

ASSEMBLY OF THE AFRICAN UNION
First Ordinary Session
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Durban, SOUTH AFRICA

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RULES OF PROCEDURE OF THE PERMANENT
REPRESENTATIVES' COMMITTEE

GENERAL PROVISION

The Executive Council,

Having regard to the Constitutive Act of the African Union, and in particular Article 5 and 21 of the Constitutive Act,

HAS ADOPTED THESE RULES OF PROCEDURE:

Rule 1 Definitions

In these Rules:

- “**Assembly**” means the Assembly of Heads of State and Government of the Union;
- “**Commission**” means the Secretariat of the Union;
- “**Committee**” means a Specialized Technical Committee of the Union;
- “**Constitutive Act**” means the Constitutive Act of the African Union;
- “**Executive Council**” means the Executive Council of Ministers of the Union;
- “**Member State**” means a Member State of the Union;
- “**NEPAD**” means the New Partnership for Africa’s Development;
- “**OAU**” means the Organization of African Unity;
- “**Parliament**” means the Pan-African Parliament of the Union;
- “**PRC**” means the Permanent Representatives’ Committee;
- “**RECs**” means the Regional Economic Communities;
- “**Union**” means the African Union established by the Constitutive Act.

CHAPTER I THE PRC

SECTION I COMPOSITION, POWERS AND FUNCTIONS

Rule 2 Status of the PRC

The PRC shall be responsible to the Executive Council.

Rule 3 Composition

1. The PRC shall be composed of Permanent Representatives accredited to the Union and other duly accredited plenipotentiaries of Member States;

2. Member States shall ensure that they are represented in the PRC by a Permanent Representative, resident at the Headquarters of the Union or other duly accredited Plenipotentiaries. Pending full implementation of this recommendation, a Member State, not represented at the Headquarters, may designate another country from its region to represent it.

Rule 4 **Powers and Functions**

1. The PRC shall, inter-alia:
 - (a) act as an advisory body to the Executive Council;
 - (b) prepare its Rules of Procedure and submit them to the Executive Council;
 - (c) prepare the meetings of the Executive Council, including the agenda and draft decisions;
 - (d) make recommendations on areas of common interest to Member States particularly on issues on the agenda of the Executive Council;
 - (e) facilitate communication between the Commission and the capitals of Member States;
 - (f) consider the Programme and Budget of the Union as well as administrative, budgetary and financial matters of the Commission and make recommendations to the Executive Council;
 - (g) consider the Financial Report of the Commission and make recommendations to the Executive Council;
 - (h) consider the Report of the Board of External Auditors and submit written comments to the Executive Council;
 - (i) monitor the implementation of the budget of the Union;
 - (j) propose the composition of the Bureaus of the organs of the Union ad-hoc committees, and sub-committees;
 - (k) consider matters relating to the programmes and projects of the Union particularly issues relating to the socio-economic development and integration of the Continent and make recommendations thereon to the Executive Council;

- (l) monitor the implementation of the policies, decisions and agreements adopted by the Executive Council;
 - (m) participate in the preparation of the Programme of Activities of the Union.
 - (n) participate in the preparation of the calendar of meetings of the Union;
 - (o) consider any matter assigned to it by the Executive Council;
 - (p) carry out any other functions that may be assigned to it by the Executive Council.
2. The PRC may set up such ad-hoc committees and temporary working groups, as it deems necessary, including a sub-committee on Headquarters and Host Agreements, NEPAD and the Cairo Plan of Action of the Africa/Europe Summit.

SECTION II SESSIONS

Rule 5 Venue

- 1. The sessions of the PRC shall be held at the Headquarters of the Union at least once a month;
- 2. The sessions of the PRC preceding the sessions of the Executive Council may be held at the same venue as those of the Executive Council.

Rule 6 Quorum

The quorum for a session of the PRC shall be two-thirds of the Member States eligible to vote.

Rule 7 Agenda of Ordinary Sessions

- 1. The PRC shall adopt its agenda at the opening of each Session.

2. The Provisional Agenda for each session shall be drawn up by the Chairperson of the PRC, in consultation with the Bureau and the Commission.
3. The Provisional Agenda shall consist of those items in respect of which a request for inclusion has reached the Chairperson of the Commission at least five (5) working days before the date of the session.
4. The only items, which shall form the Provisional Agenda shall be those in respect of which the relevant documentation has been transmitted to the Commission in time to be circulated to the members of the PRC in accordance with paragraph (3) of this Rule.
5. Any Member State, organ of the Union, or RECs, may propose items for inclusion in the Agenda and shall submit to the Chairperson of the Commission all relevant documentation at least five working days prior to the session.

Rule 8 Extraordinary Sessions

The PRC shall meet in extraordinary session to prepare for the extraordinary sessions of the Executive Council. The Agenda shall comprise only item(s) submitted for consideration in the request for convening the meeting of the Executive Council.

Rule 9 Open and Closed Sessions

All the sessions of the PRC shall be closed. The PRC may, however, decide, by simple majority, whether any of its sessions shall be open.

Rule 10 Working Languages

The working languages of the PRC shall be, if possible, African languages, Arabic, English, French, Portuguese, and Spanish.

Rule 11 Election of Chairperson

The session of the PRC shall be chaired by the Permanent Representative whose country is the Chairperson of the Executive Council. He/she shall be assisted by other members of the Bureau, namely, three (3) Vice-Chairpersons and a Rapporteur elected on the basis of agreed geographical distribution.

Rule 12
Duties of the Chairperson

1. The Chairperson shall:
 - a) convene the sessions of the PRC;
 - b) open and close the sessions;
 - c) submit for approval the records of the sessions;
 - d) guide the proceedings;
 - e) submit to a vote matters under discussion and announce the results of the vote taken;
 - f) rule on points of order.
2. The Chairperson shall ensure order and decorum of the proceedings of the PRC.
3. In the absence of the Chairperson or in case of a vacancy, the first vice-Chairperson shall act as the Chairperson.

SECTION III
DECISION MAKING PROCEDURES

Rule 13
Majority Required

1. The PRC shall take all its decisions by consensus or, failing which, by a two-thirds majority of Member States.
2. Questions of procedure shall require a simple majority of the Member States of the Union.
3. Whether or not a question is one of procedure shall also be determined by a simple majority.

Rule 14
Decisions

1. The text of all proposed decisions shall be submitted in writing to the Executive Council for consideration.

2. The original mover of a proposed decision or amendment may, prior to being submitted to a vote, withdraw the decision or amendment. Any Member State may reintroduce the proposed decision or amendment that has been withdrawn.

Rule 15
Point of Order

1. During deliberations on any matter, a Member State may raise a point of order. The Chairperson, in accordance with these Rules, shall immediately decide on the point of order.
2. The Member State concerned may appeal against the ruling of the Chairperson. The ruling shall immediately be put to a vote and decided upon by simple majority.
3. In raising a point of order, the Member State shall not speak on the substance of the issue under discussion.

Rule 16
List of Speakers and Use of Floor

1. The Chairperson shall, subject to Rule 15, during the debate, grant the use of the floor in the order in which the speakers indicate their intention.
2. A delegation shall not have the floor without the consent of the Chairperson.
3. The Chairperson may, during the debate: -
 - a) read out the list of speakers and declare the list closed;
 - b) call to order any speaker whose statement deviates from the issue under discussion;
 - c) accord the right of reply to any delegation where in the Chairperson's opinion a statement made after the list is closed justifies the right of reply; and
 - d) limit the time allowed to each delegation irrespective of the issue under discussion, subject to sub rule 4.
4. The Chairperson shall, on procedural questions, limit each intervention to a maximum of five (5) minutes.

Rule 17
Closure of Debate

When a matter has been sufficiently discussed, a Member State may move for the closure of the debate on the item under discussion. In addition to the proposer of the motion,

two Member States may briefly speak in favour of and two others against such motion. The Chairperson shall immediately thereafter put the motion to a vote.

Rule 18

Adjournment of Debate

During the discussion of any item, a Member State may move for the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one Member State may speak in favour of and one against the motion. The Chairperson shall immediately thereafter put the motion to a vote.

Rule 19

Suspension or Adjournment of the Meeting

During the discussion of any matter, a Member State may move for the suspension or adjournment of the meeting. No discussion on such motion shall be permitted. The Chairperson shall immediately put such motion to a vote.

Rule 20

Order of Procedural Motions

Subject to Rule 15, the following motions shall have precedence in the order listed below, over all other proposals or motions before the meeting:

- a) to suspend the meeting;
- b) to adjourn the meeting;
- c) to adjourn the debate on the item under discussion;
- d) to close the debate on the item under discussion.

Rule 21

Voting Rights

1. Subject to sub rule 2, each Member State shall have one vote.
2. Member States, subject to sanctions in terms of Article 23 of the Constitutive Act, shall not have the right to vote.

Rule 22

Vote on Decisions

After the debate has been closed, the Chairperson shall immediately put to the vote the draft decision with all the amendments. The vote shall not be interrupted except on a point of order related to the manner in which the vote is being taken.

Rule 23

Vote on Amendments

1. A proposal shall be considered as an amendment to a text if it adds or removes parts therefrom or modifies it.
2. When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the PRC shall first vote on the amendment furthest removed in substance from the original proposal. The meeting shall then vote on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote.
3. If one or several amendments are adopted, the amended proposal is then put to the vote. If no amendments are adopted, the proposal shall be put to the vote in its original form.

Rule 24

Vote on Separate Parts of an Amendment

Parts of an amendment shall be voted on separately when so requested. If this is done, the text resulting from the series of votes shall be put to a vote as a whole. If all operative parts of an amendment have been rejected, the amendment shall be considered to have been rejected as a whole.

Rule 25

Methods of Voting

1. On substantive issues, the PRC shall take decisions by consensus or, failing which, by votes taken by secret ballot and by two-thirds majority.
2. Decisions on procedural matters shall be taken by any other method as may be determined by the PRC by simple majority.

CHAPTER II FINAL PROVISIONS

Rule 26
Decisions

Decisions of the PRC shall be recommendations until adopted by the Executive Council.

Rule 27
Implementation

The PRC shall lay down guidelines and supplementary measures for the implementation of these Rules.

Rule 28
Amendments

The PRC may propose amendments to these Rules.

Rule 29
Entry into force

These Rules shall enter into force upon their approval by the Executive Council.