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Addis Ababa, Ethiopia P. O. Box 3243 Telephone: 5517 700 Fax: 5517844
Website: www. Africa-union.org

PERMANENT REPRESENTATIVES' COMMITTEE
Twenty-Third Ordinary Session
23 - 24 January 2012
Addis Ababa, ETHIOPIA

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REPORT

TABLE OF CONTENTS

SECTION I: INTRODUCTION 1

SECTION II: CONSIDERATION OF THE ACTIVITY REPORT OF THE COMMISSION – Doc. EX.CL/688(XIX) 4

SECTION III: CONSIDERATION OF THE REPORTS OF PRC SUB-COMMITTEES 8

SECTION IV: CONSIDERATION OF THE RECOMMENDATIONS OF THE PRC ON THE REPORT OF THE COMMISSION ON THE IMPLEMENTATION OF PREVIOUS DECISIONS OF THE EXECUTIVE COUNCIL AND THE ASSEMBLY – Doc. EX.CL/689(XX) 24

SECTION V: OTHER REPORTS 25

SECTION VI: CONSIDERATION OF THE REPORTS OF THE SUB-COMMITTEES OF THE EXECUTIVE COUNCIL 52

SECTION VII: CONSIDERATION OF THE REPORTS OF OTHER AU ORGANS 52

SECTION VIII: ELECTIONS 57

SECTION IX: ITEMS PROPOSED BY MEMBER STATES 58

SECTION X: ANY OTHER BUSINESS 64

SECTION XI: DATE AND VENUE OF THE 20TH ORDINARY SESSION OF THE EXECUTIVE COUNCIL 65

SECTION XII: ADOPTION OF THE DECISIONS OF THE 20TH ORDINARY SESSION OF THE EXECUTIVE COUNCIL 65

SECTION XIII: CONSIDERATION OF THE DRAFT DECISIONS AND DECLARATIONS OF THE 18TH ORDINARY SESSION OF THE ASSEMBLY 65

SECTION XIV: CONSIDERATION OF THE DRAFT AGENDA OF THE 18TH ORDINARY SESSION OF THE ASSEMBLY 65

SECTION XV: ADOPTION OF THE REPORT 65

Annexes:

I. Draft Agenda of the 20th Ordinary Session of the Executive Council

II. Draft Agenda of the 18th Ordinary Session of the Assembly of the Union

III. Draft Programme of Events during the period of January 2012 Summit

REPORT OF THE TWENTY-THIRD ORDINARY SESSION OF THE PERMANENT REPRESENTATIVES' COMMITTEE (PRC)

SECTION I:

a) INTRODUCTION

1. The Twenty-Third Ordinary Session of the Permanent Representatives' Committee (PRC) was held in Addis Ababa, Ethiopia, from 23 to 24 January 2012, chaired by H.E. Professor Joseph Nsengimana, Ambassador of the Republic of Rwanda to the Federal Democratic Republic of Ethiopia and Second Vice-Chairperson of the Permanent Representatives' Committee (PRC), and on 24 January 2012, the last session was chaired by H.E. Dr. Ruben Maye Nsue Mangue, Ambassador of the Republic of Equatorial Guinea and Chairperson of the PRC.

2. However, as is the practice, the PRC had earlier held preparatory meetings from 5 to 19 January 2012 chaired by H.E. Prof. Joseph Nsengimana, during which it:

i) Reviewed and adopted the Work Programme for the preparatory meetings of the PRC;

ii) Reviewed and updated the respective draft agenda of the PRC, the 20th Ordinary Session of the Executive Council and the 18th Ordinary Session of the Assembly (23rd to 30th January 2012) as well as the draft Programme of Events (13 December 2011 to 30 January 2012);

iii) Considered several working documents on the items proposed for consideration by the 20th Ordinary Session of the Executive Council and the 18th Ordinary Session of the Assembly alongside the corresponding Draft Decisions, in accordance with Rule 4:1 (c) of the Rules of Procedure of the PRC.

3. In the course of the preparatory meetings, the PRC welcomed two new members, namely: H.E. Mme. Mimata SAMATE CESSOUMA, Ambassador of Burkina Faso and H.E. Mr. Boubacar GOURO DIALL, Ambassador of the Republic of Mali.

4. During its preparatory meeting of 10 January 2012, the PRC also had the opportunity to be briefed by officials of the Federal Democratic Republic of Ethiopia on the Logistic, Protocol and Security arrangements for the 18th Ordinary Session of the Assembly of the African Union. Members of the PRC were given the assurance that the Government of the Federal Democratic Republic of Ethiopia would spare no efforts to address the various issues that have been raised so as to ensure smooth and appropriate arrangements for the Summit. An information guide on the logistic arrangements was distributed during the briefing.

5. Consistent with the desire to strengthen the relations between the organs of the

AU, the Bureau of the Pan-African Parliament (PAP) met with the PRC on Friday 13 January 2012 during which it briefed the PRC on the programme of the 6th Ordinary Session scheduled to be held in Addis Ababa, Ethiopia, from 16 to 20 January 2012. The interaction was well received by both the PAP and the PRC.

6. The Republic of South Sudan took part, for the first time, in the preparatory work of the PRC, and its participation was duly acknowledged.

b) OPENING CEREMONY

i) Statement by H.E. Professor Joseph Nsengimana, Ambassador of the Republic of Rwanda to Ethiopia and Second Vice-Chairperson of the Permanent Representatives' Committee (PRC)

7. In his opening statement, the Second Vice-Chairperson of the PRC commended the Committee for the work accomplished as well as the commitment and cooperation demonstrated during the preparatory work of the 23rd Ordinary Session. He noted that the discussion on the Reports of the Ministerial Meetings has helped to enrich the working documents for the Summit, thus once more confirming the important role played by the PRC in the work of the Union. He concluded by wishing the PRC successful deliberations.

ii) Statement by Dr. Jean Ping, Chairperson of the African Union Commission

8. In his welcome address on the occasion of the opening session of the PRC, the Chairperson of the Commission, Dr. Jean Ping, called for a minute silence in memory of recently deceased African personalities, colleagues and martyrs. He expressed to the PRC his best wishes for the New Year and welcomed the excellent relations of collaboration existing between the Commission and the PRC, a relation marked by open discussion and mutually enriching and constructive dialogue, illustrated, *inter alia*, by the adoption of the 2012 Budget by the Extraordinary Session of the Executive Council. He welcomed South Sudan as the 54th Member State of the African Union.

9. With regard to the achievements of the Commission over the past six months, the Chairperson outlined the initiatives undertaken by the African Union in the management of the political and social crises situations on the continent with special reference to Côte d'Ivoire, the uprisings that occurred in Tunisia, Egypt and Libya as well as the food crisis in the Horn of Africa. In this regard, he underscored that the efforts deployed by the Commission were aimed at realising the fundamental objectives and principles of the African Union.

10. On the economic front, the Chairperson indicated that with the average growth of 5.5% to 6% achieved by Africa, a fresh hope had dawned on the continent. He underscored the need to speed up Africa's economic integration through the RECs, uphold ownership of the integration process on the continent, and the urgent need to address the issues of poverty, unemployment and gender. He added that Africa's

progress in the sphere of trade development and, in particular, intra-African trade was necessarily predicated on three crucial factors: foreign investment, trade and aid. Infrastructure investment is also crucial in boasting intra-African trade.

11. On the international front, the Chairperson pointed to Africa's role as a global player in the international arena and the need for the continent to further assert itself on the global scene. He urged the PRC and the Commission to join forces to tackle the several challenges facing the continent, especially in the areas of democracy, peace and security, integration and climate change.

12. In conclusion, the Chairperson of the Commission wished the PRC full success in its deliberations.

c) ATTENDANCE

13. In attendance were the following Member States: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Liberia, Libya, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, SADR, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe.

d) ADOPTION OF THE AGENDA

14. The PRC adopted the following agenda:

i) Opening;

ii) Consideration of the Reports of the PRC Sub-Committees:

- A. Report of the Sub-Committee on Structures
- B. Report on the activities on Multilateral Cooperation
  - (a) Report of the Commission
  - (b) Report of the Sub-Committee
- C. Report of the Sub-Committee on Refugees, Returnees and Internally Displaced Persons in Africa;
- D. Report of the Sub-Committee on Contributions;
- E. Report of the Sub-Committee on Economic and Trade Matters;
- F. Report of the Sub-Committee on NEPAD;

iii) Consideration of the working documents and draft decisions in preparation for the 20th Ordinary Session of the Executive Council, Addis Ababa, Ethiopia, 26-27 January 2012;

iv) Any Other Business.

e) ORGANIZATION OF WORK

15. The PRC adopted the following working hours:

Morning	:	10:00 Hours – 13:00 Hours
Afternoon	:	15:00 Hours – 18:00 Hours

SECTION II: CONSIDERATION OF THE ACTIVITY REPORT OF THE COMMISSION – Doc. EX.CL/688(XIX)

16. The Report was presented by H.E. Erastus Mwencha, Deputy Chairperson of the Commission, who emphasized that the Commission's activities during the period under review, were based on the Commission's Strategic Plan 2009-2012 adopted by the Assembly in July 2009. He pointed out that the activities were carried out within the framework of the four strategic pillars of the Plan, namely: peace and security; integration, development and cooperation; shared values; and strengthening the institutions.

17. The Deputy Chairperson summarized the achievements recorded by the Commission as follows:

i) On Peace and Security, focus has been to continue to build and develop the African Peace and Security Architecture (APSA); active participation in the AU/UN partnership; management of the Popular Uprisings in North Africa and the conflict situation in Côte d'Ivoire; on post-conflict reconstruction, a number of initiatives are being taken which would culminate in an AU Solidarity Conference, sometime this year;

ii) On Integration, Development and Cooperation, a number of programmes are being implemented, including the launch and operationalization of the Pan-African University. There has also been the development of the Programme on Infrastructure Development in Africa (PIDA); the pursuit of partnership in the area of energy and transport; the Commission continues to follow-up on the negotiations on climate change especially the outcome of COP 17; on agriculture, a number of countries have signed up with CAADP but the major challenge is to ensure food security in the continent; Member States and the Commission participated in the G20 and G8 meetings last year, there is need for Africa to be availed resources to address its needs within those frameworks; on trade, a number of activities have taken place to prepare the theme of the upcoming Summit on "Boosting Intra-African Trade";

iii) On Shared Values, focus was placed on the signing and ratification of the African Charter on Democracy, Elections and Governance; election observation; eleven elections were observed between July and December 2011; in the area of humanitarian assistance, the Commission and the PRC

Sub-Committee responsible for this were actively involved in finding appropriate solutions, with special mention of the convening of the pledging conference for victims of severe drought and famine in the Horn of Africa;

iv) With respect to Strengthening of Union Institutions, the Commission shifted from activity-based approach to result-based management, manifesting in better inter-departmental coordination, human resource management and development, administrative support services, financial management and budgeting, strategic planning and monitoring as well as programmes appraisal, better management of conference services, auditing and development of an organizational culture conducive to better performance and efficiency.

18. Following the presentation, the PRC made comments and observations and sought clarification as follows:

i) The Commission was commended for the quality of the report, which highlighted the activities of the Commission during the period under review and the challenges being encountered;

ii) The Union should draw lessons from the popular uprisings in North Africa and the political situation that took place in Côte d'Ivoire last year, in order for Africa to be pro-active and be able to forestall such situations in the future;

iii) The Union should be invest more in its Continental Early Warning System;

iv) The Republics of The Sudan and South Sudan should resolve all outstanding issues through negotiations between the two States, with the support of the AU High-Level Panel;

v) The reasons for non-ratification of AU Instruments by Member States;

vi) The Union should adequately fund Regional Offices before any judgment is passed that they are not performing optimally;

vii) How can the AU bring the African Group of Ambassadors in Beijing to align itself with the Decisions and Policies of the AU, which have been endorsed by their respective countries for better management of the FOCAC process, especially following the admission of the Commission as a full member;

viii) The Commission and Qatar should assist Djibouti and Eritrea to peacefully resolve their territorial conflict;

ix) Africa should replenish the Disaster Relief Management Fund and solicit the support of partners;

x) To address the African border issue comprehensively, the Commission should request for the minutes of the Berlin Conference of 1884 on the partition of the continent;

xi) The Commission should come up with comprehensive reporting on election observation, that would highlight the challenges and weaknesses in electoral processes;

xii) The implementation of overlapping activities among Departments under the strategic plan does not allow for proper accountability and leadership.

19. In response, the Chairperson, complemented by the Deputy Chairperson and Commissioner for Peace and Security provided clarifications as follows:

i) From the outset, the AU Peace and Security Council (PSC) was fully engaged in finding a peaceful solution to the Libyan crisis. In this regard, the PSC issued a communiqué to restore peace. However, there is need to draw lessons from that conflict;

ii) There is need for the Union to match its activities with resources, and this would involve resource mobilization;

iii) The pledge by Member States during the pledging conference for victims of drought and famine in the horn of Africa was US$50 million and US$300 million by the African Development Bank (AfDB). US$8.3 million has so far been redeemed by Member States, out of which US$4 million has been disbursed. The Commission is working closely with IGAD and the AfDB to develop an action plan for its pledge;

iv) The peace and security challenges facing Djibouti and Eritrea as well as between The Sudan and South Sudan were being handled with a view to achieving peaceful settlements;

v) The theme of the upcoming Summit is laudable but there is need for infrastructure development to accelerate intra-regional trade on the continent;

vi) The Strategic Plan of the Commission is a laudable initiative but there is need for accountability and leadership in each pillar. The Commission is seized with identifying focal persons that would coordinate the implementation of each of the pillars;

vii) The Commission is engaged with Africa's former colonial powers to secure documentations regarding the partition of the continent that date back to the colonial era especially on mapping. This would facilitate efforts at border demarcation and delineation in the continent;

viii) The respective Regional Offices are being funded within available resources but there is need for adequate funding to meet increasing responsibilities;

ix) With respect to the role of the Commission in FOCAC, paragraphs 301 and 302 of the Activity Report of the Commission should be expunged.

20. In conclusion, the PRC recommends to the Executive Council to:

i) **TAKE NOTE** of the very detailed Report which covers all the programmes and activities carried out by the Commission during the last six months and **ENCOURAGE** the Commission to continue its efforts to carry out the laid down objectives, within the framework of the implementation of the 2009-2012 Strategic Plan;

ii) **TAKE NOTE** of all the relevant observations made by the various delegations on the Report;

iii) **UNDERSCORE** the crucial importance of the pilot projects identified by the Union in the 2009-2012 Strategic Plan, in particular, programmes relating to the development of network infrastructures, agricultural development and food security, through the implementation of the CAADP programme; the launching of the Pan-African University and the harmonization of the human capital development programmes, the achievement of the Millennium Development Goals (MDGs), the setting up of the African Peace and Security Architecture (APSA); and the realization of the good governance and democracy architecture, all of which are meant to accelerate the socio-economic integration of the Continent;

iv) **NOTE WITH SATISFACTION** the theme of the current Summit centred on "Boosting Intra-African Trade", a topic that will be developed throughout the year 2012 and the discussion of which, at the two Summits, could create more awareness among the relevant actors to strengthen continental trade and increase the share of African in world trade;

v) **UNDERSCORE** the need to draw lessons on the performance of the AU in relation to the challenges faced by the continent during the year 2011, in particular, with regard to the popular uprisings in North Africa and other conflict situations such as that of Côte d'Ivoire, and **RECOMMEND** to the Assembly to consider an in-depth reflection on the ways and means of effectively strengthening and defending the principle of African solutions for African problems, both by reinforcing the effectiveness of continental instruments and strengthening the complementarity of AU and REC actions as well as the rigorous evaluation of the functioning of strategic partnerships;

vi) **SALUTE** the presence, for the first time, of the delegation of the Republic of South Sudan to the Assembly of the Union;

vii) **NOTE WITH SATISFACTION** the Organization and results of the Assembly of Heads of State and Government in August 2011 for contributions made to the Horn of Africa to assist the victims of the draught and famine in this area and **ENCOURAGE** Member States to always respond positively to such praise-worthy initiatives;

viii) **RECALL** to all Member States the need to effectively implement all decisions of the African Union in the various domains, to sign and ratify all instruments of the Union and to provide their full political, financial and other support to the Commission to move forward efforts meant to implement these same decisions, and to underline in particular its role and place in the pursuit of all strategic partnerships of the Union.

ix) **REAFFIRM** the active solidarity of the African Union towards the Palestinian People in their fight to recover their legitimate rights in a Sovereign and independent state;

x) **REITERATE** the need for finding an equitable solution to the Western Sahara problem by the implementation of the relevant decisions of UNO and the AU relating to the self-determination of the Saharawi People;

xi) **FINALLY EXPRESS** its high appreciation to all outgoing Members of the Commission, beginning with the Chairperson of the Commission for their immense contribution to the Union.

SECTION III: CONSIDERATION OF THE REPORTS OF PRC SUB-COMMITTEES

A. Report of the Sub-Committee on Structures – EX.CL/687(XX)i

21. The Report was presented by the Chairperson of the Sub-Committee H.E. Pierre Juste Mounzika Ntsika, Ambassador of the Republic of Congo.

22. After the presentation, PRC members made comments and observations, and sought clarifications as follows:

i) There is need to analyse the activities of any organ prior to the review of its structure;

ii) It is needful to take financial implications into account in the establishment of structures;

iii) Implementation of structures over a five (5) year period should be undertaken “within the context of the adopted budget”;

iv) Definition and profile of the posts to be filled should be highlighted, for appreciation of the justification for the proposals;

v) Does the Commission have a mechanism to guarantee geographical distribution and gender balance in the recruitment process?

vi) It is necessary to avoid overlap in the functioning of certain structures;

vii) The Sub-Committee considered the reform proposals based on the mandate of the Organs and not on their activities;

viii) Recruitment into the additional posts in the administrative services should be undertaken under the 2013 budget rather than that of 2012.

23. The representative of the Commission drew the attention of the PRC to paragraph 42 of the Report. It was indicated in this regard that in accordance with the 2008 Sharm El-Sheik Decision, the Sub-Committee is supposed to consider the structure proposed by the African Peer Review Mechanism (APRM).

24. In response to the above concerns, the Chairperson of the Sub-Committee, complemented by the representative of the Commission, provided clarifications as follows:

i) In considering the proposed structures, the Sub-Committee took their functionality and mandate into account;

ii) The definition and profile of the posts were provided on the basis of the mandate of the proposed structures, and the various changes were taken into consideration;

iii) Implementation of the recruitment plan should be spread out based on available financial resources.

25. In conclusion, the PRC adopted the Report, endorsed the recommendations of the Sub-Committee on Structural Reforms and recommends to the Executive Council to approve as follows:

i) The Structure of the NEPAD Planning and Coordination Agency comprising 94 posts to be implemented over a period of five (5) years. However, at previous session and at the request of NEPAD Agency, the proposal was withdrawn by the Sub-Committee for subsequent consideration;

ii) The Structure of the AU Advisory Board on Corruption consisting of seven (7) posts for implementation over a period of three (3) years;

iii) The Structure of Pan-African Parliament (PAP) comprising sixty nine (69) positions for implementation over a period of five (5) years. However, at a previous session and at the request of PAP, the proposal was withdrawn by the Sub-Committee for subsequent consideration;

iv) The revised Structure of African Court on Human and People's Rights (ACHPR) consisting of ninety (90) posts, including forty-four (44) new additional posts, to be implemented over five (5) years;

v) The Structure of the Administration and Facilities Management Division within the Administration and Human Resource Management Department of the Commission, comprising 118 posts, 18 (eighteen) of which are additional new posts, to be implemented within the limits of the approved 2012 establishment and budget;

vi) Enjoin the Commission and all organs of the African Union to scrupulously respect the recruitment plan and the modalities of implementation of the approved Structure, and ensure that the recruitment and selection process is carried out in accordance with Article 6.4 of Staff Regulations and Rules of the African Union, taking into account the criteria of geographical representation, and gender balance, and within the limits of available financial resources;

vii) The current staff of NEPAD Planning and Coordination Agency, the AU Advisory Board on Corruption and the Pan-African Parliament shall compete with external candidate for the structured and budgeted positions in full transparency, equity and fairness;

viii) The recruitment process for the NEPAD Planning and Coordination Agency and that of the AU Advisory Board on Corruption should be overseen and supervised by the African Union Commission;

ix) Recruitment into all the professional category positions in the NEPAD Planning and Coordination Agency and the AU Advisory Board on Corruption should be governed by quota distribution, geographical representation and gender balance as applicable in the African Union Commission;

x) Request the Commission, the African Court on Human and People's Rights and the Pan-African Parliament to monitor the implementation of the Decision on Structures and to submit a report thereon, on regular basis, to the Executive Council through the PRC;

xi) Also request the PRC, through its sub-Committee on Structural Reforms, to consider the outstanding proposals of the Commission and submit its recommendations to the July 2012 Session of the Executive Council;

xii) Recall Decision Assembly/AU/Dec.198(XI) adopted in Sharm El-Shiek, Egypt, on integration of the APRM into the structures and processes of the African Union and request the Commission and the Sub-Committee on

Structural Reforms to examine the APRM structure and submit a report accordingly to the next Session of the Executive Council.

B. Report on the activities on Multilateral Cooperation – EX.CL/687(XX)ii

1) Report of the Commission

26. The report was presented by a representative of the Commission. It covered the Commission's hosting of the 2nd Forum between the Commission and the Organization of American States on Challenges and Opportunities in the Promotion and Defense of Democracy and Human Rights in Africa and the Americas and its participation in the Forum on China-Africa Cooperation (FOCAC), for the first time as a full member.

2) Report of the Sub-Committee

27. The report was presented by H.E. Major General L.C. Pepani, Chairperson of the Sub-Committee and Ambassador of the Republic of South Africa. The report was supplemented by a presentation on the Global Review of Africa's Strategic Partnerships and the AU's Representational Offices by a representative of the Republic of Sierra Leone, in his capacity as Chair of the Working Group on the subject.

28. After the presentations, comments and observations were made and clarification sought on both reports as follows:

i) Both the Sub-Committee and the Commission should be commended for the quality of the reports and their recommendations;

ii) Whether the Banjul format on participation in continent-single country partnership should be revised or whether it should be better implemented by making it all-inclusive with the participation of all Member States in the preparatory processes and for timely reporting of the outcomes of partnership meetings;

iii) Regular consultations should be undertaken between Member States and the Commission on the one hand, and partners on the other, with a view to ensuring respect of the Banjul Format in the context of partnerships between Africa and individual countries;

iv) A mechanism should be put in place for effective consultation between the PRC and the Commission on the one hand, and the African Group of Ambassadors resident in Beijing, on the other, for better management of the FOCAC process, following the admission of the Commission as a full member;

v) Why the Commission needed to be formally admitted as a member of FOCAC;

vi) The African side should speed up the selection of locations of the six additional institutions that the Republic of India has offered, within the ambit of the Framework for Enhanced Cooperation of the Africa-India Forum Summit, and there is need for partners especially India to ensure the execution of the projects;

vii) There is further need for the early establishment and functioning of the Africa-South America Summit Ad Hoc Committee on financing projects/programmes of the partnership as well as the operations of the Permanent Secretariat;

viii) Africa's strategic partnership should emphasize the continental dimension, and complement the bilateral framework, for the purpose of synergy and maximum outcomes;

ix) The Commission should partner with the Republic of Senegal to prepare for a cultural event during the next ASA Summit within the context of the cooperation arrangement;

x) Whether South America and Turkey have reacted to the proposed selected priority projects in their respective implementation plans;

xi) Africa should complete consultations and agree on its position before meetings so as to avoid the unpleasant practice whereby African delegations disagree with each other in the presence of their partners;

xii) There is need to remove the communication gap between Ambassadors in Addis and those in Beijing;

xiii) The Global Review of Africa's Strategic Partnerships is still work-in-progress and should be further deepened, in order to implement the mandate of the Executive Council as contained in Decision EX.CL/527(XVI);

xiv) Why establish a new structure to manage AU Representational Offices and why undertake a Study in the first place on an issue that is well known?

29. In response, the Chairperson of the Sub-Committee complemented by the Chairperson of the Working Group on the Global Review and the Commission provided clarification as follows:

i) The context of establishing the Banjul format in 2006 is well understood and has not changed but would need to be better managed, to make it work more satisfactorily;

ii) AU Commission became a member of FOCAC in order to coordinate and manage Africa's engagement with China, as it does with other partnerships;

iii) The ASA Summit Ad Hoc Committee was established to address the funding mechanism for projects within the partnership as well as determine the *modus operandi* of the ASA Permanent Secretariat. In line with the decision taken at the Malabo Ministerial meeting held in November 2011, the Commission has written a formal letter to the Executive Secretary of the Permanent Secretariat, urging him to operationalize the Ministerial directive;

iv) The work that has been done on the Global Review of Africa's Strategic Partnerships indeed implemented the mandate of the Executive Council and while it could still be regarded as work-in-progress, there is need to adopt the recommendations in the Study on which a lot of work had been done;

v) The African side is still awaiting the reaction of the South American side regarding the specific projects proposed at the ASA Ministerial meeting held in Malabo, Equatorial Guinea, in November 2011;

vi) The Commission has made proposals that could guide Member States in deciding on the locations of the six additional institutions offered by India, and a meeting between the acting Overall Dean and the Regional Deans could be called during the current PRC meeting to consider the matter;

vii) While the decisions of the Executive Council and the Assembly are communicated to China and the African Co-Chair, the Commission will also communicate same to the Dean of the African Group in Beijing;

viii) Brazil as coordinator for South America was entrusted to provide priority projects for the South America side but only came up with its proposals which may not necessarily reflect the collective view. In the same vein, Turkey is yet to react to selected priority projects in its partnership with Africa.

30. In conclusion, the PRC took note of the report, endorsed the recommendations contained therein and recommends to the Executive Council to:

i) On the Africa-India Forum Summit:

a) **REQUEST** the Commission and the PRC Sub-Committee on Multilateral Cooperation to finalize as soon as possible with the Indian side, the Action Plan of the Framework for Enhanced Cooperation adopted by the Second Africa-India Forum Summit to enable the projects and programmes agreed upon to be implemented within the prescribed time period;

b) **ALSO REQUEST** the Regional Deans and Member States to finalize the process of distribution of the institutions between the regions and countries following the offer by India to establish six (6) new institutions at continental level;

c) **COMMEND** India for the concrete measures it has taken to implement the Action Plan and **URGE** Member States to meet their own obligations in order to speed up the completion of the projects and programmes contained in the Plan.

ii) On the Africa-Turkey Partnership Summit:

a) **TAKE NOTE** of the Communiqué issued by the Ministerial Meeting for review of the Africa-Turkey Partnership held in Istanbul on 16 December 2011;

b) **INVITE** the two parties to implement the priority projects proposed at the Ministerial Review Meeting held in Istanbul in December 2011, and in this regard, **REQUEST** the Government of Turkey and the PRC Sub-Committee on Multilateral Cooperation to hold a meeting in Addis Ababa by early September 2012 to review the implementation of the priority projects;

c) **EXPRESS** profound gratitude to the President and Government of Turkey for the projects and programmes to be implemented to consolidate the partnership and support regional integration and development of the continent;

d) **REQUEST** Member States and the Commission to uphold the principle of the Banjul Formula, and partner countries to respect this principle;

e) **DECIDE** that the 2nd Africa-Turkey Summit will take place in Africa at a venue and date to be determined after consultations.

iii) On the 4th Africa-South America (ASA) Ministerial Meeting, Malabo, Equatorial Guinea, 24 – 25 November 2011:

a) **TAKE NOTE** of the conclusions of the 4th Africa-South America (ASA) Ministerial Meeting held in Malabo, Equatorial Guinea on 22 and 25 November 2011, as well as the Ministerial Communiqué;

b) **ENCOURAGE** Member States to participate in the partnerships preparation processes through the PRC and the Senior Officials Meeting and set up a mechanism to facilitate effective participation of the African Groups in the various partnerships processes;

c) **INVITE** the African and South African sides to take appropriate measures to implement the priority projects contained in the Implementation Plan adopted in September 2010 and to leave nothing undone to ensure the success of the partnership;

d) **WELCOME** the establishment of an Ad Hoc Working Committee on Financing ASA Cooperation Activities with responsibility to mobilise the resources required to finance the projects and programmes and hence promote the partnership and, **INVITE** the African side to play a meaningful and constructive role in this process;

e) **TAKE NOTE** of the Decision to hold the 3rd ASA Summit in Malabo, Equatorial Guinea, from 15 to 16 May 2012 and **INVITE** the two parties to undertake the preparatory activities needed to ensure the success of the Summit.

iv) On Korea-Africa Forum :

a) **REQUEST** the PRC Sub-Committee on Multilateral Cooperation and the Commission to step up their preparatory activities to ensure the success of the High Officials meeting due to take place in the 1st quarter of 2012, as well as the 2nd Korea-Africa Cooperation Forum slated to take place in Seoul on 18 October 2012.

v) On the Global Review of Africa's Partnerships with other parts of the World:

a) **TAKE NOTE** of the activity report of the PRC Sub-Committee on Multilateral Cooperation on Africa's Strategic Partnerships;

b) **COMMEND** the PRC, its Sub-Committee on Multilateral Cooperation and the African Union Commission for their efforts at implementing Council Decisions EX.CL/Dec.512 (XV) and EX.CL/Dec.646(XIX) and for the conclusion of the review study;

c) **ENDORSE** the recommendations contained in the Report, particularly those concerning:

1) The principles governing the establishment of strategic partnership;
2) Categorization and classification of Africa's various strategic partnerships;
3) The proposed criteria for establishment of strategic partnership between Africa and other regions of the world.

d) **REQUEST** that any new partnership be established on the basis of the aforesaid principles, criteria and categories and the needs of each Africa's region, in collaboration with the concerned Regional Economic Community

e) **REQUEST** the Commission to pursue and deepen this study and thereby come up with appropriate proposals for the attention of the policy organs of the Union;

f) **REQUEST** the Commission to speed up implementation of Council Decision EX.CL/Dec.646 (XIX) with a view to finalizing the establishment of the Division with the task to manage and coordinate strategic partnerships, and thus ensure effective and efficient management of the said partnerships, particularly through monitoring, analysis and review measures;

g) **EXPRESS HIGH COMMENDATIONS** to the United Nations Development Programme (UNDP) for its assistance to the Commission in its efforts at establishing the Division and building its partnership management and coordination capacities at continental, regional and national levels;

h) **REQUEST** Member States to strictly comply with the Banjul Decision on Africa's representation in partnership summit meetings between the African continent and countries;

i) **URGE** the partners to respect the Banjul Formula on this issue;

j) **RECOMMEND** to the Executive Council to carry out in-depth reflection on ways and means of ensuring compliance with the Banjul Decision;

k) **UNDERSCORE** the need to promote continent-wide approach and African Union Vision in the conduct of such partnerships, rather than the bilateral cooperation dimensions;

l) **ENCOURAGE** Member States to participate in the partnerships preparation process though the PRC and Senior Officials Meeting and establish a mechanism to facilitate the effective participation of African Groups in the various partnerships.

vi) Report on the Study on the African Union Representational Offices:

a) **TAKE NOTE** of the Report;

b) **COMMEND** the Permanent Representatives' Committee (PRC), its Sub-Committee on Multilateral Cooperation and the African Union Commission for their work in finalizing the evaluation of the Study on the Representational Offices;

c) **ENDORSE** the recommendations contained therein;

d) **REQUEST** the Commission to take additional measures to implement all the recommendations of administrative nature which do not have financial implications, with a view to improving the smooth functioning of the said offices;

e) **APPROVE** the criteria for establishment of new African Union Representational Offices, particularly outside Africa;

f) **DECIDE** as follows:

1) The Commission should formulate a Policy on the Modalities of Appointment, and on the Grade, Emoluments, Tour of Duty, Duration of Terms of Employment and other Conditions of Service of Heads of the Representational Offices, so as to guide their employment by the AU;

2) Regional Offices should be established in the other four (4) Geographical Regions of the Continent, and should be located in the countries hosting the Headquarters of the RECs as a temporary measure; and until the finances of the AU permit, one (1) AU Technical Office per Region should be capacitated to perform representational functions through appointment of a Senior Political Officer to that Office; a Staff of the Commission could also be appointed to work at the Headquarters of each of the RECs as per an already existing decision on the matter;

3) Where the AU cannot establish offices immediately or in the near future, the Dean of African Ambassadors in the country of interest could be requested to represent the African Union;

4) An Office should be established in Vienna as soon as possible, taking advantage of the offer made by the Austrian Government;

5) Establishment of other Offices should also be prioritized in accordance with the approved criteria and by taking into account Africa's priorities and on-going partnerships;

6) The newly established Partnerships Management and Coordination Division in the Office of the Chairperson should be strengthened and be assigned the responsibility of interfacing between the Representational Offices and the AUC Headquarters.

g) **AUTHORISE** the Commission to mobiles resources for the implementation of aspects of this decision, where appropriate.

C. Report of the Sub-Committee on Refugees, Returnees and Internally Displaced Persons in Africa- Doc.EX.CL/ 687(XX)iii

31. The report was presented by H.E. Cheick A. T. Camara, Ambassador of the Republic of Guinea, and Chairperson of the Sub-Committee.

32. After the presentation, members of the PRC made comments and observations, and sought clarification as follows:

i) The equal amount of financial assistance granted to Côte d'Ivoire and Tunisia was disproportionate, given that there is a greater number of refugees and internally displaced persons in Côte d'Ivoire compared to Tunisia;

ii) There is need to find answers to the fundamental issues of non- ratification and domestication of instruments such as the AU Convention on Internally Displaced Persons (IDPs);

iii) It is imperative to improve the level of the funding base, to ensure more effective humanitarian assistance responses.

33. In response, the Chairperson of the Sub-Committee explained that Member States have a role to play by increasing their voluntary contributions, so as to replenish the Fund.

34. In conclusion, the PRC adopted the Report and recommends to the Executive Council to:

i) Take note of the Report and the recommendations;

ii) Express its appreciation to the Sub-Committee for the work done, including the successful missions undertaken to Tunisia and Côte d'Ivoire;

iii) Reiterate the call on Members States to sign, ratify and domesticate the AU Convention on Internally Displaced Persons;

iv) Appeal to Member States to increase voluntary contributions to replenish the Fund and thus to improve the levels of financial assistance.

D. Report of the Sub-Committee on Contributions – EX.CL/687(XX)iv

35. The Report was presented by the H.E. Prof. Joseph Nsengimana, Ambassador of the Republic of Rwanda and Chairperson of the Sub-Committee, after which the PRC made comments and observations, and sought clarification as follows:

i) Member States contributions have continued to decline;

ii) Member States that have honoured their financial obligation to date are to be commended;

iii) There is need for the Commission to update the annexed table of contributions made by Member States in order to ascertain the accuracy of the figures of payment made by Member States;

iv) The name of Libya should be corrected in the report;

v) With regard to mentioning the arrears owed by Morocco in the status of contributions, it should be indicated appropriately that the country is not a Member State of the AU;

vi) There is need to investigate the reason for the slow response of AU partners in redeeming their pledges;

vii) Whether the consideration of the scale of assessment of South Sudan would affect that of the Republic of The Sudan;

viii) A waiver should be considered in respect of Somalia given the peculiar situation the country is going through.

36. In response, the Chairperson of the Sub-Committee, complemented by a representative of the Commission clarified as follows:

i) Member States are encouraged to step up the rate at which they pay in their contributions;

ii) The list of Member States that have made their contributions would be updated;

iii) The name of Libya will be corrected;

iv) The Commission will work out a better way of presenting Morocco in the document on contributions;

v) The Commission would continue to encourage partners to honour their pledges as appropriate;

vi) The Commission would ensure that the Ad-hoc Committee on Scale of Assessment reviews the assessment for the Republic of The Sudan and that of the newly independent Republic of South Sudan;

vii) There is need to exempt Somalia from contribution in view of the fact that the country is still in conflict situation.

37. In conclusion, the PRC adopted the report and the recommendations contained therein and recommends to the Executive Council to:

i) Congratulate the Member States that are up-to-date with their contributions;

ii) Request Member States to pay up their contributions in time and encourage the Member States in arrears to clear such arrears as early as possible;

iii) Lift the sanctions imposed on Guinea Bissau and Central African Republic;

iv) Exempt Somalia for the transition period in the country;

v) Prolong the temporary extension granted to the Democratic Republic of Congo as long as the country complies with its payment schedule;

vi) Cause the case of The Sudan and South Sudan to be considered by the Ad Hoc Ministerial Committee on Scale of Assessment in order to determine their respective scale at the current session of the Executive Council. To this end, request the Commission to come up with proposals regarding the issue of scale of assessment applicable to The Sudan and South Sudan in accordance with existing standards.

E. Report of the Sub-Committee on Economic and Trade Matters – EX.CL/687(XX)v

38. The report of the Sub-Committee was presented together with the Report of the 7th Ordinary Session of the AU Conference of Ministers of Trade held in Accra, Ghana, from 29 November to 2 December 2011. The Sub-Committee's report was presented by H.E. Mokhtar Chaouachi, Ambassador of the Republic of Tunisia, Chairperson of the Sub-Committee, while the report of the 7th Ordinary Session of the AU Conference of Ministers of Trade was presented by a representative of the Commission.

39. Subsequent to the presentations, the PRC made comments and observations and sought clarification as follow:

i) The report of the Ministerial meeting held in Accra, Ghana, does not focus on the substantive issues of boosting intra-Africa trade in terms of analysis of the existing situation, the reasons hindering intra-Africa trade and proposed solutions;

ii) The reports submitted to the Conference covering the deliberations of the Government Experts in Accra should be circulated to Member States for their information;

iii) Whether the recommendations contained in the WTO Declaration adopted in Accra had been taken on board by the 8th WTO Ministerial Conference?

iv) All documentation used by the experts in the preparation of the theme for the January 2012 Summit should be availed to members of the PRC.

40. In response to the above concerns, the Chairperson of the Sub-Committee complemented by the representative of the Commission and some Members of the PRC who attended the Accra Ministerial Conference, provided clarifications as follows:

i) Prior to the Conference, the Commission in consultation with the Sub-Committee, ECA and AfDB prepared background papers, focusing on an analysis of the impediments to intra-Africa trade, removal of barriers and suggestions of remedial measures. Subsequently, a briefing session was organized at Hilton Hotel, Addis Ababa, Ethiopia, to which the PRC was invited, to discuss all the background papers;

ii) The roadmap and Plan of Action have been developed and would be circulated to Member States in due course;

iii) The WTO Conference in Geneva took into consideration the African position on WTO issues adopted in Accra.

41. In conclusion, PRC recommends to the Executive Council to:

i) Take note of the report of the Conference of Ministers of Trade and the recommendations therein, in particular the recommendations on the framework and strategies for boosting intra-African trade, which is the theme adopted for the 18th Ordinary Session of the Assembly of the Union to be held in January 2012;

ii) Recommend to the Assembly to adopt the draft Declaration submitted by the Conference of Ministers of Trade;

iii) Recommend to the Assembly to adopt the framework, Road Map and architecture to speed up the establishment of a continental free-trade area by the indicative date of 2017, and the action plan to reactivate intra-African trade;

iv) Appeal to ECA, AfDB and the other development partners to continue to provide full support towards implementation of a continental free-trade area and the action plan to reactivate intra-African trade;

v) Express high commendations to the Sub-Committee on Economic and Trade Matters for its input to the preparation of the theme;

vi) Place this item in Part B of the Agenda of the Executive Council to enable the latter to enrich deliberation on the theme of the Assembly.

F. Report of the Sub-Committee on NEPAD –EX.CL/687(XX)vi

42. The Report was presented by H.E. Abd-El-Naceur BELAID, Ambassador of the People's Democratic Republic of Algeria and Chairperson of the Sub-Committee.

43. Following the presentation, the PRC adopted the report and recommends to the Executive Council to:

i) Request the Commission in consultation with the Sub-Committee on NEPAD and NEPAD Agency to elaborate clear terms of reference for the NEPAD Coordinating Unit in the Bureau of the Chairperson to enable the latter to discharge its role of interface between the Commission and the NEPAD Coordinating Agency;

ii) Further request the Coordinating Unit to submit to the Sub-Committee on NEPAD a detailed action plan with activities covering a period of six months;

iii) Request the Commission to take all necessary measures to fill the existing vacant positions within the NEPAD Coordinating Unit;

iv) Further request the Commission to take appropriate measures to fill new positions created following consideration of the proposals to that effect by the Sub-Committee on Structures in accordance with the existing recruitment procedures;

v) Request the Commission to avail to Member States all documentation on the high level meeting on Aid Effectiveness which was held in Busan, South Korea, in November 2011.

G. Report of the Sub-Committee on the Special Emergency Assistance Fund for Drought and Famine in Africa (SEAF) - Doc.EX.CL/ 687(XX)vii

44. During consideration of this item, the Chairperson of the Sub-Committee H.E. Dr Andrew Hama MTETWA, Ambassador of the Republic of Zimbabwe, indicated that, in the previous year, the Sub-Committee had allocated funds to Somalia and Djibouti, but the Sub-Committee did not meet during the period under review. He stated that the Sub-Committee had no report to present and proposed that the item be withdrawn from the agenda of the current session of the PRC.

45. Some delegates however made observations regarding the importance and utility of the Fund and its effectiveness, given the fact it enables the African Union to manifest its presence alongside the affected populations. The delegates underscored the need to reconstitute the fund and to make reference thereto in the Report of the Chairperson of the Commission.

46. In conclusion, the PRC recommends to the Executive Council to:

i) In the Activity Report of the Commission, appeal to Member States to step up their voluntary contributions to the Special Emergency Assistance Fund for Drought and Famine in Africa;

ii) Request the Sub-Committee to meet after the January 2012 Session of the Assembly to consider, among other things, the report produced by the Commission, the financial status of the fund, the proposed amendments to the Rules of Procedure of the Fund and to submit a report accordingly to the Assembly Session to be held in June/July 2012.

H. Consideration of the Report of the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters on Virements and the Supplementary Budget for 2011

47. The Report was presented by H.E. Thomas Kwesi Quartey, Chairperson of the Sub-Committee and Ambassador of the Republic of Ghana after which the PRC made the following comments and observations:

i) The Commission should ensure strict compliance with the provisions of the Financial Regulations and Rules;

ii) The procedures on Virement and Supplementary Budget requests should be followed and submission of requests made in advance, preferably before the month of September of each year, so as to avoid putting the PRC before a "*fait accompli*".

48. In response, the representative of the Commission assured the PRC of the Commission's compliance with the Financial Rules and Regulations with respect to Virement and Supplementary Budget requests.

49. In conclusion, the PRC endorsed the report of the Sub-Committee, approved the Virement for 2011 and recommends to the Executive Council to:

i) Approve the Supplementary budget requests of the Commission for 2011 amounting to US$ **7,060,300.66**;

ii) Call on the Commission and other Organs to ensure strict compliance with the Financial Rules and Regulations and to observe the procedures regarding the submission of Virement and Supplementary budget requests in compliance with Decision EX.CL/Dec. 528 (XVI);

iii) Direct that Virement and Supplementary budget requests be submitted before September of each year.

SECTION IV: CONSIDERATION OF THE RECOMMENDATIONS OF THE PRC ON THE REPORT OF THE COMMISSION ON THE IMPLEMENTATION OF PREVIOUS DECISIONS OF THE EXECUTIVE COUNCIL AND THE ASSEMBLY – Doc. EX.CL/689(XX)

50. The report on the implementation of previous decisions of the Executive Council and the Assembly was presented by a representative of the Commission. He indicated that decisions fall under two categories, namely decisions to be executed by Member States and those which were the responsibility of the Commission.

51. Following this presentation, the PRC made the following observations:

i) The evaluation report on the implementation of decisions did not include the decision on quantitative rationalization in a bid to reduce the number of decisions taken, on the one hand, and to match those with reports on the financial incidence of their implementation, on the other;

ii) The report on the implementation of decisions is a fundamental aspect of the joint efforts of the PRC and the Commission. In that regard, it should be a concrete and accurate presentation, especially with regard to decisions without financial incidence, such as the decision to endorse the deliberations of the third joint AUC/PRC retreat in March/April 2011;

iii) Certain decisions from the retreat referred to in point (ii) above have not been implemented;

iv) The practice of post-Summit evaluation should become a habit of the Commission, so that the guidelines/criteria on minimum requirements for hosting a Summit will be constantly updated.

52. A representative of the Commission, in his response to the concerns raised, provided the clarifications requested and indicated the actions taken in connection with the implementation of various provisions of Decision EX.CL/Dec.650 (XXII) on the conclusions of the retreat. A number of these provisions have been implemented, in particular, the Directives on the Annual Theme, criteria for submission of items proposed by Member States, PRC participation in missions to evaluate facilities put in place by countries hosting the Summit, the list of Guest Speakers, ongoing preparatory process for the celebration of the 50th Anniversary of the OAU/AU, the current study to harmonize the conditions of travel for officials of Member States carrying out missions on behalf of the African Union, He also reported that, on its part, the Commission has provided in a report submitted earlier all the necessary information regarding the implementation status of these decisions, though most of these decisions are to be implemented by the Member States. In that connection, by letter dated 17 July 2011, the Commission invited all Member States to forward implementation reports, but to date, only one Member State, Burkina Faso, has done so.

53. In conclusion, the PRC recommends to the Executive Council to:

i) **Take note** of the report and recommendations contained therein;

ii) **Reiterate** the need for effective implementation of previous decisions and to emphasize on the overriding obligation to always evaluate the implications, in terms of finance and structures, prior to the adoption of any decision;

iii) **Commend** Burkina Faso which promptly submitted its report on the implementation of the decisions and **appeal** to the other Member States to submit their reports on the implementation of decisions adopted;

iv) **Request** the Commission to submit a comprehensive report on the implementation of Decision EX.CL/Dec. 650(XIX) which was taken following the third joint PRC/AUC retreat held in Nazareth in March/April 2011.

SECTION V: OTHER REPORTS

1) Report of the 7th AU Conference of Ministers in charge of Public Service, Nairobi, Kenya, 9-14 May 2011 - EX.CL/690(XX)

54. The Report was presented by a representative of the Commission after which the PRC made comments and observations, and sought clarification as follows:

i) Translation of the Arabic version of the report needs to be revised;

ii) Some light should be shed on measures being taken to address the challenges faced, as listed in the Report.

55. In his response, the representative of the Commission clarified as follows:

i) The Commission undertakes to revise the translation of the Arabic version of the report;

ii) With regard to addressing the challenges, the Charter was being implemented, long-term strategies had been defined with concrete programmes, a decision had been made to absorb the Secretariat into the structures of the Commission, mobilization of both human and financial resources was being pursued, etc.

56. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the Report and the Declaration;

ii) Urge Member States to accelerate the ratification of the Charter;

iii) Request the Commission to accelerate the operationalization of the Secretariat and to pursue the mobilization of resources for activities of the Conference of AU Ministers in charge of Public Service; and

iv) Place the item under **Part A** of the agenda of the Executive Council.

2) Report of the Extraordinary Session of the AU Conference of Ministers of Education (COMEDAF IV+), Nairobi, Kenya, 12 May 2011- EX.CL/691(XX)

57. The Report was presented by a representative of the Commission after which members of the PRC made comments and observations, and sought clarification as follows:

i) The documents referred to in the report should be annexed as additional information;

ii) The official title of Libya should be correctly reflected in the English version of the Report;

iii) The Commission should make available the amendments to the Statutes for the establishment of the Pan-African University (PAU), and the Act on the recognition of studies, certificates, diplomas, degrees and other academic qualifications in higher education in African States;

iv) Whether the Act and Statute documents have passed through the legal review process.

58. In addressing the concerns raised, the representative of the Commission clarified as follows:

i) The practice is for Acts and Statutes to be submitted to the Office of the Legal Counsel of the AUC for review, before they are presented to Government experts and to the policy organs;

ii) The correct title of Libya would be reflected;

iii) The Annexes referred to in the report would be attached.

59. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the Report and endorse the recommendations contained therein on the launch of the Pan-African University;

ii) Request the Commission to submit as soon as possible to Member States, the final version of the Arusha Convention as well as the final document on the launch of the Pan-African University;

iii) Place the item under **Part A** of the agenda of the Executive Council.

3) Report of the 2nd Ordinary Session of the All Africa Ministerial Conference on Decentralization (AMCOD), Maputo, Mozambique, 8-11 August 2011 – (EX.CL/692(XX)

60. The Report was presented by a representative of the Commission after which comments and observations were made, and clarification was sought as follows:

i) It would be better to highlight the composition and structure of the Bureau of the Conference in the report rather than in the final Declaration;

ii) It is needful to abide by the same presentation and structure in a coherence manner for the various Ministerial reports;

iii) The recommendations contained in the final Declaration should enable Member States to adopt the path of decentralization and good local governance;

iv) It is necessary to include in the annex the study on operationalization of the Specialized Technical Committees, as well as the study on the finalisation of the legal and institutional architecture of AMCOD.

61. In response to the afore-listed observations, the representative of the Commission provided the following clarifications:

i) The choice to present the composition of Bureau of the Conference in the final Declaration was decided by Conference itself;

ii) The Commission has taken due note of the need to review the structure of Ministerial report for better coherence and we take appropriate steps in this regard;

iii) As the process of decentralization has been underway for long, some Member States could assist others to better appropriate the process;

62. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the Report and the recommendations contained therein as well as the Final Declaration of AMCOD;

ii) Endorse:

a) the establishment of an African Day of Decentralization and Local Development on 10th August of every year;

b) the proposal to initiate the drafting of an African Charter on the Values and Principles of Decentralization and Local Governance;

c) the establishment of a continental Award system on achievements in respect of Decentralization and Local Development;

d) the Strategic Plan 2011-2016 of AMCOD and in particular the periodic publication of an African Report on the state of Decentralization and Local Governance;

iii) Request the Commission to work closely with AMCOD and to report regularly on the matter;

iv) Place the item under Part B of the Agenda of the Executive Council.

4) Report of the 5th AU Conference of Ministers in charge of Integration (COMAI V), Nairobi, Kenya, 5-9 September 2011– EX.CL/693(XX)

63. The report was presented by the Commissioner for Economic Affairs who indicated that the theme of the Conference was ‘’Integration and Sovereignty” and highlighted the substance of the discussions at the Conference.

64. At the end of the presentation, comments and observations were made and clarification sought as follows:

i) The report did not establish a direct correlation between sovereignty of States and integration in addressing the constraint of integration;

ii) A review of the status of implementation of the Minimum Integration Programme (MIP) should be undertaken periodically, to ensure compliance with the Abuja Treaty and Plan of Action;

iii) There is need for the creation of Free Trade Areas within the various RECs;

iv) The issue of overlap, where a country is a member of more than one RECs, needs to be addressed;

65. The Commission provided clarification to the queries raised as follows:

i) The theme of the Conference was thoroughly discussed and generated much debate. Consequently, the Conference agreed that integration and sovereignty are interdependent;

ii) The creation of Free Trade Areas should take into consideration the fact that RECs are at different levels of development;

iii) The Conference considered and agreed on the need for a periodic update on the status of integration;

iv) The AU has been seized with the issue of rationalizing the RECs since 2006 but the emphasis now is on harmonizing their activities;

v) The Commission undertakes to standardize the reporting format of Ministerial meetings reports, to ensure uniformity and ease of comprehension.

66. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the report, the recommendations contained therein and the Declaration of the Conference;

ii) Request the Commission to set up a mechanism for monitoring and evaluating the Plan of Action of the Minimum Integration Programme as adopted by the Ministers in charge of Integration;

iii) Call upon Member States to accelerate the integration process by internalizing the relevant legal instruments and take into account regional and continental projects in their national planning;

iv) Request the other RECs to draw inspiration from the tripartite arrangement of COMESA/SADC/EAC with the aim of speeding up the establishment of the African Economic Community;

v) Request the Commission to develop a sustainable and effective strategy for growth and development to take African countries out of the Group of the Least Developed Countries (LDCs), in cooperation with UNCTAD and UNECA;

vi) Request the Commission to harmonize and standardize the reports of Sectoral Ministerial Meetings.

vii) Place the item under **Part A** of the agenda of the Executive Council;

5) Report of the 4th Special Session of the Conference of African Ministers on Environment (AMCEN), Bamako, Mali, 12-16 September 2011 - **EX.CL/694(XX)**

67. The Report was presented by a representative of the Commission after which PRC members commended the Commission for the quality of the report which, they emphasised, faithfully reflected the work and deliberations of the 4th Special Session of

the Conference of African Ministers on Environment (AMCEN). They recommended its adoption by the PRC.

68. As no particular issue was raised after the above observations, the representative of the Commission expressed gratitude to all members of the PRC for their support.

69. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the Report and endorse its recommendations and the Bamako Declaration of the 4th Special Session of AMCEN;

ii) Request the Commission to follow up closely on these recommendations and intensify cooperation with all partners: UNEP, UNECA, African Development Bank and others to facilitate their implementation;

iii) Place the item under **Part A** of the draft agenda of the Executive Council.

6) Report of the 8th Session of the African Population Commission (APC), Addis Ababa, Ethiopia, 15-16 September 2011 – EX.CL/695(XX)

70. The report was presented by a representative of the Commission after which the PRC made comments and observations and sought clarification as follows:

i) The document lacked clarity in certain sections;

ii) Although the population issue is very important for the continent, the report contains minimal activities carried out during the period 2009 – 2011 due to the inability of the Bureau of the APC to meet as required and to the absence of a clear action plan;

iii) The need to provide information on the progress made in carrying out the recommendation to undertake a comprehensive and thorough evaluation of the situation.

71. In its response, the representative of the Commission stated that the evaluation process had started and that one of the main difficulties was that different institutions were responsible in different countries for population issues, from Ministries of Finance to Ministries of Planning or independent Population Commissions. There was therefore need to mainstream population matters within Member States so as to achieve results. He added that consultations in this regard had been held in South Africa with UNFPA, and that Member States needed to be sensitized, since population matters contain planning, health and other components.

72. In conclusion, the PRC recommends to the Executive Council to :

i) Take note of the Report and the recommendations contained therein and welcome the 4th Edition of the report on the State of African Population for 2010;

ii) Call upon Member States and RECs to mainstream population issues into regional and national development programmes in the continent;

iii) Place the item under **Part A** of the agenda of the Executive Council.

7) Report of the 2nd Ministerial Conference on the Diaspora, New York, USA, 24 September 2011 - EX.CL/696(XX)

73. The report was presented by H.E. Major General L.C. Pepani, Ambassador of the Republic of South Africa, after which no comments were made as the report was clear and well-articulated in terms of the way forward.

74. In conclusion, PRC recommends to the Executive Council to:

i) Take note of the report, the Draft Declaration and the Draft Programme of Action as well as the proposed Roadmap and the follow up implementation mechanism;

ii) Endorse the Draft Declaration, Draft Programme of Action as well as the Implementation Mechanism as proposed by the New York Conference and their submission to the Assembly;

iii) Place the item under **Part B** of the agenda of the Executive Council.

8) Report of the Fourth Session of the AU Conference of Ministers of Sport (CAMS-4), Addis Ababa, Ethiopia, 17-21 October 2011, including the New Architecture for African Sport – EX.CL/697(XX)

75. The Report was presented by a representative of the Commission after which members of the PRC made comments and observations, and sought clarification as follows:

i) The Report was commended for its rich content and quality;

ii) What mechanism could be established for the Supreme Council to submit to the authority of the Commission?

iii) Whether the meeting scheduled to take place in Abuja on dissolution of the Supreme Council, would take place;

iv) Why a ministerial session was not held as per the usual practice, at the end of the term of office of the Bureau of CAMS3;

v) There is need for a census of the bodies/agencies that are under the auspices of the African Union Commission. In addition, a review of the competencies and the capacities of these bodies is necessary.

76. The Commission clarified as follows:

i) The Executive Council may reaffirm the previous decision that provides that four months after the September 2011 All Africa Games in Maputo, the Supreme Council must cease to exist;

ii) The Abuja meeting on dissolution of the Supreme Council is scheduled to take place at the end of January 2012;

iii) The decision of Ministers was that, given current challenges, the current Bureau of CAMS3 should continue to exercise its mandate until such time that the new CAMS4 Bureau would take over;

iv) A study is currently being undertaken to determine the number of bodies/agencies falling under the African Union, including their operational and financial aspects.

77. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the report and to endorse the recommendations contained in paragraph 60 on the establishment of a new African Sports Architecture;

ii) Recognize the importance of sport as a vehicle for integration and social cohesion and a tool for cooperation, solidarity and development in the continent;

iii) Confirm the dissolution of the SCSA at the end of the Extra-Ordinary Session of the General Assembly of SCSA to be held in Abuja, Nigeria, in January 2012;

iv) Accept the offer of the Republic of Cameroon to host the body responsible for the new African Sports Architecture, and to sign a host agreement with Cameroon in this regard;

v) Further accept the renaming of the All African Games to “African Games”, ensure that all ownership of African Games is vested in the AU, entrust the organization and management of the African Games to the Association of National Olympic Committees of Africa (ANOCA) with technical inputs by the Association of African Sport Confederations (AASC), and request the Commission to conclude a Memorandum of Understanding (MoU) with ANOCA;

vi) Request the Commission to assess the financial and structural implications of establishment of the new African Sports Architecture and make concrete recommendations for the consideration of AU policy Organs at the next Summit in June 2012;

vii) Take note of the elections made by the CAMS regarding Africa's representation for Egypt to serve on the World Anti-Doping Agency (WAD) Foundation Board (2012-2015) while South Africa would serve on the WADA Executive Committee and the Chairperson of CAMS would be the Member State representing the AU on the Executive Committee effective from 2013;

viii) Accept the offer of the Republic of Cote d'Ivoire to host the 5th session of CAMS at a date to be determined in accordance with the established procedures;

ix) Place the item under **Part B** of the agenda of the Executive Council.

9) Report of the 5th Ordinary Session of the Specialized Technical Committee on Defense, Security and Safety, Addis Ababa, Ethiopia, 23 – 26 October 2011- EX.CL/698(XX)

78. The Report was presented by a representative of the Commission after which the PRC made comments and observations, and sought clarification as follows:

i) On the issue of appointment of the Chief of Staff for the Peace Support Operation Division (PSOD) as outlined in Section 6 (e) of the Declaration, the Commission should clarify the progress made in this respect, and the procedures being followed, and provide an indication of the timeframe;

ii) An update on the convening of the meeting on resource mobilization for the African Standby Force (ASF) could be provided;

iii) Africa's ownership of the ASF should be strengthened through less dependence on donors and the strengthening of regional brigades;

iv) On the Continental Logistics Base (CLB) issue, there is need for further reflection on modalities of harmonising Regional Bases and the CLB;

v) The proposed Strategic Defence Office should be located within the Peace Support Operations Department, and not outside the structure;

vi) The reasons for the delay in deploying already supplied troops to AMISOM in response to the call by Ministers for contribution of troops and resources.

79. In response, the Commission clarified as follows:

i) The recruitment of the Chief of Staff will follow normal AUC recruitment procedures and the AHRM Department will communicate these details, as well as the timeframe, in due course. No agreement had been reached yet on the grade, as that would be determined at policy level;

ii) An MoU on the troops supplied by Sierra Leone for AMISOM would be finalized as soon as the issue of funding is resolved;

iii) Although a date has yet not been set, the proposed meeting on resource mobilization for the African Standby Force (ASF) has been provided for in the 2012 budget;

iv) In accordance with a decision by The Assembly in July 2011, the Commission is mandated to take all measures necessary to set up and operationalize a Continental Logistics Base (CLB) in Douala, Cameroon;

v) A meeting would be convened subsequently, to clarify the roles of the CLB and the regional bases.

80. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the Report and the Declaration;

ii) Welcome the steps taken towards the establishment of the ASF continental Logistics base in Douala, Cameroon;

iii) Request the Commission to expedite consultations with respect to clarification of the roles of the Continental Logistics Base and the Regional Logistics Bases;

iv) Request the Commission to expedite the appointment of the Chief of Staff for the PSOD;

v) Further request the Commission to take appropriate measures for the urgent deployment of troops already contributed by Member States to AMISOM;

vi) Place the item under **Part B** of the agenda of the Executive Council.

10) Report of the 2nd Ordinary Session of the AU Conference of Ministers of Transport, Luanda, Angola, 21 – 25 November 2011 – EX.CL/699(XX)

81. The Report was presented by the Commissioner for Infrastructure and Energy, after which the PRC made comments and observations, and sought clarifications as follows:

i) The proposed celebration of the International Road Safety Day should be explained;

ii) The Terms of Reference for the proposed Regional Group on Safety and details of the financial implications for the proposed workshop should be provided;

iii) Member States should make contributions towards infrastructural development rather than continually depend on partners.

82. In response, the Commissioner for Infrastructure and Energy provided clarification as follows:

i) The essence of celebrating the International Road Safety Day is to add value, through an African dimension to the issue of safety;

ii) The Terms of Reference for the proposed Regional Group on Safety would be provided;

iii) Member States are encouraged to participate in the infrastructural development of the continent.

83. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the report and the Declaration;

ii) Endorse the recommendations of the Report of the 2nd Ordinary Session of the AU Conference of Ministers of Transport, including the observation of the 3rd Sunday of November every year as African Day of Safety;

iii) Call for the acceleration of the Action Plans on Transport Infrastructure;

iv) Place the item under **Part A** of the agenda of the Executive Council.

11) Report of the 7th Ordinary Session of the AU Conference of Ministers of Trade, Accra, Ghana, 29 November – 2 December 2011– EX.CL/700(XX)

84. This item was covered during the consideration of the report of the Sub-Committee on Economic and Trade Matters as reflected under paragraphs 38 to 41 of the PRC Report.

12) Progress Report of the Commission on the Transformation of the African Union Commission into the African Union Authority (on the Implementation of Decision Assembly/AU/Dec.341(XVI)) - EX.CL/701(XX)

85. The progress report was presented by a representative of the Commission after which the PRC made comments and observations, and sought clarifications as follows:

i) The Commission has completed its assigned mandate on the subject. The exercise should be terminated, and attention devoted to improving the competencies and capabilities of relevant AU Organs;

ii) The conclusion of the report was anticipatory. The Commission should have confined itself to its mandate and not make any insinuations. In this respect, paragraphs 13 and 17 of the report should be expunged;

iii) There is need for the PRC to be apprised of the outcome of the work of Government Legal Experts, for subsequent dissemination to Member States and to the policy organs of the Union, to enable them take decisions as appropriate;

iv) There is further need for the Commission to carry out an evaluation of the financial and structural implications of transforming the Commission into an Authority, in accordance with the mandate given by the Assembly, as such implications could influence decisions on the issue.

86. The Commission provided clarification to the concerns raised, pointing out that the financial and structural implications of transforming the Commission into an Authority would be prepared by the Commission, sequel to the decision by the policy organs of the Union to transform the Commission into an Authority, in accordance with the spirit and letter of the requisite Assembly Decision.

87. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the progress report excluding paragraphs 13 and 17, and the work so far done by Government Legal Experts regarding the review of the eleven Legal Instruments in light of Decision Assembly/AU/Dec.341 (XVI) of January 2011 as work-in-progress;

ii) Request the Commission to further reflect on other relevant issues, including the structures and financial implications and to submit all the relevant Legal Instruments with the amendments proposed by the Government Legal Experts to Member States, for their consideration;

iii) Place the item under **Part B** of the agenda of the Executive Council.

13) Report of the Commission on the Programme for Infrastructure Development in Africa (PIDA) - EX.CL/702(XX)

88. The Report was presented by a representative of the Commission who underscored the importance of the political and technical process of the Programme for Infrastructure Development in Africa (PIDA).

89. After the presentation, PRC members made observations and comments and sought clarification as follows:

i) Expressed satisfaction at the presentation of the Report in accordance with the new format;

ii) Focus should be placed on the concrete aspects concerning infrastructural development in Africa;

iii) An illustrative Table of different stages and timeframes of the Programme should be presented in the Report;

iv) Implementation of the Action Plan will depend on the Presidential Infrastructure Championship Initiative;

v) The PRC should examine the PIDA Institutional Architecture after the January 2012 AU Summit;

vi) The Arabic version of the report should be aligned with the other texts.

90. In response, the representative of the Commission thanked PRC members for their inputs, support and analysis of the Report and provided the following clarifications:

i) Due note will be taken of the remarks in respect of implementation of the process for better operationalization;

ii) A strategic planning meeting will be held after January 2012 AU Summit at the level of NEPAD;

iii) PIDA is an amalgamation of various on-going initiatives with ICA and EU partners, and remains open to other partners.

91. In conclusion the PRC recommends to the Executive Council as follows:

i) Take note of the Report and recommendations contained therein as well as the draft declaration proposed for consideration of the Executive Council and an adoption by the Assembly;

ii) Recommend to the Assembly as follows:

a) Endorse the various initiatives on infrastructural development in Africa, in particular:

1) The Infrastructure Consortium for Africa (ICA);
2) The Africa-EU Partnership on Infrastructure and Energy;
3) The Presidential Infrastructure Championship Initiative;
4) The Special Fund on NEPAD Infrastructure Project Preparation Facility (NEPAD-IPPF);
5) The African Water Facility (AWF).

b) Recognise the importance of infrastructure in the integration process;

c) Adopt PIDA and request early consideration of the institutional architecture;

d) Request Member States to incorporate this programme and the architecture in national priorities and their budget and undertake the requisite institutional reforms to usher in a propitious climate for private investment in the area of infrastructure;

e) Request the Commission, in close coordination with the NEPAD Agency to ensure implementation of PIDA and the adopted institutional architecture including the definition of the modalities of Member States' contribution to the special fund and to report on annual basis to the Assembly.

iii) Place this item in **Part B** of the Executive Council Agenda.

14) Report of the Commission on the establishment of an African Institute for Remittances (AIR) – EX.CL/703(XX)

92. The report was presented by the representative of the Commission after which, the PRC made comments and observations and sought clarification as follows:

i) There is need for the Commission to first embark upon a study to define the goals and objectives of the Institute before going ahead with the establishment of African Institute for Remittances (AIR);

ii) All stakeholders should be involved in the implementation process;

iii) There is need to include in the annex the roadmap mentioned in the report.

93. In its response, the Commission provided the following clarification:

i) The preparatory project for establishment of IATF provides substantial detail on the tenets and goals of the project which, in any case, has already gained the support of our partners;

ii) As regards the roadmap, it is an internal indicative programme which enables the Commission to monitor the various stages of establishment of AIR.

94. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the Report and the recommendations contained therein, and acknowledge that the project for establishment of an African Institute for

Remittances could contribute to leveraging economic and social development on the continent;

ii) Request the Commission to submit the Project on African Institute for Remittances to the Conference of Ministers of Finance for review and technical advice, and aspects relating to structures and financial implications to the PRC for consideration;

iii) Partners for their continued support to the Project, in particular the EU, World Bank, African Development Bank, the International Organization for Migration;

iv) Place the item under **Part B** of the agenda of the Executive Council.

15) Report of the Commission on the Restructuring of the African Rehabilitation Institute (ARI) - EX.CL/704(XX)

95. The Report was presented by a representative of the Commission, after which the PRC made comments and observations and sought clarification as follows:

i) The Commission reacted late to the proposal to rehabilitate the ARI;

ii) There is need for Member States to support the work of the Institute as well as the process of rehabilitating and integrating it into the structures of the Commission;

iii) Whether the integration and restructuring of the ARI would affect its location;

iv) There is need to finalize the studies before proposing the integration and restructuring of the Institute to the Executive Council.

96. In response, the Commissioner for Social Affairs clarified as follows:

i) The lateness in reacting to the proposal to rehabilitate and restructure the ARI was premised on the fact that the Institute, which was originally established by the OAU was one of the institutions in the cluster of the existing OAU Specialized Agencies under review for their relevance. Having then ascertained the significance of ARI, the process of rehabilitating and restructuring it has come on board;

ii) The call on Member States to support the process of rehabilitating and restructuring ARI is most welcome;

iii) The integration and restructuring of the ARI would not affect its location, as the Republic of Zimbabwe would continue to host the Institute;

iv) The studies being undertaken would not preclude the Executive Council from giving political direction on ARI.

97. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the Report and its recommendations on the restructuring of ARI;

ii) Request the Commission to:

a) Continue to assist ARI in its restructuring process and to provide oversight regarding the financial and administrative management of the Institute;

b) Include ARI in the review of the existing OAU Specialized Agencies as directed by the Assembly;

c) Deepen the study regarding the functions and integration of ARI into the Commission, including the transitional mechanism and current financial situation of ARI and submit the outcome to the PRC through its relevant Sub-Committee

iii) Call upon Member States to pay their annual contributions and arrears to ARI;

iv) Also call upon the ILO, the EU and other Partners to support ARI;

v) Place the item under **Part B** of the Draft Agenda of the Executive Council.

16) Report of the Commission on the Revitalization of AIDS Watch Africa (AWA) - EX.CL/705(XX)

98. The Report was presented by a representative of the Commission after which the PRC sought clarification on the following issues:

i) Why the presentation underscored that the AWA project would not entail budgetary implications while paragraph 45 of the report stated otherwise;

ii) What measures have been taken by the Commission with a view to selecting members of the Committee?

99. In response, the representative of the Commission explained that, for advocacy purposes, the Heads of State and Government would use their national budgets but that the running of the Secretariat would depend on voluntary contributions either from partners or Member States. Regarding the list of prospective Heads of State and Government proposed in the Report, he stated that following some preliminary consultations, that list had been suggested for the purpose of the report but that formal

consultations would be carried out after the Summit, once the Assembly agrees to the revitalization of AWA.

100. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the Report and its recommendations on the revitalization of AWA, including its Strategic Framework and initiatives to accelerate achievement of AU commitments to combat HIV/AIDS, Tuberculosis and Malaria in Africa;

ii) Recommend to the Assembly to revitalize AWA as an advocacy platform at Africa's top leadership level, to be serviced by a dedicated AWA Secretariat relocated to the AU Commission, and ensure continent-wide representation in AWA;

iii) Further recommend to the Assembly that AWA's mandate be extended to include Tuberculosis and Malaria in addition to HIV/AIDS;

iv) Consider the proposal of the Commission regarding the structural and financial implications for reactivation of AWA through the established procedures;

v) Call upon development partners and stakeholders at national, regional and continental levels to provide sustained support to the initiative so as to achieve Africa's commitments to HIV/AIDS, Tuberculosis and Malaria; and

vi) Place the item under **Part B** of the agenda of the Executive Council.

17) Report of the Commission on the High Level Media Workshop on the African Peace and Security Architecture (APSA), Addis Ababa, Ethiopia, 2-4 November - EX.CL/706(XX)

101. The report was presented by a representative of the Commission after which the PRC made comments and observations, and sought clarification as follows:

i) The media, besides its sensitivity, plays an important role, and hence the need to have inclusive consultations with Member States on what the Network should do;

ii) The report does not reflect the policy guidance expected of Member States;

iii) AU should control and ensure that journalists obtain necessary information for dissemination;

iv) The establishment of the Media Network on Peace and Security would need financial resources;

v) What would the Network be composed of and what would be the selection criteria for membership;

vi) The Network should also tackle the issue of integration agenda in Africa;

vii) Concerns are high on how the western media depicts Africa, hence the need for Africa to tell its own story;

viii) What would be the relationship between the African Media Network and the existing media institutions at national level?

ix) Elections of the African Media Network were being organized too soon and needed to be postponed.

102. The representative of the Commission provided clarification as follows:

i) The objective of the Network is to assist the African journalists to have reliable information for dissemination to Member States;

ii) Member States are expected to institutionalize the Media Workshop on Peace and Security Architecture;

iii) The composition of the Media Network will be based on regional representation;

iv) The existing media networks will work in collaboration with the proposed African Media network in terms of information sharing and dissemination;

v) The elections of the African Media Network would be postponed.

103. In conclusion, the PRC:

i) Took note of the report as well as the Declaration;

ii) Welcomed the initiative to organize a High Level media workshop on the African Peace and Security Architecture;

iii) Requested the Commission working together with the PRC to organize a follow-up workshop with precise terms of reference and to come up with appropriate recommendations for consideration by the Executive Council;

iv) Agreed that the item be deleted from the agenda of the Twentieth Ordinary Session of the Executive Council.

18) Report of the Commission on the Status of OAU/AU Treaties - EX.CL/707(XX)

104. The Report was presented by a representative of the Commission, after which, the PRC made comments and observations, and sought clarification as follows:

i) The report was very precise and comprehensive and contained the necessary statistics;

ii) Information was required on the arrangements made for delegations to sign Treaties during the Summit;

iii) The new name of Libya should be reflected throughout the document;

iv) The establishment of a Ministerial Committee to look into issues of ratification of Treaties as recommended by the Commission during the presentation was not reflected in the Report, and the idea was not deemed to be opportune, especially since its terms of reference were not known.

105. In response, the Commission explained as follows:

i) The name of Libya will be corrected in the report;

ii) The AUC will make available AU Treaties for signature during the Executive Council and Summit sessions. A comprehensive study had been undertaken to look at the impediments to the rapid ratification of Treaties in Member States. Some of the causes were found to be a cumbersome bureaucracy or lack of political will or attention. The study was considered in October 2008 by the Conference of Ministers of Justice and Attorneys General and was endorsed by Council in January 2009. With regard to the proposed Ministerial Committee, the Commission would prepare the terms of reference for the attention of PRC and Council for consideration at the June/July 2012 Summit.

106. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the Report and endorse the recommendations contained therein;

ii) Request the Commission, working with PRC, to come up with terms of reference on the modalities for ratification of Treaties and to submit a report thereon to the Executive Council during its June/July 2012 session;

iii) Place the item under **Part A** of the agenda of the Executive Council.

19) Report of the Commission on the Situation in the Middle East and Palestine - EX.CL/708(XX)

107. The report was presented by a representative of the Commission after which the PRC made comments and observations, and sought clarification as follows:

i) Delegations that took the floor expressed satisfaction with the report on the situation in the Middle East and Palestine and deplored the acts of aggression perpetrated by Israel and the expansion of settlements in the occupied territories;

ii) The Commission should ensure that a draft decision on the situation in the Middle East and Palestine is submitted to the Assembly.

108. In conclusion, PRC recommends to the Executive Council to:

i) Take note of the report and endorse its recommendations;

ii) Reiterate the unflinching support to the Palestinian people in their struggle for an independent state of Palestine;

iii) Further reiterate AU support to the request of Palestine for admission as a full member of the United Nations;

iv) Request the lifting of the embargo placed on Palestinian cities;

v) Welcome the admission of Palestine as member of UNESCO;

vi) Propose a Draft Decision to the Assembly on the Palestinian question;

vii) Call upon AU Member States that have not yet recognized the Palestinian State to do so;

viii) Place the item under **Part B** of the agenda of the Executive Council.

20) Report of the Commission on the Humanitarian Situation in Africa - EX.CL/709(XX)

109. The Report was presented by a representative of the Commission, after which the PRC made comments and observations and sought clarifications as follows:

i) Libyan citizens who had left the country during the crisis have all been repatriated;

ii) Most of the statistics given in the Report are not accurate; the Commission should make every effort to obtain statistics from Member States; and then conduct its own investigation to reconcile the figures;

iii) Disasters such as flood, drought and famine have not been properly reflected in the Report;

iv) Hosting refugees is an obligation, and the tightening of asylum policies and exerting *refoulement* leading sometimes to loss of lives is of great concern. There is a need to strike a judicious balance between obligations under international law and national policies;

v) The Commission should report on the status of the pledges made during the Pledging Conference held in Addis Ababa, Ethiopia, in August 2011.

110. In response, the representative of the Commission explained as follows:

i) Several calls were made on Member States and on regular basis, to obtain statistics on the humanitarian situation in their respective countries but sometimes, in the absence of a response, the Commission has to rely on statistics from partners;

ii) The Commission has taken due note of the need to include the issue of *refoulement* in the draft decision as a serious concern for Member States;

iii) With regard to pledges, the Commission has received about US$ 8 million which have been allocated to the affected counties in the horn of Africa. Gabon, Mauritania, Mauritius, Rwanda and South Africa have redeemed their pledges and other Member States are invited to follow suit. Contribution received in kind from Algeria has been delivered to UNHCR and food materials received from South Africa are about to be delivered to the World Food Programme (WFP);

iv) The information contained in the Report will be reviewed before submission to Council.

111. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the Report on the Humanitarian Situation on the Continent and its various regions;

ii) Express high appreciation to all Member States and other stakeholders, partners and individuals for the generous contributions announced at the AU Pledging Conference convened at the AU Headquarters in August 2011 or made subsequently, in support of the millions of victims of drought and famine in the Horn of Africa; and to appeal for additional contributions as the number of victims of drought and famine continues to increase dramatically since the Conference;

iii) Request the Commission to follow up actively on the pledges and contributions made at the Pledging Conference, in close collaboration with the concerned humanitarian agencies so that the funds may be disbursed at the earliest opportunity to the affected populations in the region;

iv) Call upon Member States, working closely with the Commission, the RECs and relevant partners, to respond to emergencies, mitigate and manage disaster risks by accelerating the implementation and enhancing the effective coordination capability of the relevant existing continental frameworks and commitments, including those pertaining to CAADP;

v) Also call upon Member States that have not yet done so, to sign and ratify the AU Convention on Internally Displaced Persons and implement the October 2009 Kampala Summit Plan of Action on Refugees, Returnees and IDPs;

vi) Note with concern some developments where refugees are faced with tightening of asylum policies leading in incidents of *refoulement* and sometimes to loss of lives at sea, and stress the need for all Member States to observe and implement all relevant instruments, in particular, the 1951 UN Convention and the 1969 OAU/AU Convention on refugees;

vii) Request Member States to make available to the Commission their statistics on the number of refugees hosted on their territories;

viii) Place the item under **Part B** of the draft agenda of the Executive Council.

21) Progress Report of the Commission on the Implementation of AU Decisions on the International Criminal Court (ICC) - EX.CL/710(XX)

112. The report was presented by a representative of the Commission who provided an update on the developments since the last reporting period. He also pointed out the fact that the AU endorsement of one sole African candidates for the posts of Judge of ICC and ICJ respectively was not respected by some Member States.

113. After the presentation, members of the PRC made comments and observations and sought clarification as follows:

i) The Commission should be commended for the quality of the progress report and the recommendations contained therein;

ii) The use of the ICC Instrument for political purposes is regrettable and this situation may not allow the Court to discharge effectively the mandates entrusted to it by the Rome Statute;

iii) It is important to find ways and means to ensure that the African Members of the United Nations Security Council take ownership of AU positions and effectively defend them at the UN Security Council;

iv) Need to take concrete steps to ensure that the request submitted by the African Union to the Security Council on deferral of the proceedings initiated against President Bashir of The Sudan are adhered to;

v) African States that have received President Bashir of The Sudan, namely, Chad, Kenya, Djibouti and Malawi should be commended for their compliance with the AU decisions on non-cooperation with regard to the arrest warrant issued by the ICC against President Bashir of The Sudan;

vi) The election of ICC New Prosecutor by the 10th Assembly of States Parties held in New York in December 2011 could be an opportunity to improve dialogue between AU and ICC;

vii) The Rome Statute establishing the ICC is not capable of removing the immunities which International Law grants to Senior State Officials such as a seating Head of State that is not Party to the Rome Statute, as per Article 98 of the Rome Statute;

viii) ICC must comply with International Law and the relevant decisions of the International Court of Justice (ICJ) on the immunities of Senior State Officials from Non States Parties to the Rome Statute;

ix) There is need to consider seeking an advisory opinion from International Court of Justice (ICJ) regarding immunities of Senior State Officials under International Law, particularly from States which are not parties to the Rome Statute;

x) It is regrettable to observe that the countries which are not parties to the Rome Statute are more influential in ICC matters than some States Parties;

xi) There is need to reflect in the Report the link between peace and justice as part of the observations submitted to the Court by Chad and Malawi following the visit of President Bashir of The Sudan in those countries;

xii) The Report should provide information on the possible actions of the UN Security Council and the Assembly of States Parties following the decisions of the Pre-Trial Chamber I on the alleged failure to comply with the cooperation requests issued by the ICC;

xiii) Member States should comply with the Decisions on endorsement of candidatures in the international system.

114. In response to the concerns raised, the Commission provided clarification as follows:

i) The election of Mrs. Fatou Bomm Bensouda as ICC new Prosecutor may offer an opportunity for dialogue between AU and ICC. In this regard, she could be invited to address the PRC and/or the Peace and Security Council in February/March 2012;

ii) The approach of the ICC new Prosecutor could be different from that of the outgoing Prosecutor Mr. Ocampo;

iii) There is need for the African Group in New York and the African Members of the UNSC to pursue Africa's interests at the UN Security Council and to fully implement AU Assembly Decisions;

iv) The Commission has been consistent in articulating the position of the AU on the ICC at all International fora whenever the issue was raised. Africa is not in support of impunity but rather against the double standards applied by the ICC;

v) It would be a good approach to seek an advisory opinion from the ICJ regarding the immunities of Senior State Officials under International Law from States which are not parties to the Rome Statute;

vi) The issues relating to the link between peace and justice as well as the possible actions by UNSC and the Assembly of States Parties (ASP) following the referral of the Pre-trial Chamber 1 of the ICC have been addressed in the Report on ICC submitted to the AU Policy Organs by the Commission in January and June 2011.

115. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the Progress Report of the Commission on the Implementation of the Assembly Decisions on the International Criminal Court (ICC);

ii) Recommend to the Assembly the following:

a) reiterate its commitment to fight impunity in conformity with the provisions of Article 4(h) and (o) of the Constitutive Act of the African Union;

b) stress the need to explore ways and means to ensure that the request by the African Union to the United Nations Security Council to defer the proceedings initiated against President Bashir of The Sudan in accordance with Article 16 of the Rome Statute of ICC on deferral of cases by the UN Security Council, be acted upon and in this regard, to reiterate its request to the UN Security Council and request the African

members of the UN Security Council to place the matter on the agenda of the Council;

c) request the Group of African States Parties to the Rome Statute in New York and in the Hague as well as the African Members of the United Nations Security Council to scrupulously follow-up on the implementation of the Assembly Decisions on the ICC in collaboration with the Commission in order to ensure that the African proposals and concerns are properly considered by the UN Security Council and the Assembly of States Parties to the Rome Statute;

d) reaffirm its understanding that Article 98(1) was included in the Rome Statute establishing the ICC out of recognition that the Statute is not capable of removing an immunity which international law grants to the officials of States that are not parties to the Rome Statute; and by referring the situation in Darfur to the ICC, the UN Security Council intended that the Rome Statute would be applicable including Article 98;

e) decide that by receiving President Bashir, the Republic of Malawi, like Djibouti, Chad and Kenya before her, were implementing various AU Assembly Decisions on non-cooperation with the ICC on the arrest and surrender of President Omar Hassan Al Bashir of The Sudan;

f) underscore the need for all Member States to comply with the Assembly Decisions on the arrest warrants issued by the ICC against President Bashir of The Sudan pursuant to Article 23(2) of the Constitutive Act and Article 98 of the Rome Statute of the ICC;

g) request the Commission to closely monitor the implementation of this Decision and to report regularly on this matter;

h) regret that the AU endorsement of two persons as African sole candidates for the post of judge of the ICC was not respected by some Member States and to request that this situation, as it repeats itself in several other instances, be considered with a view to identifying ways and means of addressing it, and thus find a durable solution that will strengthen the African common positions and endorsements;

i) consider seeking an advisory opinion from the International Court of Justice regarding the immunities of State Officials under international law.

22) Report of the Commission on the follow-up to Decision Assembly/AU/Dec. 351 (XVI) on the Establishment of an African Union Centre for Post-Conflict Reconstruction and Development (AUCPCRD) - EX.CL/711(XX)

116. The Report was presented by a representative of the Commission after which the PRC made comments and observations and sought clarification as follows:

i) There is need for complementarity between the Commission and the Centre to avoid duplication of efforts;

ii) While extra budgetary funding is a good concept, all the funds the Centre needs for it to be operational, should be available from the outset to avoid funding gaps that can compromise effectiveness and efficiency of the Centre;

iii) The Arab Republic of Egypt is committed to hosting and supporting the establishment of the Centre, and to mobilize extra budgetary funding, as well as the infrastructure in Cairo;

iv) The Republic of Uganda also offered to host the Centre while underscoring the need for equitable distribution of AU institutions across the continent;

v) There is need for the matter to be scrutinized by the relevant Sub-Committees on budget and structure before a decision is made on the location and operationalization of the Centre;

vi) There is further need for the Centre to coordinate with other institutions, such as the governance institute of the Pan African University;

vii) Ownership must reside with AU and resources should be available to ensure sustainability after the initial 3 years as proposed by Egypt; it is therefore necessary that AU policy organs evaluate the functioning of the Centre to determine the way forward.

117. In response, the representative of the Commission clarified as follows:

i) There is no duplication of the objectives of the Centre and those of the Peace & Security Department. The Department undertakes the day to day operational function of support and identification of best practices for Member States, while the Centre will engage more on longer term activities such as building capacity so that Member States can define their own needs and priorities;

ii) The Peace and Security Department supports an inter-departmental approach to streamline the work on post conflict reconstruction. The Centre is a lean structure, and will of necessity network and collaborate with

Departments in the Commission as well as other institutions in carrying out its work programme;

iii) The AU peace agenda is financed to the tune of over 90% by partners. Extra budgetary funding can be sought not only from partners, but also from African countries that are able to make voluntary contributions;

iv) Post conflict reconstruction involves various aspects but is fundamentally a political process that is nationally owned. It is important for Member States to determine priorities, at the same time promoting inter- African solidarity.

118. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the report and the proposals on the modalities for the creation of the said Centre;

ii) Underscore the absolute need to ensure complementarity of the missions envisaged for this Centre and those of the Commission;

iii) Request the Commission to submit to the PRC, for consideration, proposals on the modalities for the funding of the Centre, the structure and the financial implications for the African Union through the relevant Sub-Committees (Sub-Committee on Structures and the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters);

iv) Welcome favourably the offers by the Arab Republic of Egypt and the Republic of Uganda to host the Centre and their commitment to mobilise extra budgetary resources to fund the Centre. In this regard, request the Assembly to pronounce itself on the location of the Centre;

v) Underscore in a general manner, the need to reflect on the issue of equitable distribution of institutions and structures of the African Union within the different regions of the continent;

vi) Place the item under **Part B** of the agenda of the Executive Council.

SECTION VI: CONSIDERATION OF THE REPORTS OF THE SUB-COMMITTEES OF THE EXECUTIVE COUNCIL

1) Consideration of the Report of the Ministerial Committee on Candidatures – EX.CL/712(XX)

2) Consideration of the Report of the Ministerial Panel on the Elections of the Members of the Commission of the African Union - EX.CL/713(XX)

119. The above two reports are to be submitted to the Executive Council by the Ministerial Committees.

SECTION VII: CONSIDERATION OF THE REPORTS OF OTHER AU ORGANS

1. Consideration of the Report of the African Commission on Human and Peoples' Rights (ACHPR) (Decision no. EX.CL/Dec.666(XIX) – EX.CL/717(XX)

120. The Chairperson of ACHPR presented three Activity Reports (29th, 30th and 31st) in succession covering Sessions 48, 49 and 50 of the ACHPR.

121. At the end of the presentation on the regular activities of the ACHPR, the Chairperson highlighted the main challenges faced by this Organ. After twenty-five years of existence, the ACHPR is confronted with the following difficulties: lack of a permanent headquarters, understaffing despite the increase in the level of activities, inadequate budget allocations, the remuneration and allowances of the Commissioners not aligned with those of similar AU organs, and inadequate allocations to Commissioners for communication expenses (telephone, fax and internet) which are extremely difficult to account for. Appropriate decisions have been taken by the competent organs to rectify these shortcomings, but the decisions have not been implemented.

122. After the presentation, the PRC made the following observations:

i) Although the reports reflect efforts to achieve significant improvement, they should revisit some of the information describing situations that had long ceased to prevail;

ii) ACHPR should ensure that it confirms information received from third parties about Member States and make public only information that has been substantiated;

iii) Although the press is useful in the promotion of democracy, it should in no way be considered to be above national laws, and the ACHPR should not uphold practices that are against African values;

iv) ACHPR should implement the Executive Council decision recommending the production of a status report on human rights in the African continent;

v) ACHPR should respond to the many requests by the Sahrawi Arab Democratic Republic concerning the observed human rights violations in the occupied territories;

vi) Member States should be encouraged to submit their reports to the ACHPR;

vii) Decisions taken on the functioning of the Commission should be implemented;

viii) Improvement of communication between the ACHPR and Member States constitutes a factor of effectiveness in the promotion of human rights in Africa;

ix) The independence of the ACHPR vis-à-vis external donors requires that Member States provide for the financing needs of the Structure.

123. In response to the concerns expressed, the Chairperson of the ACHPR:

i) Explained that the discrepancies between some information and the reality on the ground was attributable solely to a difference in timing, as a result of which reports drafted in 2010 are presented in 2012;

ii) Stated that the human rights violations in occupied territories of the Sahrawi Arab Democratic Republic were a source of real concern to the ACHPR;

124. In conclusion, the PRC recommends that the Executive Council:

i) Take note of the Report and the recommendations contained therein;

ii) Commend the African Commission on Human and Peoples' Rights (ACHPR) for the activities undertaken between 2009 and 2011;

iii) Take note of the observations made by Members of the PRC on the Report;

iv) Encourage the ACHPR to continue to work closely with the African Court on Human and Peoples' Rights as well as with the AU Commission, for effective promotion and protection of human rights in the Continent;

v) Also encourage ACHPR to carry out appropriate consultations with Member States to obtain from them accurate responses to the questions raised, thus enabling it to present a report that is both complete and balanced;

vi) Recognize the need to allocate the necessary human, financial and material resources to the ACHPR, and request the ACHPR to submit, in collaboration with the AU Commission, all issues pertaining to structures and other

administrative and financial matters to the PRC through its competent Sub-Committees;

vii) Thank the Republic of the Gambia for its generous hospitality to the ACHPR since its establishment, and encourage it in its efforts to provide a permanent headquarters for the ACHPR;

viii) Also recall Decision EX.CL/Dec.639(XVIII) of January 2011 calling on the Commission to include in future reports, the status of human and peoples' rights in Member States;

ix) Commend all Member States that submitted their reports in time and encourage the others to do the same within the given timeframe, in conformity with the relevant provisions of the African Charter on Human and Peoples' Rights;

x) Call on the ACHPR to carry out the necessary investigations into human rights violations in the occupied territories of Western Sahara and report accordingly to the Executive Council in January 2013;

xi) Recommend that the Assembly authorize the publication of the 29th, 30th and 31st Annual Reports of the ACHPR, putting them in the contexts prevailing at the time of their preparation.

2. Consideration of the Report of the African Court on Human and Peoples' Rights (AfCHPR) (Decision no. EX.CL/Dec.659(XIX) - EX.CL/718(XX)

125. The report was presented by the President of the Court. Following the presentation, the PRC made the following observations:

i) The recommendations contained in the report relating to the budget and strengthening the structure of the Court's Registry have already been taken into account by the relevant organs. Other recommendations remain relevant and deserve special attention from Member States (deposit by Member States of the special Declaration recognizing the right of individuals and NGOs to bring cases before the Court and extension of the Court's jurisdiction to include criminal matters);

ii) The Court should continue to develop appropriate strategies to promote itself in the various Member States, including those that have ratified the Protocol Establishing the Court and those that have not yet done so;

iii) The Court's request to the PRC in 2011 inviting the latter to a Retreat at the Seat of the Court in Arusha, Tanzania, is still pending;

iv) Most Member States have not yet complied with the obligation to ratify the Protocol Establishing the Court, and this considerably constrains the Court in the deployment of its main activities;

v) The international situation, marked by the barely concealed desire of some hegemonic powers to invade African countries militarily, or even to recolonize them, should bring Africa to build a powerful legal instrument that is capable of being mobilized for the defense of its fundamental rights;

vi) In the absence of an African Court with broad powers, the ICC and other international judicial bodies will continue to tarnish Africa's dignity through practices designed to humiliate African leaders;

vii) The existence of such a Court would have helped to resolve the issue of the trial of Hissène Habré that is still pending, despite Senegal's initial goodwill which was subsequently thwarted by other considerations.

126. In response to these observations, the President of the Court made the following clarifications:

i) He expressed his gratitude to Member States for their support to the Court, which resulted in the adoption of the budget for the 2012 financial year and the adoption of the enhanced structure of the Court Registry;

ii) The responsibility to finalize the procedure leading to the extension of the Court's jurisdiction to include criminal matters devolves primarily on the African Union;

iii) The offer to hold a joint PRC/Court Retreat in Arusha remains valid and related costs will be covered by an available budget line. It is up to the PRC to determine the date at its convenience;

iv) Only five Member States have deposited the special Declaration recognizing the Court's competence to receive cases from individuals and NGOs. In legal terms, this amounts to limiting the Court's jurisdiction to those five countries (Burkina Faso, Mali, Malawi, Ghana and Tanzania);

v) The special Declaration is a normal procedure because the Court acts as jurisdiction of second instance to which individuals and NGOs may refer matters only after all domestic procedures have been exhausted. Therefore, the Court does not in any way pose a threat to the judicial sovereignty of Member States;

vi) The Court's plan of action for the coming months includes promotional activities in Member States that have not yet ratified the Protocol Establishing the Court;

vii) The ratification of the Protocol Establishing the Court should normally be complemented by the deposit of the special Declaration, two instruments which together confer on the Court the tools for judicial action.

127. The Legal Counsel of the Commission provided the following clarifications:

i) It may be observed that the ratification of the Protocol Establishing the Court and the deposit of the Special Declaration pose some problems for Member States. However, respect for human rights is enshrined in all the basic texts of the African Union. All Member States are therefore urged to ratify the Protocol and to deposit the Special Declaration;

ii) The Protocol adopted in 2008 for the merger of the Court on Human and Peoples' Rights and the African Court of Justice has been ratified by only three Member States (Libya, Mali and Burkina Faso);

iii) The merger extended the jurisdiction of the new Court to include criminal matters. The jurisdiction of the Court on Human and Peoples' Rights is limited only to matters concerning human rights violations;

iv) The draft protocol extending criminal jurisdiction to the African Court on Human and Peoples' Rights is under consideration. It will also be considered by the African Union Conference of Justice Ministers in February 2012 and will thereafter be submitted to the African Union Assembly at its Session in July 2012;

v) The ICC confirmed the charges against four Kenyans and dismissed the charges against two others. A judge of the ICC, however, opined that acts committed were governed by common law and therefore, Kenyan courts were competent to hear such cases;

vi) The Hissène Habré case is still pending and chances of holding the trial in Africa are slim, as Rwanda's offer is subject to, among others, the decision of the Dakar Court of Appeal which is still examining the extradition request submitted by the Belgian Government.

128. After deliberation, the PRC recommends to the Executive Council as follows:

i) Take note of the report of the Court and the recommendations contained therein and express its appreciation for the actions taken by the Court since the submission of its last report;

ii) Encourage the Court to work closely with the Commission within their respective mandates to more effectively promote and protect human rights on the continent;

iii) Recall that the competent Policy Organs have taken actions in respect of the recommendations relating to the 2012 budget and the new structure of the Court Registry as follows: the Executive Council has already approved 2012 budget and the PRC has submitted recommendations on the structure of the Registry to the Executive Council;

iv) Remind Member States of the provisions of its Decision EX.CL/Dec.659 (XIX) adopted in Malabo inviting States Parties to the Protocol Establishing the Court to make and sign the Special Declaration accepting the competence of the Court to receive applications from individuals and NGOs;

v) Request the Commission once again, in cooperation with the Court, to expedite the finalization of the process of examining the implications of the Court being empowered to try war crimes, crimes against humanity and genocide;

vi) Appeal once again to Member States to sign and ratify the Protocols on the African Court on Human and Peoples' Rights and the Court of Justice and Human Rights, if they have not already done so;

vii) Express gratitude to the United Republic of Tanzania for its generous hospitality to the Court and encourage it to take all appropriate steps to implement all provisions of the Host Agreement;

viii) Take note of the proposed PRC/African Court Retreat and request the PRC to determine the date in collaboration with AU Commission and the Court.

SECTION VIII: ELECTIONS

1) Election of Commissioners of the African Union – Doc. EX.CL/714(XX)

2) Election of ten (10) Members of the Peace and Security Council (PSC)– Doc. EX.CL/715(XX)

3) Election of one (1) Judge of the AU Ad-hoc Administrative Tribunal - EX.CL/716(XX)

129. The above three items are to be submitted to the Executive Council directly. It was brought to the attention of the PRC that the election of the Commissioner would have to await the outcome of the elections of the Chairperson and the Deputy Chairperson of the Commission. In this regard, the Executive Council would be convened in a special session to perform this function for it to report to the Assembly the result of the election of Commissioners and for their appointment by the latter.

SECTION IX: ITEMS PROPOSED BY MEMBER STATES

130. Prior to the consideration of the items proposed by Member States, the Deputy Legal Counsel drew the attention of the PRC to Rule 8 of the Rules of Procedure of the Assembly relating to the period within which Member States could submit their proposed item to the Commission. It was also indicated that the proposal by a Member State should be considered within the context of its legal, financial, and structural implications.

1) Offer of the Republic of Chad to host the Assembly of the Union in June/July 2015 *(Item proposed by the Republic of Chad) – Doc.* EX.CL/719(XX) Add.1

131. The item was introduced by the representative of the Republic of Chad. Thereafter, the Legal Counsel confirmed that the proposal did not have any legal, financial, or structural implications for the African Union.

132. Following the presentation, comments and observations were made as follows:

i) The offer was acceptable to many delegations;

ii) The delegation of the Republic of Benin observed that, after the last Summit held in Malabo, Equatorial Guinea, the Republic of Benin submitted its offer to host the Assembly of the Union in June/July 2015 to the Commission but was surprised that the item was placed on the agenda after that of the Republic of Chad. It was indicated that the country withdrew its offer in view of the excellent relations between the Republic of Benin and the Republic of Chad.

133. In response, a representative of the Commission advised the PRC that the offer by the Republic of Chad be brought to the attention of the Assembly through the Executive Council, for a decision to be taken. It was also pointed out that the Commission should ensure the observance of due procedure regarding items proposed by Member States.

134. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the offer by the Republic of Chad to host the 25th Ordinary Session of the Assembly in June/July 2015;

ii) Recommend to the Assembly, to consider favourably the offer by the Republic of Chad.

2) Offer of the Republic of Benin to host the Assembly of the Union in June/July 2015 *(Item proposed by the Republic of Benin)* – Doc. EX.CL/719(XX) Add.2

135. The PRC was informed that as at the deadline of 23rd December 2011, no supporting working document and draft decision had been received from the Republic of Benin and consequently the item could not be included in the agenda of the 20th Ordinary Session of the Executive Council, in light of the existing Rules of Procedure.

136. On his part, the representative of the Republic of Benin confirmed that after consultations and in view of the excellent relations between the Republics of Chad and Benin, the Republic of Benin has decided to withdraw its proposal.

137. In conclusion, the PRC took note of the withdrawal of the proposal by the Republic of Benin, in favour of the proposal by the Republic of Chad.

3) Request by the United Republic of Tanzania to host the Secretariat of the African Union Advisory Board on Corruption in Arusha, Tanzania *(Item proposed by the United Republic of Tanzania)* – Doc. EX.CL/719(XX) Add.3

138. This item was presented by H.E. Dr. Joram Biswaro, Ambassador of the United Republic of Tanzania.

139. After the presentation, several delegations took the floor to commend Tanzania for its initiative which they fully welcomed, and expressed their support to Tanzania's offer to host the Secretariat of the African Union Advisory Board on Corruption in Arusha. They however requested Tanzania to abide by the commitments made as per paragraph 9 of the Report.

140. In response, the Tanzania Ambassador thanked all PRC members for their support for the initiative. He also gave the assurance that all the commitments would be respected.

141. In conclusion, the PRC recommends to the Executive Council as follows:

i) Take note of the offer by United Republic of Tanzania to host the Secretariat of the African Union Advisory Board on Corruption in Arusha;

ii) Recall the relevant Decisions of the Assembly and the Executive Council on establishment of the organs of the union;

iii) Recommend to the Assembly to consider the offer by the United Republic of Tanzania to host the said Secretariat of the AU Advisory Board on Corruption.

4) The Diaspora as Africa's Sixth Region *(Item proposed by the Republic of Senegal)* - Doc. EX.CL/719(XX) Add.4

142. As prelude to consideration of this item, the representative of the Commission underscored the institutional implications that could arise from instituting the Diaspora as Africa's Sixth (6th) region. She added, in this regard, that the Assembly had taken a decision on this issue on Senegal's proposal, and had deemed it premature to declare the Diaspora as Africa's 6th Region. It however requested the Commission to ensure the Diaspora participation in the activities of the Union, particularly to the Economic, Social and Cultural Council (ECOSOCC). She further stated that given the division of the continent into five regions, establishing the sixth region would have institutional implications which deserve in-depth consideration

143. The item was then presented by H.E. Bassirou Sene, Ambassador of the Republic of Senegal, who indicated that Senegal had complied with the procedure for submission of items proposed by Member States as set forth in Rule 8(2) (d) of the Rules of Procedure of the Assembly. He also stated that his country's proposal was intended to create a symbolic Sixth Region to enable the Diaspora to participate actively in the activities of the Union.

144. Following the presentation, PRC members made comments and observations as follows:

i) There is need to operationalize the 6th Region of the African Union by implementing the relevant Decisions of AU policy organs on the issue;

ii) Creation of the 6th Region made up of the African Diaspora is a proposal that deserves to be welcomed and supported, by requesting the competent organs of the Union to consider it;

iii) It is important to recognize the Diaspora as full-fledged entity in order to resolve the issue of its representation in the African Union;

iv) The Diaspora as Africa Union's 6th Region is a highly political and sensitive matter, whose realisation could pose difficulties and have implications on the Constitutive Act;

v) The proposal by Senegal should be considered as part of a comprehensive approach to addressing the issue of the Diaspora, and in particular as part of the process of preparation for the Summit to be held in South Africa in May 2012.

145. In response to the issues raised and the concerns expressed, the Ambassador of Senegal stated as follows:

i) What is requested is the creation of a symbolic entity to serve as the 6th Region of AU. This entity will not be a territory nor a physical entity;

ii) The Assembly of the African Union should send a strong signal to create in the African Diaspora a sense of belonging to the African continent and facilitate its contribution to the development of the continent;

iii) Establishing the Diaspora as the 6th Region of the African Union does not necessitate an amendment to the Constitutive Act of the African Union;

iv) Senegal proposes a draft resolution to make the Diaspora African Union's 6th Region. If adopted, the resolution will not have a binding effect.

146. In conclusion, the PRC recommends the Executive Council to:

i) Take note of the proposal by the Republic of Senegal on making the Diaspora the 6th Region of Africa;

ii) Recall the previous relevant Decisions of the Assembly and the Executive Council and underscore the need to ensure the Diaspora effective participation in AU programmes and activities, bearing in mind the objectives of the AU Summit on Diaspora due to take place in South Africa in May 2012;

iii) Recommend to the Assembly to consider the proposal by Senegal.

5) Reopening of the African Centre for Phytosanitary Research and Training *(Item proposed by the Republic of Cameroon)* - Doc. EX.CL/719(XX) Add.5

147. The PRC was informed that the Republic of Cameroon had not submitted the supporting working document and draft decision on its proposal within the prescribed deadline (23 December 2011) and consequently the item had to be deleted from the Agenda of the 20th Ordinary Session of the Executive Council, in light of the existing Rules of Procedure.

148. On his part, the representative of the Republic of Cameroon clarified that the withdrawal of the item proposed by Cameroon was premised on the fact that after consultations with the Commission, the delegation of Cameroon was made to understand that the Commission was already handling the issue of CARFOP and that an update would be reflected in the Activity Report of the Commission.

149. In conclusion, the PRC took note of this explanation and agreed that the item be deleted from the agenda of the 20th Ordinary Session of the Executive Council.

6) Integration as Factor of African Renaissance *(Item proposed by the Republic of Togo)* - Doc. EX.CL/719(XX) Add.6

150. This item was presented by H.E. Mrs. Kouvahe Amoko Virginie, Ambassador of the Republic of Togo. After the presentation, the PRC made comments and observations as follows:

i) Integration and renaissance are topical issues in Africa and in line with the theme of the Assembly. The implementation will pave the way to giving Africa its rightful place in a global economy;

ii) The idea of associating the people closely with the integration process is an excellent one;

iii) In proposing the opening up of borders, it is needful to take the shared values into account.

151. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the proposal by the Republic of Togo as well as the final Declaration of the International Symposium of Pan-African Forum for Peace and Development (PAXAFRICANA) which took place in Lomé from 17 to 19 May 2011;

ii) Recognise the importance of integration as factor of African Renaissance as underscored in various Decisions of the African Union, also bearing in mind the recommendations of the Conference of Ministers in-charge of Integration (COMAI);

iii) Recommend to the Assembly to consider the proposal by the Republic of Togo.

7) Establishment of an African Institute of International Law *(Item proposed by the United Republic of Tanzania)* - Doc. EX.CL/719(XX) Add.7

152. The item was presented by H.E. Dr. Joram Biswaro, Ambassador of the United Republic of Tanzania.

153. Following the presentation, several delegations took the floor to commend Tanzania for its initiative and to express their political support for the establishment of the African Institute of International Law in Arusha, Tanzania. The delegations also noted Tanzania's commitment to mobilize funds from its partners for the establishment of the said Institute.

154. In response, the Ambassador of Tanzania expressed gratitude to all members of the Permanent Representatives' Committee (PRC) for supporting the establishment of

the African Institute of International Law in Arusha, Tanzania. He also gave the assurance that the initiative would not have financial implications for the African Union and that the commitments would be respected.

155. In conclusion, the PRC recommends to the Executive Council to:

i) Welcome the proposal by the United Republic of Tanzania on the establishment of an African Institute of International Law in Arusha, Tanzania;

ii) Encourage Tanzania to pursue its efforts aimed at the creation of this Institute with the understanding that the project will have no administrative nor financial implications to the African Union;

iii) Recommend to the Assembly to consider this proposal which will have no financial nor administrative implications to the African Union and to lend it the necessary political support.

8) Establishment of Prof. Wangari Maathai Prize and Support for Prof Wangari Maathai Peace Institute *(Item proposed by the Republic of Kenya)* - Doc. EX.CL/719(XX) Add.8

156. The Proposal was presented by a representative of the Republic of Kenya.

157. Following the presentation, members of the PRC made comments and observations, and sought clarification as follows:

i) Given that environmental security is one of the continent's main challenges, proposal by Kenya is most welcome and the AU should fully support it;

ii) The financial implications should be borne by Kenya.

158. In addressing the issue of funding, the representative of the Republic of Kenya after expressing gratitude to members of the PRC for their overwhelming support of the proposal, explained that the Republic of Kenya is requesting AU's policy organs to mandate the Chairperson in collaboration with interested partners to work on the modalities of establishing the award.

159. In conclusion the PRC recommends to the Executive Council to:

i) Take note of the Proposal by the Republic of Kenya;

ii) Acknowledge the important role and contribution of Prof. Wangari Maathai, First Chairperson of ECOSOCC of the African Union in the areas of environment, sustainable development and women empowerment, for which she justifiably received the Nobel Peace Prize in 2004;

iii) Recommend to the Assembly, Kenya's proposal together with the recommendations contained therein, bearing in mind the undertaking by Kenya to mobilise the necessary resources for their implementation, with the cooperation of all concerned partners.

9) Progress Report on the African SKA (Square Kilometre Array) Project *(Item proposed by the Republic of South Africa)* - Doc. EX.CL/719(XX) Add.9

160. The progress report on the Africa Square Kilometre Array was presented by H.E. Major General L.C. Pepani, the Ambassador of the Republic of South Africa. Following the presentation, the PRC made comments and observations as follows:

i) The project is work in progress and the AU Policy organs have pronounced themselves on it positively;

ii) Full support should be given to the project.

161. In conclusion, the PRC recommends to the Executive Council to:

i) Take note of the Progress Report by the Republic of South Africa;

ii) Underscore the importance of implementing the "African Square Kilometre Array" project in accordance with Decision Assembly/AU/Dec.303(XV) of July 2010 Kampala Assembly of the Union and welcomes the progress so far achieved;

iii) Recommend to the Assembly to consider the Progress Report by the Republic of South Africa.

SECTION X: ANY OTHER BUSINESS

162. The Special Representative for Mexico's G20 Presidency, H.E. Roberto Marino, briefed the PRC on Tuesday 24 January 2012, on Mexico's priorities during the G20 presidency; namely: the Expansion of Dialogue and representation within G20. Sustainable Development, Food Security and Climate Change. He also touched on the preparations for the forthcoming G20 Summit in Mexico. He seized the opportunity to highlight the expected outcomes of the Summit.

163. At the end of the briefing, the PRC*:*

i) Expressed its high appreciation to the High Representative of Mexico, Mr. Roberto Marino for having come to Addis Ababa to appraise the PRC on the status of preparations for the next G20 Summit to be held in Mexico in a few months' time;

ii) Reaffirmed the commitment of Africa in pursuing active interaction with Mexico as the next host of G20 Summit in order to mobilize this important Forum in addressing key priorities of our continent in its quest for sustainable development and the right place Africa deserves to secure in the management of world financial affairs.

SECTION XI: DATE AND VENUE OF THE 20TH ORDINARY SESSION OF THE EXECUTIVE COUNCIL

164. This item will be considered by the Executive Council.

SECTION XII: ADOPTION OF THE DECISIONS OF THE 20TH ORDINARY SESSION OF THE EXECUTIVE COUNCIL

165. This item will be considered by the Executive Council.

SECTION XIII: CONSIDERATION OF THE DRAFT DECISIONS AND DECLARATIONS OF THE 18TH ORDINARY SESSION OF THE ASSEMBLY

166. This item will be considered by the Executive Council.

SECTION XIV: CONSIDERATION OF THE DRAFT AGENDA OF THE 18TH ORDINARY SESSION OF THE ASSEMBLY

167. This item will be considered by the Executive Council.

SECTION XV: ADOPTION OF THE REPORT

168. At the close of the deliberations the PRC adopted its report which it recommends to the Executive Council for consideration.

f) CLOSING CEREMONY

169. In his closing remarks, the Chairperson of the PRC highlighted the fact that although the working methods and conditions of service of the different AU organs have improved, there is still room for further improvement. He expressed satisfaction at the level of preparation of the 20th Ordinary Session of the Executive Council which undoubtedly would ensure a successful outcome of the Session.

170. He thanked all the delegations, the Commission, the Interpreters and Translators for their dedication and contribution to the success of the deliberations. He then declared the 23rd Ordinary Session of the PRC closed.

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