourth and Thirty-Fifth Ordinary Sessions of the Executive Council, held respectively in January 2019 in Addis Ababa, Ethiopia, and in July 2019, in Niamey, Niger, which directed that an independent forensic and performance audit be carried out.

75. EXPRESSES its deep concern with the findings of the independent forensic and performance audit.

76. DIRECTS the AU Commission as follows:-

- a) to take immediate disciplinary action, in line with the Staff Regulations and Rules, against staff identified and mentioned in the Price Waterhouse Coopers

(PwC) Report as responsible for breaking the rules and regulations of the Union;

- b) The Chairperson of the AU Commission will report on the implementation of recommendations of the forensic audit to the Executive Council during its 39th Ordinary Session in June/July 2021. This report should include clear timelines and deadlines for the measures taken by the Commission in connection with the implementation of the Forensic Audit;
- c) to carry out a comprehensive audit to cover the staff files that were not covered by PwC since the sample size for the forensic audit covered only 112 files, and also to review the period 2019 to 2020 not covered by the PwC on all audit required areas.

77. RECALLS Executive Council Decision EX.CL/Dec. 1031 (XXXIV) paragraph 32 and **CALLS UPON** the AU Commission and other AU Organs to strictly adhere to the African Union Staff Rules and Regulations, Financial Rules and Regulations, Administrative Policies and Guidelines, and Other Policy Organ's decisions in the utilization and management of the Union Resources, failure to which sanctions and or disciplinary actions shall be taken against management and staff responsible.

78. DECIDES that the recommendations contained in the PwC report form an integral part of this decision and **FURTHER DIRECTS** the Commission to implement all the recommendations of PwC Report on the Forensic and Performance Audit of AUC without further delay, including sanctions on staff for irregularities and non-compliance of various AU Rules and Regulations and **URGES** all parties concerned to ensure their effective implementation.

79. DIRECTS that an independent forensic and performance audit also be extended to other AU Organs covering the period 2014 to 2020 and based on the new tendering and procurement processes.

V. THE SUB-COMMITTEE ON MULTILATERAL COOPERATION - Doc. EX.CL/1245(XXXVIII)

A. On General issues

The Executive Council,

- (i) . **REQUESTS** the PRC in close collaboration with the Commission, AUDA-NEPAD, the Regional Economic Communities (RECs) and the Groups of African Ambassadors in Partner Countries, to finalize the development of the Draft Partnership Strategy and Policy Framework document for submission to the Executive Council in February 2022.

- (ii) . **FURTHER REQUESTS** the PRC to ensure that the Commission prepares a comprehensive road map with specific timeline, during the first quarter of 2021, for the development and finalization of the Partnership Strategy and Policy Framework.
- (iii) . **RECALLS** Executive Council Decision No.: EX.CL/Dec. 1073(XXXVI), of February 2020, which states as follows: “Instructs the PRC to ensure that each Partnership Summit adopts a Declaration and an Action Plan and that preparatory processes for any Statutory Partnership meeting begins three (3) months in advance of the meeting date”.
- (iv) . **ALSO RECALLS** Executive Council Decision No.: EX.CL/Dec.899(XXVIII), paragraph 18, of January 2016, which “decided that the PRC will take the lead in representing Africa before the Partners, while soliciting the views of the African Groups of Ambassadors accredited to the Partners concerned.”
- (v) . **APPROVES** the criteria for hosting partnerships Summits, Meetings and Events as annexed to this decision and **REQUESTS** the PRC in collaboration with the Commission to ensure its implementation.

B. On Partnerships Summits and Meetings

- 80.** In consideration of the COVID-19 Pandemic, as a Force Majeure, which disrupted various programmes and events scheduled for 2020, of which some of the scheduled Partnerships Summits were affected, leading to the need to postpone them to 2021, the Executive Council, in line with decision EX.CL/Dec.899 (XXVIII), of January 2016 decides to:
- (i) . **TAKE NOTE** of the postponement of Partnership Summits, namely the 6th European Union (EU) - African Union (AU) Summit and the 5th Arab-Africa Summit initially scheduled for 2020, due to the COVID-19 Pandemic;
 - (ii) . **RECALL** Executive Council Decision No.: EX.CL/Dec.899 (XXVIII), of January 2016, which approved a five (5) year cycle and to organize two (2) partnership Summits per year;
 - (iii) . **REQUEST** the Chairperson of the Commission, to undertake consultations with Partners and Member States designated to host partnerships Summits in order to make proposals on the Partnerships Summits which may be held in 2021, and to report to Member States, on the outcomes of the said consultations, taking into consideration the improvement in public health conditions caused by the COVID-19 pandemic and in line with Decision EX.CL/Dec.899 (XXVIII), of January 2016.

C. On Specific Partnerships

81. Subject to the outcomes of the consultations undertaken by the Chairperson of the Commission as indicated in the above-paragraph B.3, the Executive Council:

On AU-EU Partnership

- (i) . **REQUESTS** the PRC in close collaboration with the Commission to agree with the EU on a suitable date for the 2nd AU-EU Ministerial Meeting to be held in 2021, in Kigali, Rwanda, subject to improvement in public health conditions caused by the COVID-19 pandemic and in accordance with the relevant decisions on the organization of AU partnership meetings.
- (ii) . **FURTHER REQUESTS** the PRC to commence the preparatory processes of the above-mentioned Meetings and invite the Commission to avail to Member States all relevant documents in this regard.

On Africa - Arab Partnership

TAKES NOTE of the work undertaken by the AU with regard to the development of the AU priorities as well as the proposals of draft working documents for the 5th Africa - Arab Summit.

On Africa - India Partnership

REQUESTS the PRC in close collaboration with the Commission, the African Diplomatic Corps in New Delhi, India to join efforts for the strengthening of Joint Monitoring and Evaluation mechanisms of the Africa- India Partnership through regular consultations and engagements.

On Africa-Turkey Partnership

RECALLS Assembly Decision No.: Assembly/AU/Dec.762 (XXXIII), taken during the 33rd Ordinary Session of the Assembly of the Union, held on 9- 10 February 2020, in Addis Ababa, Ethiopia, which “directed the PRC in close collaboration with the Commission and Turkey to propose new dates starting in 2021, for the hosting of the 3rd Africa-Turkey Summit, in line with Executive Council Decision EX.CL/Dec.899 (XXVIII)Rev.2, paragraph 209 of January 2016”.

On Tokyo International Conference on African Development (TICAD)

- (i) . **UNDERSCORES** the importance of TICAD in the development processes of Africa and to emphasize on the need to strengthen the African Union’s role in

the TICAD process, as follows:

- a) The full involvement of AU in the TICAD process as well as recognition of its important role in defining the priority areas of an appropriate Plan of Action including a timeline for implementation and also to have pragmatic approaches to ensure a balanced role of all stakeholders involved;
 - b) Strengthening alignment of the TICAD process to systemic changes in Africa as defined notably, through the AU's integration agenda, which emphasizes engagement at the regional and continental levels, in order to satisfactorily contribute to the AU Agenda 2063.
- (ii) . **INDICATES** the African Union's position on the need to finalize the 2019 Yokohama Action Plan while ensuring that the African Union interests are well accommodated.
 - (iii) . **REITERATES** the African Union's availability to ensure a smooth and successful preparatory process for the upcoming TICAD 8 Summit, in Tunisia, in 2022.
 - (iv) . **ENDORSES** the second half of 2021 for the holding in Japan of the Ministerial Meeting in order to follow-up TICAD 7 and to start the preparatory process of TICAD VIII, at a date to be determined, in consultation with Japan, subject to improvement in Public health conditions caused by the COVID-19 pandemic and if necessary to explore the possibility of holding the said Ministerial Meeting by virtual means after consultations with Japan.
 - (v) . **DIRECTS** the Commission to develop and circulate the working documents for the meeting in a timely manner.

On Africa - Korea Partnership

- (i). **APPROVES** the holding of the 5th Africa-Korea Ministerial Forum during the first or second week of November 2021, in Seoul, Korea, subject to improvement in public health conditions caused by the COVID-19 pandemic and if necessary to explore the possibility of holding the said Ministerial Meeting by virtual means after consultations with Korea.
- (ii). **DIRECTS** the Commission to develop and circulate the working documents for the meeting in a timely manner.

On Forum on China-Africa Cooperation (FOCAC)

- (i). **REQUESTS** the PRC in close collaboration with the Commission, the African Diplomatic Corps in Beijing, China, and the host country of the 8th FOCAC Ministerial Conference (Senegal), to start the preparatory process for the 8th FOCAC Ministerial Conference to be held in 2021, in Dakar, Senegal, subject

to improvement in Public health conditions caused by the COVID-19 pandemic.

VI. SUB-COMMITTEE ON SPECIAL EMERGENCY FUNDS FOR DROUGHT AND FAMINE - Doc. EX.CL/1247(XXXVIII)

The Executive Council,

- 82. TAKES NOTE** of the Report of the Sub-Committee on Special Emergency Assistance Fund for Drought and Famine in Africa.
- 83. RECALLS** its previous decision EX.CL/Dec.968 (xxxi) that requests the Commission in collaboration with the PRC and its Sub-Committee on SEAF, to convene a Pledging Conference to raise resources to replenish the Fund.
- 84. NOTES** the depletion of the fund and its adverse effect on the Sub-Committee's ability to fully execute its mandate.
- 85. NOTES WITH CONCERN** the dire humanitarian crises that have affected the continent in 2020 compounded by the COVID-19 pandemic and **CALLS ON** Member States to urgently provide financial support for sustaining the Fund to enable the relief, through the Fund, of African populations facing drought, undernourishment, famine and the threat caused by COVID-19 pandemic on food security in Africa.
- 86. REQUESTS** the Commission, in collaboration with the PRC, to:
 - a)** Sensitize the Member States on the statute of the Fund and the need to replenish it without delay in order to respond to the dire threat caused by the coronavirus pandemic on food security in Africa and other calamities such as the Locust infestation.
 - b)** Continue to raise awareness in 2021 on the effects of locust infestation in Africa, particularly its humanitarian impact in East Africa and other regions of the continent.
 - c)** Expedite the organization of a humanitarian summit and donor's/pledging conference during the second half of 2021 aimed at replenishing the fund for its sustainability, which should also consider the impact of COVID-19 on food security in Africa.
 - d)** Coordinate the AU humanitarian action against drought and famine in close collaboration with the Africa Risk Capacity (ARC).
 - e)** Take into account the working method introduced by the AU to counter the spread of COVID-19 as well as to save cost as directed by the Executive Council EXCL/DEC/1097(XXXVII), the Committee needs to make use of

virtual platforms to conduct the planned retreat, solidarity mission and other activities as necessary.

**VII. SUB-COMMITTEE ON HUMAN RIGHTS, DEMOCRACY AND GOVERNANCE -
Doc. EX.CL/1279(XXXVIII)**

The Executive Council,

- 87. TAKES NOTE** of the Report of the Activities of the PRC Sub-Committee on Human Rights, Democracy and Governance (HRDG) for the period, January- December 2020.
- 88. REQUESTS** the PRC to continue its engagement with the AU Organs and Institutions with Human Rights and Governance mandate with a view to enhancing coordination and collaboration, especially in enhancing the synergy between the African Governance Architecture and the African Peace and Security Architecture (APSA).
- 89. URGES** the Commission, working in collaboration with the PRC, to submit the AU Guidelines on Elections during COVID-19 and Other Public Health Emergencies for consideration and adoption during the second quarter of 2021.