

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

P. O. Box 3243, Addis Ababa, ETHIOPIA Tel.: 00251-11-5517700 Cable: AU, ADDIS ABABA Website:
www.africa-union.org

PERMANENT REPRESENTATIVES COMMITTEE

Sixteenth Ordinary Session

24 – 25 June 2008

Sharm El-Sheikh, EGYPT

PRC/Rpt(XVI)

REPORT

REPORT OF THE SIXTEENTH ORDINARY SESSION OF THE PERMANENT REPRESENTATIVES' COMMITTEE (PRC)

I. INTRODUCTION

1. The 16th Ordinary Session of the Permanent Representatives' Committee (PRC) met at the Headquarters of the African Union Commission in Addis Ababa, Ethiopia from 16 – 19 June 2008 and in Sharm El-Sheikh, Egypt, from 24 to 26 June 2008 under the Chairmanship of H.E. Ambassador Mohammed Maundi of the United Republic of Tanzania and Chair of the Committee.

II. ATTENDANCE

2. The following Member States participated in the work of the Committee: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Congo, Cote d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Ethiopia, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritius, Mauritanian, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sahrawi Arab Democratic Republic, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe.

III. OPENING CEREMONY

3. At the opening of the PRC meeting of 24 June 2008, H.E. Mr. Tarik Ghoneim, Ambassador of the Arab Republic of Egypt, welcomed all the delegations to Sharm El Sheikh, the city of peace and wished them a successful stay. Referring to the heavy agenda, especially on important issues such as the Union Government, the Audit of the Union, the Food Crisis, the achievement of the Millennium Development Goals (MDGs), Water and Sanitation, he wished the PRC every success in its work.

4. The Chair of the PRC, on behalf of all the delegations, thanked the Government and people of Egypt for their hospitality and for the excellent arrangements made for the success of the Assembly. He went on to call on the PRC to make use of the time allotted on its agenda to complete its work. He then declared open the Sixteenth Ordinary Session of the PRC.

IV. ADOPTION OF THE AGENDA

5. Prior to the adoption of the Agenda, the Chairperson of the PRC welcomed the Ambassadors of Burundi, Mali and Sierra Leone who were attending the meeting of the PRC for the first time. He then proposed that the 16 to 19 June 2008 Session in Addis Ababa should, if possible, exhaust most of its agenda items before leaving for Sharm El-Sheikh in order to reduce the volume of work in Egypt.

6. Thereafter, the PRC considered its draft agenda and adopted it without amendment

V. ORGANISATION OF WORK

7. The PRC adopted the following working hours:

Morning: 10 hours to 13 hours

Afternoon: 15 hours to 18 hours

VI. CONSIDERATION OF AGENDA ITEMS:

Agenda Item II: ADMINISTRATIVE AND FINANCIAL MATTERS

1. Consideration of the Reports of the Sub-Committees – Doc. EX.CL/407(XIII)

a) Advisory Sub-Committee on Administrative, Budgetary and Financial Matters – Doc. EX.CL/407(XIII) a

8. In presenting this report, the Chairperson of the PRC, on behalf of the PRC Advisory Sub-Committee on Administrative, Budgetary and Financial Matters who was mandated to chair its session in the absence of its Chairperson, said that the Report of the Sub-Committee focused on the following points, as reflected therein:

- i. Consideration of proposals on the revision of the staff quota system;
- ii. Consideration of proposals on budget surplus and transfer between budget lines;
- iii. Consideration of Report on Social Security System.

9. Concerning the first point, he highlighted the following three options which emerged from discussions:

- **Deferment:** Defer discussions and decision on the matter pending further consultations. Those who held this position did not approve any of the options proposed by the Commission and argued that the issue was too politically sensitive to take an immediate decision;
- **Further Study:** Conduct further study on the matter, including the proposals made by the Commission, before taking a decision on it. Some suggested that the assessed scale of contributions to the budget should have a bearing on the distribution of these extra posts;
- **Adoption of Scenario (ii):** a group of Member States were of the opinion that the options given by the Commission were fair, equitable and based on the principles adopted by the Organization. This group agreed to the distribution of the eighty-two (82) positions at stake according to the quota of each country based on Maputo Structure, which would result in a minimum quota of five (5) staff per Member State. The difference of twenty-nine (29) positions are divided among Member States using the Maputo formula.

10. During the debate, a number of observations and comments were made including the following:

- The application of the representation principle of all Member States within the AU staff;
- The observation of the principle of equity in the distribution of posts among Member States in accordance with the Maputo Decision;
- The need to develop and adopt guidelines on the staff quota system. In so doing, merit and competence should not be compromised;
- The difficulty of some Member States to fill their quota.

11. A consensus emerged to recommend Scenario II to the Executive Council. Some delegations expressed reservations about Scenario II on the grounds that this proposal does not take sufficiently into account the complexity of the issue as well as the equity principle recognised by the Maputo Decision.

12. Concerning the second point, the Chairman of the Sub-Committee indicated that during its consideration, the following positions emerged:

- Some delegations supported the request for an increase in the working capital fund from US\$2 million to US\$5 million, instead of the US\$10 million proposed by the Commission;
- Other delegations recommended that the ceiling of US\$2 million currently in place should be maintained.

13. The PRC consequently adopted the first option and recommended it to the Executive Council for consideration.

14. The Chairperson further pointed out that the Sub-Committee recommended the implementation of the Executive Council Decision (EX.CL/Dec.378).

15. With regard to the third item on the Agenda, the Chairperson pointed out that the Sub-Committee unanimously decided to recommend the creation of an AU Pension Fund, and terminate the present contract with ALICO as from 1 January 2009 and withdraw all the holdings accumulated over a five (5) year period to avoid the penalties stipulated in the contract. All the other requests in the report were supported with the exception of the request to extend the retirement age from 60 to 65, which the Sub-Committee rejected as not being appropriate for a Pan-African organisation such as the AU.

16. While supporting the request made for the creation of an AU Pension Fund, the Chairperson recalled the recommendation relating to the drafting of the modalities to create the Fund.

17. With regard to the proposals on the budget surplus and transfer between budget codes as well as the report on the social security system, the PRC endorsed the recommendations of the Sub-Committee.

18. Consequently, the PRC recommends to the Executive Council as follows:

- i. the distribution of 82 (eighty-two) posts by adding one post to the quota of each Member State using the Maputo basis, which will give a minimum quota of 5 (five) employees for each Member State. The remaining 29 (twenty-nine) posts were divided up between Member States and the result was rounded off using the 0.750 precision on the basis of statutory contributions;
- ii. increase of the working capital from 2 (two) million to 5 (million) United States Dollars;
- iii. consideration of the proposal on carrying forward budget surplus of the previous year to next budget should be done when information on the previous year's accounts is available;
- iv. rejection of the proposal to authorize the Chairperson of the Commission to effect transfers from one budget head of the approved budget to another;
- v. creation of a pension fund and termination of the existing contract with ALICO as from 1 January 2009, as well as withdrawal of holdings accruing over a 5 (five) year period;
- vi. approval of all requests contained in the report on the AU social security system, except for the request to extend the retirement age from 60 (sixty) to 65 (sixty-five) years;
- vii. elaboration by the Commission of modalities for the establishment of a pension fund.

19. It should be mentioned that before discussions were opened on the sub-committee's report, the PRC Chairperson invited the President of the African Union Staff Association to make a presentation on the conditions of service to the PRC. In his statement, the Staff Association President made an urgent appeal to PRC to take into account staff concerns and to implement relevant decisions of policy organs. On that occasion, he particularly stressed on the following points:

- i. need to reform the African Union's social security system which dates from 1970;
- ii. lack of medical coverage upon retirement;
- iii. small sum paid as death benefit and disability benefit ;
- iv. difficulties encountered in harmonizing salaries of the various professional categories owing to the mechanical indexing of AU salaries to those of the SADC;

- v. need to implement, as soon as possible, decision Ext/EX/CL.Dec.5(III) adopted in July 2003 in Maputo relating to the adjustment of the salary scale for all categories of AU staff, once every 5 (five) years.

20. In the same vein, the Staff Association President recalled that an urgent appeal on the need to improve the conditions of service had been made to the Chairperson of the African Union, H.E. Jakaya Kikwete, President of the United Republic of Tanzania, during his meeting with staff of the Commission in April 2008 in Addis Ababa. He stated that, on that occasion, the Chairperson of the Union made a firm commitment to explain to his peers, Heads of State and Government, at the Summit in Sharm EL Sheikh, any PRC recommendations on the subject. Lastly, the President of the Staff Association offered the following proposals to the PRC:

- A temporary salary increase of 15% with retroactive effect from 1 January 2008, pursuant to decision EX.CL/Dec.34(III) adopted by the third session of the Executive Council held in July 2003 in Maputo (Mozambique);
- Creation of a pension fund and an insurance scheme to assure appropriate social coverage for staff;
- Finalization of the study on the harmonization of salaries pursuant to the Decision adopted by the eleventh ordinary session of the Executive Council held in July 2007 in Accra, Ghana.

21. The PRC in general expressed sympathy with the President of the Staff Association on the issues he raised concerning the welfare of AU staff. They however requested for copies of the written statement and decided to defer consideration of its contents until soon after the Summit.

b) Sub-Committee on Structures - Doc. EX.CL/407(XIII) b

22. The Report of the Sub-Committee on Structures was presented by its Vice-Chairperson (Sudan) who informed the PRC that the Sub-Committee held two meetings to consider the requests submitted by the Commission to segregate finance and administrative duties in AU Regional Offices and to provide the heads of some regional offices with household staff. He reported that there were divergent opinions on the first request and that the Sub-Committee had rejected the second request. He then tabled the Report for consideration by PRC.

23. A number of delegations were of the view that the current structure of these offices should first be examined and an evaluation made thereof in terms of its personnel before thinking about recruiting additional staff. Some delegations wanted to know whether the requests were motivated by an increase in the responsibilities and workload of these offices. Others expressed their concern over the proposal for an additional post, given the limited resources of the Organization and objected to the principle of segregating the financial and administrative duties. However, others recalled the provisions of the Financial Rules and Regulations which prescribe the segregation of the duties of authorising officer and finance officer to avoid conflict of interest and ensure transparency,

accountability and effective governance. They called for the implementation of those provisions. Some, nonetheless, pointed out that the segregation could be done through internal reorganization without necessarily recruiting additional staff.

24. At the end of the debate three positions emerged, namely:

- i) Adoption of the recommendations proposed by the Sub-Committee;
- ii) Rejection of the said recommendations; and
- iii) Need for additional information.

25. The Chairperson of the PRC underscored the need to make a single recommendation to the Executive Council since the three positions arising from the debate could not constitute a recommendation. The PRC finally decided that in order to avoid duplication, the proposals relating to additional positions on the structure of the Commission should be taken on board when dealing with the administrative issues referred to the Commission by the Executive Council on the recommendations contained in the Audit Report. Consequently, document EX.CL/369 (XII) –b submitted in January 2008 on additional positions for the Commission was not considered.

c) Sub-Committee on Contributions – Doc. EX.CL/407(XIII) c

26. The Chairperson of the Sub-Committee on Contributions (Libya) presented the report. He made a statement on the status of contributions, with special emphasis on arrears. After praising the efforts of Member States that honour their financial obligations towards the Commission, he encouraged countries in arrears to make efforts to pay their contributions without further delay, in the interest of the proper functioning of the Commission.

27. The presentation showed that income amounting to US\$37,017,820.56 was received between January and May 2008, whilst US\$11,921,773.12 was received in June 2008 making the total income of US\$48,939,593.68. This includes contributions for the current financial year and arrears.

28. Concerning arrears, the Chairperson of the Committee stated that sums owed by Morocco before it left the OAU will continue to figure in the accounting books. He then recalled the list of countries under sanction, namely Cape Verde, Democratic Republic of Congo, Eritrea, Sao Tome and Principe and Seychelles. The Sub-Committee recommended that the five (5) countries should remain under sanction.

29. The PRC took note of the Sub-Committee report and referred it to the Executive Council for approval of the recommendations contained in it.

d) Sub-Committee on Conferences and Programmes – Doc. EX.CL/407(XIII) d

30. In presenting the report, the Vice Chairperson of the Sub-Committee on Conferences and Programmes (Kenya) highlighted the fact that many of the activities in the calendar of meetings had been overtaken by events in light of the late submission of the calendar by the Commission. He therefore stressed the need for the Commission to make an effort to improve on the timing of submission of the calendar in the future.

31. He then highlighted the following key recommendations of the Sub-Committee:

- i. The Commission should put in place an effective coordination mechanism to ensure that all departments consult adequately among themselves with a view to drawing up an appropriate programme of meetings each year;
- ii. The programme of meetings in any particular year should be linked to the budget for that year. This will help ensure that whatever activities planned for in a particular year are adequately budgeted for;
- iii. In view of the concern expressed that the Commission plans too many meetings in any one year, efforts should be made to rationalise and reduce them in the future;
- iv. The Commission should put in place an effective evaluation mechanism to assess the impact of meetings held in the previous year.

32. In the ensuing discussions, the PRC made the following additional recommendations:

- i. The PRC participates in many technical meetings organised by the Commission, but fails as a body to convene regularly as required by the relevant Executive Council Decision. This issue needs to be addressed appropriately;
- ii. The calendar of meetings should always reflect planned PSC meetings;
- iii. Whenever meetings are convened, the Commission should make an effort to submit outcome documents to Member States expeditiously;
- iv. In planning for meetings, efforts should be made to avoid convening them on religious holidays;
- v. If any Member State is identified to host a meeting, the Commission should consult adequately and in good time with that Member State;
- vi. The calendar of meetings for any particular year should be ready by December of the previous year in order to submit it for consideration by meetings of the January Summit;
- vii. In line with previous Decision and as much as is practically possible, the Commission should avoid convening major meetings during the months preceding the January/February and June/July sessions.

33. The PRC took note of the report of the Sub-Committee and recommended it for consideration by the Executive Council.

2. Consideration of the Progress Report on the Administrative Issues referred to the Commission by the 11th Extraordinary Session of the Executive Council on the Audit of the Union, Arusha, Tanzania, 6 – 7 May 2008 - Doc. EX.CL/408 (XIII)

34. In introducing this item, the Deputy Chairperson of the African Union Commission reminded the PRC the origin of the study. In particular, he cited a number of factors that motivated the carrying out of this study, including:

- i. Need to revitalize the organs of the African Union;
- ii. To streamline the links between the organs of the AU and the RECs;
- iii. To study and evaluate the structure of the of the Organs of the African Union, and provide necessary recommendations, as well as a way forward; and
- iv. To develop necessary roadmaps for achieving African integration objectives;

35. The PRC was also informed that out of 159 recommendations submitted to the Executive Council, 60 focused on the Commission, 55 were accepted, and 19 were accepted, but with amendments. Furthermore, 21 of the recommendations were rejected by the Executive Council while the remaining recommendations were referred back to the Commission for implementation or further examination in consultation with the PRC.

36. The Deputy Chairperson noted that out of the total 159, some were addressed to the Assembly, others to the Executive Council and others to the PRC. Still others were addressed to the Member States and the RECs; and many of them were addressed to the AU Commission and Institutions of the AU. In that context, he recalled that in decisions taken at Arusha, the Commission was required to consult with the PRC before submitting a report to the Executive Council, especially on those related to the operations, procedures and structures of the Commission. Accordingly, immediately after the set of Arusha meetings, the first task the Commission undertook on its return to Addis was to consider those recommendations in question. The Commission then identified those that did not need to be referred to the PRC and started implementing them. These included:

- a) the development of close relations with the RECs (that for example the Chairperson of the Commission had attended the recent IGAD and CEN-SAD meetings);
- b) prioritizing issues in the area of governance, finance and human resources, including
 - (i) instituting weekly meetings of the Commission (instead of the recommended monthly ones) to encourage a spirit of collegiality;
 - (ii) streamlining human resource management and developing a transparent and fair recruitment policy;
 - (iii) putting in place an effective integrated management information system and upgrading the ICT infrastructure;
 - (iv) launching the video conferencing facility;

- (v) finalizing the procurement manual;
- (vi) building strong linkage between budgeting, programming and strategic policy implementation.

37. The Deputy Chairperson however, indicated that recommendations which were of structural and policy nature as well as those with financial implications needed more time for further reflection in collaboration with the PRC. Some of the areas identified in this category requiring further reflection by both the Commission and the PRC, are:

- i. Delinking of portfolios from the election of Commissioners;
- ii. Rationalization of Specialized Technical Committees;
- iii. Rationalization of portfolios of the Commission (including the restructuring of the Office of the Chairperson and the Deputy Chairperson);
- iv. Identification of sustainable alternative sources of financing for the African Union;
- v. Creation of a post of a second Deputy Chairperson to be responsible for programmes and operations;
- vi. Streamlining the functions and providing adequate resources to the representations offices.

38. The Deputy Chairperson stated that it was the intention of the Commission to return to the PRC with further information including the financial implications and timeframes pertaining to this category of matters spelt out immediately above, once the Executive Council and the Assembly had definitively pronounced themselves on them. Accordingly, this was all to be considered as work in progress.

39. The Deputy Chairperson also referred to yet another category of recommendations dealt with in the Commission's report. These were two recommendations taken from the original group of recommendations already rejected by the Extraordinary Session of the Executive Council, a position which had been affirmed by the Committee of Twelve. These were in particular, the proposal to create the National Commission on AU Affairs and the proposal to subject the establishment of the Board of External Auditors to a tendering process.

40. In the course of the deliberations, the PRC commended the work done by the Commission and undertook to work closely with it in order to implement the recommendations of the Executive Council.

41. However, regarding these recommendations which had been rejected by the extraordinary session of the Executive Council, a procedural issue was raised as to whether the PRC was competent to review decisions already taken by the Executive Council which was a superior body, and subsequently affirmed by the Committee of Twelve.

42. In addition, several delegations intervened to the effect that the Commission should have collaborated with the PRC and its sub-committee to prepare the report under consideration, as required by the extra-ordinary session of the Executive Council.

43. The Commission, through the Chairperson, Deputy Chairperson and Legal Counsel responded to the main issues raised by the PRC.

44. On the need for the Commission to consult with the PRC, it was pointed out that given the short period between the two Arusha meetings and the PRC session in Sharm El Sheikh, it was impracticable to bring the Commission's reactions to the PRC before this session.

45. As to the PRC's claim that it did not have the mandate to consider the recommendations which had previously been rejected by the extraordinary session of the Executive Council, the Commission stated that the PRC, without pronouncing itself on them, could pass it on to the Executive Council.

46. On the other issues raised by the PRC, the Commission agreed that consultants should be used only when the requisite expertise is not available in the Commission; that minutes of directors' meetings should not be circulated if they are confidential, and that the PAP delegation was correct in asserting that Decision 98 had been amended by Decision 407. The Commission also took note of the concerns of one delegation that the African Ministerial Conference on Decentralization and Local Developments was missing from the list of STCs in the report.

47. The Deputy Chairperson also responded to a comment by a delegation to the effect that the new Commission should adopt a culture of consultation and engagement with Member States by stating that both the Chairperson and himself and indeed all the Members of the Commission had already embraced that spirit in working with the PRC.

48. In his intervention, the Chairperson pointed out that the audit of the Union and proposed reform were initiated before the current Commission was put in place. He also indicated that the timeframe given for the exercise was rather short. He drew from his experience on the UN Reform exercise which he carried out as President of the UN General Assembly and pointed out that the examination of recommendations lasted over 6 months whereas the Executive Council had only two days to consider 159 recommendations. He, nevertheless, pointed out that it was the responsibility of the Commission to bring to the attention of Member States areas that would continue to pose difficulties if they were not addressed. He emphasised that the Commission was not being recalcitrant but was there to facilitate and implement Member States' decisions.

49. After further clarifications by the Commission, the PRC concluded discussion on this agenda item by noting the Commission's report and agreed to present it to the Executive Council with the following recommendations:

- the PRC, its Sub-Committee and the Commission should work together on the recommendations with structural, financial and long term implications referred to them by the Executive Council;

- the PRC should meet as soon as possible to consider the document in detail with a view to submitting its recommendations to the Executive Council in January 2009.

Agenda Item III. IMPLEMENTATION OF DECISIONS

- **Consideration of the Report on Implementation of Previous Decisions of the Executive Council and the Assembly - Doc. EX.CL/409(XIII)**

50. In presenting this Report, the representative of the Commission recalled that a report on the implementation of previous decisions of the Executive Council and the Assembly had been submitted to each of their sessions. The Commission, therefore presented a report on the implementation status of forty-three decisions of the January/February Session of the Executive Council and the Assembly. He drew the PRC's attention to the fact that some of those decisions were not implemented or were partially implemented due to resource constraints linked to human, financial and institutional capacity. He also pointed out that the implementation of certain decisions was the responsibility of Member States which did not always honour their obligations in that regard. Lastly, he recommended that in taking decisions, the institutional and financial capacity of the AU and its organs to implement them should be taken into account.

51. Following the presentation, the PRC rejected the argument that budgetary constraints impeded the implementation of the decisions, considering the budgetary surpluses realized at the end of each financial year. A delegation regretted that the implementation of the decision to establish the Pan-African Radio and Television Station had still not been completed. It called on the Commission to take the necessary action in that regard, pointing out that the said station, would be an important vehicle for the accomplishment of the AU's objectives.

52. The PRC then made the following recommendations for consideration by the Executive Council:

- i. an exhaustive inventory of decisions that have so far not been implemented should be made;
- ii. the presentation on the implementation status of the decisions at the level of each Department should be harmonised;
- iii. the order of priority in the implementation of the decisions should be established and additional budgetary resources for their financing should be mobilized;
- iv. the financial cost of implementation of the decisions should be provided when calculations have been made;
- v. decisions should be taken on the basis of the widest possible consensus;
- vi. fast-track the study on the establishment of the Pan-African Radio and Television Station.

Agenda Item IV: LEGAL AND INSTITUTIONAL MATTERS

**1. Consideration of the Report on the Status of OAU/AU Treaties –
Doc. EX.CL/410 (XIII)**

53. In introducing this item, the representative of the Commission said that the purpose of the report was to inform Member States of the status of OAU/AU Treaties as far as signature and ratification were concerned, and to sensitize them on the role they were expected to play with a view to ensuring the entry into force of the said Treaties. She added that since the presentation of the last report in January 2008, no new treaty had entered into force.

54. She further stated that during the reporting period, some Member States had made tremendous efforts to sign and ratify OAU/AU Treaties, particularly, the African Youth Charter adopted in July 2006 and the African Charter on Democracy, Elections and Governance adopted in January 2007. It was pointed out that since the last report, there had been thirteen (13) new signatures and three (3) new Instruments of Ratification had been deposited.

55. In the ensuing debate, a number of questions were raised namely :

- i. the establishment of a team of legal experts from Member States to assess the relevance of some OAU/AU Treaties in relation to Africa's current concerns;
- ii. the harmonization of OAU/AU Treaties in the various working languages of the Union;
- iii. the recruitment of an Arab Jurist to align the Arabic text with the other texts in order to ensure coherence of the treaties in all the working languages of the African Union;
- iv. drawing up a double entry table showing in respect of each Member State the status of signature and ratification of OAU/AU Treaties, so as to facilitate the establishment of individual fact sheets per Member State;
- v. the inclusion of a presentation of the provisions of the new Headquarters Agreement concluded between the AU and the Federal Democratic Republic of Ethiopia in the report on the status of the treaties for information to the PRC;
- vi. the rationalization of the presentation of the report by structuring it around two main parts devoted to the treaties in force on the one hand, and, on the other, to those that have not yet entered into force;
- vii. the identification of ways and means of speeding up the ratification process of the various OAU/AU Treaties by Member States.

56. In reply, the representative of the Commission stated as follows:

- i) regarding the revision of the OAU/AU Treaties, the team of Legal Experts tasked to assess the relevance of these treaties had already met in May 2004 and tabled recommendations to the policy organs of the AU. The implementation of these recommendations is under way at the level of the Commission;
- ii) concerning the individual facts sheet per country on the status of the signature and ratification of OAU/AU Treaties, the said sheet will be made available to Member States;
- iii) as regards the recruitment of an Arab Jurist, it will be done in a not too distant future with the help of the relevant services of the Commission;
- iv) concerning the report of the new Headquarters Agreement signed between the African Union and the Federal Democratic Republic of Ethiopia in the report, the said agreement is not a multilateral convention to be signed and ratified by Member States. Nevertheless, it could be taken on board in the report.

57. In the light of the above considerations, the PRC recommended to the Executive Council to:

- i. take note of the report;
 - ii. request the Commission to pursue the assessment of the relevance of some OAU/AU Treaties and implement all previous relevant decisions;
 - iii. invite Member States to give priority to OAU/AU Treaties and speed up the process for their signature and ratification/adherence.
- 2. Consideration of the Report of the Commission on the Use of the Principle of Universal Jurisdiction by some Non-African States as recommended by the Conference of Ministers of Justice/Attorneys General – Doc. EX.CL/411 (XIII)**

58. In presenting the Report, the Representative of the Commission informed the meeting that the Conference of Ministers of Justice and Attorneys General held on 18 April 2008 in Addis Ababa, Ethiopia, considered a submission by the Republic of Rwanda and inter alia adopted a Declaration on the abuse of the Principle of Universal Jurisdiction by some non-African States. The Declaration, inter alia, stated as follows:

- “i) The abuse of the principle of universal jurisdiction by some non-African States is an affront to the sovereignty of States:
- ii) The spirit of the decision of the Assembly of the Union in the Hissen Habre case, wherein the Heads of State and Government decided that Mr. Habre would not be extradited for trial outside Africa, as well as relevant resolutions of the United Nations General Assembly and the decisions of the International Court of Justice provide a strong basis on how the present issue should be handled.

- “iii) in view of the increasing nature of indictments issued in non-African countries against African personalities, REQUESTS the Commission to carry out a comprehensive legal study and make recommendations to the Assembly, through the Executive Council for its consideration at the next Ordinary Session scheduled for Sharm El Sheikh, Egypt in June 2008”

59. The Representative of the Commission stated that the study should be looked at within the context of the relevant provisions of the Constitutive Act particularly Article 4(h). He indicated that the study had revealed that the concept of Universal Jurisdiction is well founded in international law and is integral to the sovereignty of States and the functioning of the international system. However, there was ongoing debate on the scope of the concept, although it was generally accepted that universal jurisdiction had to be based on legal instruments ratified by the States concerned or decisions of the UN Security Council, or on accepted norms of customary international law. He cited the International Criminal Court, the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia, as instances of collective efforts by the international community to take action on grave crimes.

60. Concluding, the Representative of the Commission stated that the study of customary international law and treaty law had further revealed that the specific laws adopted in Belgium and in Spain without any other basis for jurisdiction other than universal jurisdiction, and under which indictments had been issued against high ranking authorities including Heads of State and Government in Africa and Israel as well as high ranking government officials in the USA, was of doubtful legality. He further stated that the issue as to whether these laws had any proper basis in international law had not been determined conclusively either by the International Court of Justice or the General Assembly. Furthermore, Heads of State and Government and other Senior Officials enjoyed jurisdictional immunity as determined by the International Court of Justice in the recent case of Djibouti Vs France. He then drew attention to the recommendations made in the Report.

61. During the deliberations the meeting noted the high quality of the report and made the following recommendations:

- i. Commended Rwanda for the initiative of bringing this issue to the attention of Member States;
- ii. The concept should not be used selectively to the detriment of African States;
- iii. Member States should call for the unequivocal condemnation of international arrest warrants that have been illegally issued by some Countries;
- iv. The issuance of indictments against State officials, including Heads of State and other senior officials, should cease as it amounts to harassment and interference on a State in the conduct of foreign relations, which in turn could cause tensions between States or limit their participation in international affairs. In this regard, Member States should not enforce indictments issued on the basis of the abuse of the principles of universal jurisdiction;

- v. There was need for States to bring up this matter for debate at the level of the United Nations General Assembly and also to cause the International Law Commission of the United Nations to clarify the concept;
- vi. The Executive Council and the Assembly could deal with the political aspects of this matter and refer the technical aspects to the forthcoming meeting of Ministers of Justice and Attorneys General.
- vii. That the AU has clear stand against impunity particularly for genocide, war crimes and crimes against humanity;
- viii. That the Executive Council and the Assembly could deal with the political aspects of this matter and refer the technical aspects to the forthcoming meeting of Ministers of Justice and Attorneys General, with a request to advise on follow up action;
- ix. States should seek legal redress before the International Court of Justice challenging violation of their sovereignty. This was the option that was adopted by the Democratic Republic of Congo against Belgium and the Court decided the case in favour of Congo;
- x. States should also seek political or diplomatic redress as was done by some non African States. Likewise, African States can lodge diplomatic protests objecting to the abuse of universal jurisdiction by some States, especially where a right of diplomatic protection may be the more appropriate way to proceed in cases concerning nationals of the States concerned.
- xi. The African Union could make use of the advisory jurisdiction of the African Court of Justice and Human Rights when this Court becomes operational.. While not a redress for abuse of universal jurisdiction, the advisory opinion of the proposed Court would no doubt advise and guide action of Member States on emerging trends concerning the scope and applicability of the concept.
- xii. Member States may also refer cases to the International Criminal Court, under Article 14 of the Rome Statute of the Court 1998, but do so cautiously. Referring cases to the ICC, which is a supranational court established under a multilateral agreement and with criminal jurisdiction over certain international crimes would check the excesses and whims of individual States as well as address some of the concerns of potential for abuse.
- xiii. Member states should call for an unequivocal condemnation of international arrest warrants issued illegally by some non-African States.

3. Consideration of the Report of the Commission on Elections and preparations to launch the Permanent Assembly of ECOSOCC – Doc. EX.CL/412 (XIII)

62. In introducing the report, the Representatives of the Commission recalled that the Interim Standing Committee of ECOSOCC had presented a report on the progress of the process of the elections pertaining to the General Assembly of ECOSOCC and had highlighted the challenges and difficulties accompanying that process.

63. He indicated that by its Decision EX/CL/384 (XII), it extended the mandate of the Interim ECOSOCC Assembly until 30th April 2008, in order to facilitate its task of organizing elections into the Permanent General Assembly of ECOSOCC; and requested the AU Commission to take appropriate measures to launch the Permanent General Assembly of ECOSOCC by 30 May 2008. The said Decision of the Executive Council had, further, mandated the Permanent General Assembly of ECOSOCC to complete the election process in Member States and regions that may not have conducted their elections by the time the first Permanent Assembly was launched.

64. He informed PRC that under the supervision of the Interim Standing Committee of ECOSOCC in close consultation with the Commission, elections were held in seven Member States (Malawi, Niger, Burkina Faso, Cote d'Ivoire, Ethiopia, Mauritius and Benin). Further to that, composite elections were scheduled for the remaining Member States and regions that were ready for elections but would not have held elections by 1 April 2008. These elections were thus held for 12 countries (Tanzania, South Africa, Uganda, Guinea, DRC, Congo, Mali, Ghana, Madagascar, Burundi, Nigeria and Zambia) and 2 regions (Southern Africa and West Africa) in Nairobi, Kenya from 15 to 17 April 2008, under the auspices of the Electoral Commission of Kenya; and were reported by various observers to have been free, fair and transparent.

65. The Commission indicated that due to time constraints, the target date of 31 May 2008, for the launching of ECOSOCC could not be met. Consequently, the Chairperson of the Commission had undertaken close consultations with the Chairperson of the Union, to set an early date for the launching of ECOSOCC in July 2008, if conditions so permit.

66. In conclusion, the Commission recommended that the effort to set an early date for launching the Permanent Assembly of ECOSOCC be supported; adequate political and material support is provided to the Permanent Assembly of ECOSOCC, once established; and that all Member States that are not yet adjudged as ready for elections, should do their utmost to support the process of continuing elections in states where elections have not yet been held.

67. Following this presentation, a delegation sought clarification as to whether the door was still open for elections to be held in those countries where they had not yet been held. In response, it was indicated that the rest of all the elections would be conducted between now and the end of December 2008

68. At the end of the debate, on this item, the PRC took note of the report and recommended it for consideration by the Executive Council.

Agenda Item V: POLITICAL MATTERS

- Consideration the Report on the Situation of Refugees, Returnees and Internally Displaced persons - (EX. CL/413 (XIII))

a) Report of the Commission

69. The representative of the Commission introduced the report on the situation of Refugees, Returnees and Internally Displaced Persons in Africa. He then highlighted important issues in various sections of the report, which included:

- i. Recent disturbing emerging trends in forced population displacement, including the continued security problems, the effects of global climate change and the current food crisis facing the Continent, which overshadowed the positive developments in several countries such as Burundi, Côte d'Ivoire and Kenya.
- ii. The recent on-going developments in the five regions based on a fact-based approach in particular the movements of people and what the regions were doing in the search for durable solutions to the problem of forced displacement.
- iii. The programmes and activities carried out by the Commission together with the PRC Sub-Committee on Refugees and in close collaboration with AU partners in alleviating the suffering of victims of forced displacement. They included the missions, meetings and seminars as well as the Commemoration of World/Africa Refugee Day.
- iv. The numerous Challenges that the Continent faces in addressing the problem of forced displacement and the Way Forward in the search for lasting solutions to the serious situation of forced displacement. In this respect, it is important for Member States to participate in the forthcoming first ever Special Summit of Heads of State and Government on Refugees, Returnees and Internally Displaced Persons scheduled for November 2008 as its outcome will be crucial to the welfare of victims of forced displacement.

70. Finally, he recalled the decision made by Council during the 12th Ordinary Session, asking the Commission to take various steps in verifying statistics on refugees, returnees and IDPs and therefore the information contained in the report was collected from the missions undertaken by the PRC Sub-Committee on Refugees, the AU Field Missions, the Conflict Management Centre at the AU Headquarters, as well as from AU Partners, especially the UNHCR. He regretted that only three Member States responded to the Commission's request and forwarded the required information and hoped that in the future Member States would make efforts to send to the Commission their current statistics particularly on the forced displaced population.

71. In the discussions that ensued, the PRC made the following comments and observations:

- i. The statistics of refugees in the countries of asylum and internally displaced persons in some Member States need to be updated and reviewed so that the figures are credible.
- ii. More efforts should be deployed to put in place strategic measures aimed at providing effective protection and assistance to internally displaced persons.
- iii. More information and clarification were required with regard to the finalization of the draft AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa after the second meeting of Member States Legal Experts held in June 2008 and also the status on the preparations of the Special Summit on Refugees, Returnees and Internally Displaced Persons scheduled for November 2008. In this regard, the Commission was requested to prepare a briefing to update the Executive Council on the progress so far made and the way forward.
- iv. There is need for Member States and the AU partners to pursue advocacy in order to alleviate the plight of refugees, returnees and internally displaced persons.

72. At the end of the discussions the PRC made the following recommendations:

- i. It is important for the Commission to update statistics and present to the Executive Council the latest figures on forced displacement populations in the report.
- ii. There is a need for the UNHCR as was considered in various United Nations Conferences to be the most suitable agency to take a lead role in the protection and assistance issues of internally displaced persons as it is doing for refugees; and
- iii. Member States should continue tackling the root causes of the population affected by the problem of forced displacement.

73. Lastly, the PRC took note of the Report together with the recommendations contained therein and recommended it for consideration by the Executive Council.

b) Report of the PRC Sub-Committee on Refugees

74. In presenting this Report, the Vice-Chairperson of the Sub-Committee emphasized the major programmes and activities, which were carried out by the Sub-Committee that included:

- i. Field assessment missions to Cameroon, Chad and Kenya between March and May 2008 in which the delegations observed the efforts being made by the Governments and humanitarian agencies in finding solutions to the problem of refugees, returnees and internally displaced persons while they needed assistance to support and protect the thousands of victims of forced displacement. The missions therefore recommended in their reports that the

African Union should grant financial assistance to the Governments concerned;

- ii. Various meetings and seminars that the PRC Sub-Committee on Refugees were actively involved included:
 - a) the second meeting of Member States Legal Experts on the draft Convention for the Protection and Assistance to Internally Displaced Persons which was held in early June 2008, in Addis Ababa to finalize the draft Convention.
 - b) the on-going preparations of the Task Force on the Special Summit of Heads of State and Government on Refugees, Returnees and Internally Displaced Persons scheduled for November 2008;
 - c) the joint AU/International Committee of the Red Cross (ICRC) of the 10th Bi-annual Brainstorming Seminar on International Humanitarian Law held on 27 May 2008 under the theme “Displacement of Populations in Armed Conflicts”.
 - d) the Commemoration of World/Africa Refugee Day on 20th June under the theme “Refugee Protection”.

75. During the debate, it was observed that for adequate preparations for the organization of Summits, at least nine months are required.

76. The PRC took note of the report and recommended it for consideration by the Executive Council.

Agenda Item VI: ECONOMIC, SOCIAL AND CULTURAL AFFAIRS

1. Consideration of the Report of the African Private Sector Forum, Addis Ababa, Ethiopia, 22-23 January, 2008 – Doc. EX.CL/414 (XIII)

77. In presenting this report, the representative of the Commission underscored the critical role played by the private sector in the process of achieving industrial development. The Commission further pointed out that the Private Sector Forum discussed three specific themes, namely:

- i. Accelerating Africa’s Industrial Development with Corporate Governance;
- ii. Achieving Economic Transformation: The Role of Private-Public Partnerships; and
- iii. The Role of the Private Sector in Promoting Regional Integration.

78. The Commission then recalled the decision of the Assembly to institutionalize the Forum in order to engage the private sector in policy dialogue and to maximize the synergies that exist between the private and public sector.

79. Regarding private-public partnerships, the Commission reiterated the need by Member States to enhance existing synergies between these two key sectors in order to achieve faster industrial development, and development in general. Furthermore, the importance of upholding good corporate governance was emphasized, as an effective approach to fostering private sector development.

80. In the area of regional integration, the Commission also observed that the Private Sector Forum was an important mechanism for promoting dialogue and sharing of best practices among private sector players in Africa. In this connection, the Commission highlighted the positive role that the Private Sector Forum could play in the process of industrial development, including sharing of investment opportunities and establishing joint ventures, where possible.

81. In opening the debate on the Report, the Chairperson of the PRC recalled that the meeting that the same report had been submitted during the January 2008 Ordinary Summit held in Addis Ababa, and sought guidance, on the way forward.

82. The Commission informed the PRC that during the January 2008 Ordinary Summit, only the Declaration had been read before the Assembly, and that the Report had not been submitted for adoption. It, therefore, called upon the PRC to examine the Report and recommend it to the Executive Council.

83. In the course of the deliberations, the following issues were raised:

- i. some delegations observed that some regions were under-represented and that in the future, the assistance of African Embassies in Addis Ababa should be sought prior to sending out invitations;
- ii. PRC also recommended that in order to ensure wider involvement and participation in the Private Sector Forum meetings in the future, invitations prepared by the Commission ought to include key actors in the private sector such as trade unions, employer organizations, ECOSOCC and the NEPAD Business Group to mention, but a few;
- iii. the work of the Private Sector Forum needs to be well synchronized with that of the NEPAD Business Group in order to ensure synergies and avoid duplication of roles;
- iv. information was sought on whether there was a follow-up mechanism to implement recommendations made at various meetings including those of Trade and Industry, Economy and Finance and Integration Ministers.

84. In the same vein, the PRC was informed that the role of the Commission in this process was to promote advocacy and dialogue among all private sector players and assisting in the coordination process at continental level, bearing in mind the initiatives that take place at national and regional levels

85. The PRC made the following observations and recommendations:

- i. Need for Member States to implement the recommendations made by the Trade and Industry, Economic Planning and Finance, and Integration Ministers;
- ii. Need for the Commission to attach a list of the participants of the Private Sector Forum to the Report;
- iii. Need for the Commission to prioritise the recommendations made to facilitate implementation by Member States;
- iv. Need for the Commission to submit the Report to AU relevant sectoral ministerial conferences;
- v. Need for the Commission to develop a continental vision for industrialization and to study ways and means of ensuring that this vision contributes to agricultural development; and
- vi. Need for the Commission to reflect on some of the key ideas and recommendations related to the theme on 'industrialization' that emerged from the January 2008 Extraordinary Summit.

86. The PRC took note of the report and recommended it to the Executive Council for consideration.

vii. Consideration of the Report on the Follow-up of the Establishment of Financial Institutions – Doc. EX.CL/415 (XIII)

87. The Commission could not finalise the document because of the on-going consultations on the issue. The Commission however indicated that the Chairperson will provide the necessary information on the process underway. The PRC took note of the information and decided to defer consideration of this issue to its next session.

3. Consideration of the Report on the Follow-up of Africa-EU Dialogue – Doc. EX.CL/416 (XIII)

88. Introducing this item, the representative of the Commission recalled the adoption of the Africa-EU Joint Strategy and first Action Plan at the Lisbon Summit of 8-9 December 2007 and reported that following the Summit, the Commission took active steps aimed at ensuring that an effective implementation and monitoring framework is put in place. He highlighted the main elements of this framework, including the formation of an inter-departmental Task Force within the Commission, the formation of African Experts Groups and the Troïka.

89. He indicated that the Commission conducted two regional consultations in Ouagadougou and Maseru respectively as well as a civil society consultation in Bamako with a view to building consensus on the way forward. He added that Member States were requested to express interest in the eight partnerships of the first Action Plan, submit a proposed list of projects to be financed, and pledge resources for the implementation of the partnerships. To date, however, only one Member State has responded to the request. He therefore seized the opportunity to plead to Member States to make their necessary

submissions as a matter of urgency. He also informed the PRC that the Ministerial Troïka meeting initially scheduled for 16-17 June 2008 had been postponed to July 2008.

90. In the ensuing debate, Member States stressed the need for effective implementation. In this regard, they strongly supported the formation of the inter-departmental Task Force, the recognition of the Troïka as the monitoring body and expressed the urgency of forming the African Experts Groups. They further called on the Commission to develop guidelines for membership of the Experts Groups as well as the types of projects to be implemented within the framework of the partnership.

91. Some delegations made the following observations:

- i) the need for the Commission to circulate the documents adopted at the Lisbon Summit to Member States;
- ii) the need for the Commission to undertake extensive consultations with PRC with a view to reaching consensus on the documents;
- iii) the need for adequate flow of information among the Commission, the enlarged Troïka and the PRC.

92. The PRC emphasised the need for the prioritization of projects to be implemented within the timeframe of the first Action Plan. In this connection, the Commission was encouraged to approach the RECs and NEPAD with a view to identifying implementable projects. These should be in addition to projects identified by sectoral Ministers as well as those submitted by Member States. The need for inclusiveness as well as adequate flow of information among the Commission, the Troïka and the wider PRC was also stressed. Finally, the PRC decided that, henceforth, practical implementation of the first Action Plan should be given priority in the agenda of Africa-EU Troika meetings.

93. Following the deliberations, the PRC recommended the following:

- i. The implementation of the first Action Plan should be a priority;
- ii. There is a need to form African Experts Groups as a matter of urgency;
- iii. The Troïka should operate in a transparent manner, share information as much as possible and ensure inclusiveness;
- iv. Projects should be prioritised;
- v. The Commission should develop guidelines for projects to be implemented as well as for participation in Experts Groups.

94. The PRC took note of the report and recommended it for consideration by the Executive Council.

4. Consideration of the Report on Progress towards achieving the Millennium Development Goals and the Status of Implementation of the

**MDGs Africa Steering and Working Group Recommendations –
Doc.EX.CL/417 (XIII)**

95. Presenting this item, the Representative of the Commission indicated that the report reviews progress made by African countries towards the attainment of the Millennium Development Goals (MDGs) and proposes recommendations on ways to accelerate their attainment. The report also presents the findings and recommendations of the MDG Africa Steering Group set up by the UN Secretary General in 2007.

96. The representative of the Commission said that Africa is making some progress in meeting the MDGs but significant effort is required in order not to miss the targets. He highlighted a number of constraints which, if not addressed, will lead to failure to meet the targets. Among these are insufficient financial resources and lack of private sector involvement. The unavailability of data was also identified as a bottleneck to reporting progress on MDGs as well as decision making. As a way forward, he called on Member States to put emphasis on domestic resource mobilization and reduce dependence on external sources of financing. He also stressed the need for greater engagement of the private sector in financing development activities and called for support in the adoption of the African Charter on Statistics.

97. In the ensuing debate, the PRC, expressed concern over the accuracy of the data used to prepare the report. In some cases, the statistics were outdated. The Commission was, hence, urged to update the report by using more reliable and recent data as well as ensure the avoidance of contradictions in the report.

98. Furthermore, it was generally agreed that the multilateral trading environment, current food crisis and oil price hikes would impact negatively on the attainment of MDGs. It was therefore necessary to reflect the impact of these phenomena on the attainment of MDGs.

99. Some delegations expressed concern that the list of recommendations of the MDG Africa Steering Group is too long. In this regard, the Commission was urged to come up with priority recommendations that can be presented to the Assembly. They also expressed the need for Africa to develop a common position ahead of the forthcoming mid-term review of MDGs in the margins of the next UN General Assembly.

100. Member States also identified conflicts as a constraint. In this connection, an appeal was launched for Member States to embrace principles of good governance as well as reflect MDGs in their development strategies. In this regard, such countries should be given the requisite support by the African Union and the international community.

101. Given that the Summit will be discussing water and sanitation as a theme, some Member States also expressed the need for the report to highlight Goal 7 of the MDGs which addresses this issue. The Commission was hence requested to conduct further analysis of this goal.

102. At the end of the discussions, the PRC made the following recommendations:

- i. The impact of the current food crisis on MDGs should be reflected in the report;

- ii. The section on MDG 7 should be further developed;
- iii. The long list of recommendations should be prioritised;
- iv. Countries should be encouraged to align development strategies to MDGs and support be given to those who heed this call;
- v. Africa should agree on a common position prior to the next mid-term review of MDGs in the margins of the next UN General Assembly;
- vi. The Commission should work towards developing a databank to help in measuring progress towards MDGs.

103. The PRC took note of the report and recommended it for consideration by the Executive Council.

5. Consideration of the Report on the Promotion of Maternal, Infant and Child Health and Development – Doc. EX.CL/418 (XIII)

104. In presenting the report, the representative of the Commission underscored that in the implementation of MDG 4 and 5, there had been a relative reduction in the child mortality rate. He insisted on the additional efforts to be made to bring this rate to a still lower level within the context of the attainment of the objective set for 2015. Unlike MDG 4, MDG 5 had experienced a much lower rate of implementation, with maternal mortality rate falling less faster than that of child mortality on account of numerous reasons mentioned in the report.

105. After considering the report, PRC members drew attention to the following points:

- i. Some countries do not feature in table 1 dealing with child mortality rate even though they have a statistical data base in this regard. Besides, the table does not refer to data but rather divided countries according to debatable general categories;
- ii. the concept of Sub-Saharan Africa was a perception of Africa by non-Africans and therefore should not feature in instruments presented by the Commission;
- iii. the statistical data used is not recent, as most of it dates back to 2005. The use of out-dated data risks leading to an incorrect evaluation of efforts deployed by Member States;
- iv. a recommendation on the mobilisation of resources in Member States for the implementation of national action plans should feature in the report;
- v. the formulation of recommendations should be harmonized by indicating precisely the actions to be taken for their implementation;

- vi. The name of the Goodwill Ambassador mentioned in the report should be specified.

106. The Commission took due note of these various observations and deplored the unfortunate use of the concept of Sub-Saharan Africa and of several external sources in the collection of statistical data rather than relying on our own sources.

107. At the end of the discussions, the PRC made the following recommendations:

- i. the eight recommendations formulated in the report are accepted;
- ii. the statistical data must be updated;
- iii. the name of the goodwill ambassador must be specified;
- iv. a report model under recommendation 2 must be proposed to Member States.

108. The PRC finally recommended the report for consideration by the Executive Council.

6. Consideration of the Progress Report on the Implementation of the Plan of Action on Industrial Development in Africa – Doc.EX.CL/419 (XIII)

109. In the presentation of the report, the representative of the Commission recalled the Plan of Action for the industrial development of Africa adopted at the 2008 January Summit. For the implementation of the Plan of Action, the Commission organized in Cairo in April 2008 a meeting of the relevant stakeholders. The meeting identified 7 (seven) programmes as reflected in the report. It was intimated that the meeting of the stakeholders also took a decision on preparations for the forthcoming Conference of Ministers of Industry and the imminent organization of an Industrial Forum.

110. In their interventions, delegations noted the inadequacy of the format of the report which, looked more like minutes than an analytical report. Consequently, they requested the Commission to prepare a model report which all departments should adhere to.

7. Consideration of the Report on UNCTAD XII – Doc. EX.CL/420 (XIII)

111. The representative of the Commission recalled to the PRC that UNCTAD XII was held in Accra, Ghana from 22 to 26 April 2008 and was attended by 146 countries including 44 African countries and many international organizations, NGOs, the private sector and civil society organizations. She recalled the theme of the Conference namely: "Prospects and Challenges of Globalisation for Development". The meeting adopted important recommendations including poverty reduction, the problem of globalisation, South-South trade, investment and sustainable development. The deliberations of the Conference resulted in two documents namely, the Accra Agreement and the Accra Declaration which were brought to the attention of the Committee.

112. Some delegations made observations regarding the form of the Report, requesting particularly that the Accra Agreement should be annexed to the Report, and that mention should be made of the signing of the Memorandum of Understanding between the Commission and UNCTAD in the presence of Ministers of Trade and not by the latter. Other delegations, while referring to the Joint Conference of Ministers of Trade and Finance held at the Headquarters of the Commission, recalled some of its recommendations in relation to the UNCTAD XII, particularly the one concerning the creation of a working group on commodities. In this regard, the PRC deplored the fact that the Report did not highlight the achievements of UNCTAD XII in relation to the recommendations of the AU Ministers of Trade. They also requested that the Report define the actions undertaken by the Commission to implement the programmes contained in the Agreement concluded with UNCTAD.

113. Replying the Commission explained that the Report had been submitted only for information, and that an AUC/UNCTAD meeting was scheduled after the July 2008 Summit to draw up concrete programmes for the implementation of the provisions of the Memorandum of Understanding.

114. The PRC decided to recommend the report to the Executive Council for consideration.

8. Consideration of the Progress Report on the various strategic partnerships of the African Union with Japan (TICAD IV), China, South America, India, Turkey and Iran EX.CL/421(XIII)

115. The Representative of the Commission made a presentation on the state of play regarding each of the above partnerships.

116. Regarding preparations for the **Africa-South America Summit**, scheduled to take place in Venezuela in November 2008, he stated that the third meeting of the Coordinating Mechanism took place in Brasilia, Brazil, on 9 June 2008, followed by a meeting of Senior Officials from 10 to 11 June 2008. He indicated that the Senior Officials agreed to establish 8 working groups as reflected in the report.

117. The Representative of the Commission expressed the urgent need to constitute these working groups and hence called on Member States to express interest in participating in the various groups which should operate from Addis Ababa. He also indicated that the selection of co-Chairs for the working groups on the African side would be done through the Sub-Committee on Multilateral Cooperation. The working modalities of the groups also need to be determined.

118. He indicated further that the Senior Officials agreed to the establishment of a Committee of Ambassadors in Brasilia. This body, he said, would be consultative while Ambassadors in Addis Ababa should take responsibility for managing the process on the African side. He said that the agreed dates for the Summit are 24-25 November for the Senior Officials Meeting, 26-27 November for the Ministerial Meeting; and 28-29 November for the Summit of Heads of State and Government. He encouraged Member States to participate in these meetings to ensure high turnout.

119. On **Africa-India Cooperation**, the Representative of the Commission stated that the first Africa-India Summit took place as scheduled in New Delhi, India, from 8 to 9 April 2008 and adopted a Framework of Cooperation and the Delhi Declaration. He further indicated that the Commission was working on a Plan of Action which would be submitted to the Sub-Committee on Multilateral Cooperation as soon as it was ready.

120. On **TICAD IV**, he stated that the Conference took place from 28 to 30 May 2008 in Yokohama, Japan, and adopted a Declaration and a Plan of Action. On that occasion, the Prime Minister of Japan made special commitments which feature in the report on TICAD IV.

121. The representative of the Commission, after having given the historical background of TICAD process pointed out that the African Union did not play a central role in the preparatory process leading to the Conference and was only invited as an observer at the Conference. He stressed the need to address this anomaly in future TICAD Conferences given the important role of the AU as the main interlocutor for the continent.

122. On **Africa-Turkey Cooperation**, the Representative of the Commission pointed out that preparation was ongoing for the first Africa-Turkey Summit, scheduled to take place in Istanbul, Turkey from 18 to 21 August 2008.

123. Regarding the proposed **Africa-Iran Summit**, he informed the PRC that the Commission conducted a fact finding and exploratory visit to Tehran from 25 to 26 February 2008, where discussions focused on the African Union partnership policy, steps to be taken to enter into a partnership with the African Union as well as the expectations of both sides from such a partnership.

124. With regard to the **Global Review Process of Partnerships**, the Representative of the Commission stated that the Commission had commenced desk research on the matter. He said the outcome would be presented to the Committee on Multilateral Cooperation for its inputs.

125. In the ensuing debate, some delegations expressed concern that Africa was entering into too many partnerships. They therefore urged for caution and stressed the need for the Commission to expedite the process of reviewing existing partnerships as per the Executive Council Decision of January 2008. The Commission was reminded that the aforementioned decision required that the review process be completed prior to initiating any new strategic partnerships. Others were of the view that the number of partnerships entered into was not an issue and that what mattered was that Africa should ensure a “win-win” situation in every single partnership entered into. It was stressed that the continent must be able to deal with partners on an equal footing. Some delegations argued that no new partnerships should be started before the review requested for by the Executive Council which meant that a moratorium was placed on any new partnership, including that with Iran. However, other delegations were of the view that the January decision did not require that a stop should be put to the partnerships the Union was already engaged in. Regarding Iran, the same delegations pointed out that such partnership was not new recalling the participation of the Iranian President in the Banjul Summit and the visit to Iran by the former Chairperson of the Commission who had earlier announced the partnership at the levels of the Executive Council and the Assembly.

126. Another issue of intense debate was the application of the Banjul Decision regarding Africa-single country partnerships. Concern was expressed by some delegations over the fact that the Banjul Decision was not being applied to the letter. They urged Member States to avoid a recurrence of such a situation in the forthcoming Africa-Turkey Summit. A few delegations expressed the view that consideration should be given to the possibility of reviewing the Banjul Decision in view of the problems that seem to be arising with its implementation. The general sentiment, however, was that there was no need for such a review and that what was required was to look into the modalities of effectively implementing the decision. In this connection, the need for inclusivity in the preparatory process was stressed. This implies that, in situations where all Member States do not take part in a Summit at the level of Heads of State, the preparatory process should be such that a common position is developed through a participatory process prior to the Summit. That way, the interest of the continent would be safeguarded by the Member States selected to participate in the Summit.

127. Other issues raised include:

- i. the need to set up a follow-up committee for each strategic partnership;
- ii. the need to unify the coordination of the various partnerships;
- iii. the need to reflect on mechanisms for Africa to benefit from the pledges made by Japan at TICAD IV;
- iv. the need for the Commission and selected Member States that participate in summits to share all necessary information with Member States immediately after every summit;
- v. the need for the AU to take charge of processes of partnerships and avoid the type of problems which transpired at TICAD IV;
- vi. the need for Africa to be clear about its priorities in each partnership;
- vii. the need to enforce the Banjul Decision; and
- viii. the need to strengthen Afro-Arab cooperation;

128. Following the responses of the Commission to the wide range of issues raised, the PRC recommended the following:

- i. Emphasis should be put on the importance of conducting the review of Africa's partnership policy as per Executive Council Decision of January 2008;
- ii. The AU Commission must consult the Sub-Committee on Multilateral Cooperation on all matters of decision making regarding strategic partnerships;
- iii. The importance of effective follow-up and coordination must be recognised;

- iv. The report of the Multilateral Cooperation Sub-Committee should be a permanent item on the agenda of the PRC;
- v. The African Union should play a central role in all future TICAD Conferences;
- vi. The Commission and PRC should coordinate the Africa-South America Partnership process, with the African Group of Ambassadors in Brasilia serving as a consultative body; and
- vii. Whatever the decision on the Africa-Iran Summit, it cannot be held in 2008;
- viii. Efforts should be made to strengthen Afro-Arab Cooperation;
- ix. Member States and AU Partners should respect the Banjul Decision.

129. The PRC took note of the report and recommended it for consideration by the Executive Council along with its recommendations.

9. Consideration of the Report on Negotiations of Economic Partnership Agreements – Doc. EX.CL/422 (XIII)

130. In presenting the above report, the Commissioner for Trade and Industry touched on the interim EPAs, the signing of which by some Member States was the subject of much debate. She recalled the deep concern expressed by Heads of State at the Lisbon Summit regarding EPAs whose forced implementation by the European side seriously jeopardizes African economies and the continent's integration process. According to the Commissioner, the assessment of the interim EPAs has brought to light the contentious issues identified by Ministers of Trade and which should be re-negotiated. Even though the European side has initiated moves aimed at securing the ratification of the interim EPAs by States and thereby close the negotiation process, these EPAs indeed remain interim EPAs in that they leave issues of vital interest for African countries unresolved. These issues, according to the Commissioner, include Article 24 of GATT which is still being discussed at the WTO but is incorporated in the interim agreements, as well as the Singapore issues excluded from negotiations at the WTO but reflected in the interim agreements. To these contentious issues should be added profound disparities between the signatory States, the immediate effects of which have resulted in a net weakening of the regional integration process. Thus, the transitional periods vary from one country to another for countries belonging to the same region. Similarly, liberalization programmes are not homogeneous and are characterized by differences which in the long run render the establishment of African common market impossible.

131. In a nutshell, the interim EPAs are at variance with the exigencies of regional integration and development. If, for obvious reasons, which are understandable, some States have signed the interim EPAs against their will in order to preserve trade links with the European side and export earnings, the time has come, the Commissioner emphasized, for the negotiating countries to let regional approach take precedence over bilateral approach. To substantiate her argument, the Commissioner alluded to the attitude of the European side which today acknowledges to have favoured the EPAs

instrument to the detriment of the fundamental objectives of the EPAs, namely Africa's integration and development.

132. Concluding her presentation, the Commissioner stressed the need for Heads of State and Government to send a strong signal of cohesion and unity to the European side.

133. In the ensuing debate the PRC underscored the importance of the issues relating to the EPAs, with special emphasis on the following:

- i) the signing of the interim EPAs linked to the strategic weakness of Africa in dire need of pro-activeness, foresight and cohesion;
- ii) need for unity in terms of positions to be adopted vis-à-vis Europe;
- iii) need to embark on an effort of political realism that translates the shortcomings of the past into the formulation of a strategy of cohesion and victory which definitively put Africa on the path of development;
- iv) lobbying by the European Union Commission of those States that had signed interim agreements with a view to obtaining the ratification of the said agreements;
- v) the strategy to weaken African States through the implementation of an insidious process of reducing their powers of negotiation;
- vi) progress report on the development of an EPA model which would serve as a guide for African countries and regions in their negotiations on full EPAs with the EU;
- vii) the dissemination among Member States of recommendations arising from the retreat of African Ambassadors Group based in Brussels;
- viii) the specific identification of aspects to be discussed in greater detail at the resumption of negotiations coupled with the definition of a common position on each of the aspects thus identified;
- ix) preparations for the high-level meeting announced at the Lisbon Summit between the European and African parties with the deep involvement of RECs in the said preparations;
- x) systematic vigilance of the AUC in its coordination role to prevent possible divisions;
- xi) increase in visibility of the AUC through the strengthening of its coordination role;
- xii) safeguarding the interests of those countries that have signed the interim agreements;

- xiii) the need to review the status of the AUC in order to provide it with the requisite authority to negotiate;
- xiv) the double initial mistake by Africa which at the beginning accepted negotiations to let itself to be reconfigured, on the one hand, and on the other, accept a reconfiguration carried out beyond the official configuration of the regions while the European Union was priding itself on a posture of unity, despite the plurality and diversity of the States that make it up;
- xv) the pressing need to reverse this centrifugal tendency imposed by the EU on African countries by defining a solidarity arena with a united front , not only just at the regional level, but at the continental level as well;
- xvi) the strategic interest for Africa to be at one with the other ACP countries.

134. Thereafter, delegations whose countries have signed the interim agreements took the floor to explain the objective reasons that prompted them to take up this option, understandable reasons which exonerate them of any blame.

135. The Egyptian representative expressed the concerns of his Head of State about the EPA negotiations and informed the PRC that the latter is ready to share his country's experience in the area of trade negotiation between the EU and negotiating regions.

136. In her response to the above concerns, the Commissioner drew the attention of the PRC to the following points:

- i) The report submitted by the Commission in no way inferred any criticism against those States that had signed Interim EPAs, because trade relations with the EU should be safeguarded in order not to risk incurring serious loss in export income. The LDCs that had not signed benefit from the EBA trade regime, but in a limited manner due to restrictions imposed by the rules of origin;
- ii) The erosion of long standing preferences affecting commodities is an issue which brings ACP producing countries into conflict with those of South America. During the Marrakech Conference, African and South American Trade Ministers agreed to establish mechanisms for concerted management of supply on the commodities market. The two regions envisaged coordinating their actions with a view to a common position;
- iii) The need to effectively take into consideration the geopolitical aspects of commodities with a view to implementing a diversification policy;
- iv) The classification of countries as LDC and non-LDC was an unfavourable categorization that acts as an obstacle to the building of viable regional markets;
- v) Informal proposals are developing with some of our partners on the European side which could help Africa to build its integration, following the vigorous interventions of the Heads of State and Government at Lisbon;

- vi) The Group of African Ambassadors based in Brussels felt that they were not sufficiently involved in the negotiations. The Commission helps them to organize themselves more effectively and develop genuine group dynamics like those based in Geneva;
- vii) Deliberations on the elaboration of model EPAs were set in motion in collaboration with the ECA; and legal experts will be involved;
- viii) After Lisbon, the European side was contacted in vain concerning the high-level meeting. Furthermore, the Commissioner reaffirmed her commitment to deepen the dialogue at the level of RECs that were negotiating EPAs;
- ix) It would be risky to negotiate full EPAs as long as the Doha Round of negotiations at WTO has not been completed.

137. In his intervention, the Chairperson of the Commission agreed with the delegations that recommended looking towards the future rather than lamenting over past shortcomings, which are reflected in delays compared with other regions, the acceptance of the regionalization initiated by the European side since 1995, and the inability to define common positions on major issues such as the reform of the United Nations.

138. The Chairperson of the Commission called for Africa to finally speak with one voice on issues of common interest, in order in the case in point, to learn from the rift observed at the moment between the EC and its Member States on EPAs.

139. At the end of debate, the PRC, while noting the report made the following recommendations:

- i) the Commission should prepare a template for full EPA negotiations;
- ii) emphasis should be put on regional approach during the negotiations;
- iii) dialogue should be intensified with the EU to address contentious issues;
- iv) EPA negotiations should not undermine the cohesion and unity of African States.

10. Consideration of the Report on the on-going Doha Round Negotiations in the World Trade Organization (WTO) – Doc. EX.CL/423 (XIII)

140. This item was presented together with the preceding items. The PRC took note of the report and referred it to the Executive Council.

11. Consideration of the Report on the High Food Prices: Accelerating Investments to Respond to Food and Nutrition Insecurity – Doc. EX.CL/424 (XIII)

141. In presenting the Report, the representative of the Commission recalled the gloomy situation regarding the dramatic increase in food prices. It informed the PRC that as a result of high food prices, the balance of payments situation of many countries had deteriorated, and inflation had significantly increased, with attendant fiscal imbalances.

142. Furthermore, the PRC was informed that, what was even most worrisome was the fact that the *Millennium Development Goal: 1 – Eradicate Poverty and Hunger*, will not be achieved given that high food prices make it difficult for households to access food. On a positive note, however, the Commission observed that the current situation could also be an opportunity for net-exporting countries to register increased export receipts and household incomes.

143. Regarding the causes of the current high food prices, the Commission outlined several factors including: a fall in world cereal production, owing to bad weather conditions, global increase in petroleum prices, rapid growth in demand for food in emerging powers, especially China and India.

144. In order to address the problem concerning current food prices, the Commission proposed various policy actions, for the short-term, medium-term and long-term term.

145. In the short-term, some of the key policies include:

- i. Expansion of emergency responses and scaling up of humanitarian assistance in affected countries;
- ii. Elimination of agricultural bans;
- iii. Removal of agricultural subsidies;
- iv. Undertaking fast-impact food production in key areas (including seeds, fertilizer and credit); and
- v. Changing bio-fuel policies including the development of bio-energy technologies that do not compete with food.

146. In both the medium- and long-term; the following policies were proposed:

- i. Calming markets with market-oriented regulation, sharing of grain stocks and strengthening food import financing;
- ii. Scaling up targeted investments in social protection; and
- iii. Increasing investments to ensure sustained agricultural growth (including expanded public spending for rural infrastructure, improved market links, enhanced agricultural research as well as modernization of agricultural technologies).

147. The Commission also enumerated important ongoing initiatives geared at enhancing food security, currently spearheaded at a continental level, including:

- i. Launching of the African Common Market for Food Products Initiative;
- ii. Formulation and adoption of the Pan-African Land Policy;
- iii. Formulation of the Framework for African Food Security and Pan-African Initiative; and
- iv. Improvement of the Rural Infrastructure and Trade-Related Capacities for Market Access.

148. During the deliberations, the PRC made the following observations and recommendations:

- i. Need for the Commission to take into account the recommendations and decisions arising from the FAO Regional Meeting, currently taking place in Nairobi, Kenya, on high food prices;
- ii. Need for the Commission to capture the effects arising from high oil prices;
- iii. Integrating in the Report the key recommendations to emerge from an agenda item proposed by the Arab Republic of Egypt, titled 'Agricultural Development and challenges of Food Prices Increase, and
- iv. Need for the Commission to promote integrated agriculture at a regional level and to support strategies and policies currently being implemented by RECs for enhancing food self-sufficiency and food security.

149. The PRC also observed that the adoption of bio-fuel policies (including freezing bio-fuel production and development of bio-energy technologies), remained a key challenge in addressing the current high food prices.

12. Consideration of the Report of Malawi Continental Conference on the Empowerment of African Women – Doc. EX.CL/425 (XIII)

150. In the presentation, the representative of the Commission recalled Decision AU/Dec/134-164 (VIII) taken in January 2007 by the AU Assembly requesting the Commission to organize a Continental Conference on the Empowerment of African Women. The said Conference was held in Lilongwe, Malawi, from March 17 to 19, 2008. The meeting, which was attended by 25 Member States, had the principle objective of exploring the proposal to establish an AU Trust Fund for African Women's Empowerment. Its expected outcome were the agreement on the key process, the mechanism, structure and roadmap, as contained in the Lilongwe Declaration.

151. The representative of the Commission stated that the Conference agreed on the proposal for the establishment of the proposed Trust Fund, retaining the following points contained in the Lilongwe Declaration:

- (i) the principles which should guide the establishment of the Trust Fund, relating to its leadership, sustainability and ownership; accessibility; and strengthening of the existing mechanism;
- (ii) the establishment of a Working Group, with its Terms of Reference and composition; and
- (iii) the necessity for the Commission to report to the Assembly in January 2009, on progress achieved in the effective establishment of the Fund which should be launched by the end of July 2009.

152. In the ensuing deliberations, the following observations were made:

- i. importance of encouraging the empowerment of women in Africa as a factor of development of the continent.
- ii. the main focus of the deliberations was the issue of the proposed Trust Fund, on which divergent opinions were expressed.
- iii. some delegations stated that a number of Departments and Directorates of the Commission had also proposed the establishment of similar trust funds in other sectors. Indeed, it appeared that there was a trend towards the proliferation of proposals to set up these funds. It was, therefore, incumbent on the Commission to study the various details relating to the modalities for the establishment of these proposed trust funds, harmonize them and come-up with guidelines for them.
- iv. other delegations argued that even though women faced more challenges, there were other vulnerable groups, such as the youth, who were confronted with similar problems. It would, therefore, be prudent to set up an all-inclusive Fund, in order to avoid a piece-meal approach. They therefore suggested that the AU could make use of a number of mechanisms existing already at the international level, including the UNFPA and other bodies in Europe. Recourse could also be made to sources available in the Diaspora.
- v. Other delegations, argued that the issue was not the proliferation of proposals for setting up trust funds. Further, it was inappropriate to liken women to other vulnerable groups. Notwithstanding the existence of international mechanisms for funding women's empowerment in Africa. They deemed that Africa should also set up her own mechanism in response to the demand of the African women at the Continental Conference, arguing that the Assembly had already taken a political decision to set up such a fund.
- vi. Other delegations doubted if such a fund could at long be viable. What was needed was a feasibility study to determine this. In that regard, what was required was not the convening of a Working Group as proposed, but to task another institution equipped with the requisite technical expertise and proven experience in such matters, in order that such a study could be carried out in a

professional manner. The African Development Bank was identified as one such institution.

153. Following this overview, the PRC endorsed the recommendations in the Report, especially those related to the establishment of an AU Trust Fund for African Women's Empowerment. A feasibility study on the viability of such a fund should however be carried out by the ADB prior to the establishment of the said Trust Fund.

Agenda Item VII: ITEMS PROPOSED BY MEMBER STATES

1. Holding the mid-year sessions (July Sessions) of the Assembly of the African Union, in the City of Sirte of the Great Jamahiriya starting from 2010 (*Item proposed by the Great Socialist People's Libyan Arab Jamahiriya*) – Doc. EX.CL/426 (XIII) Add.1

154. The Ambassador of Libya presented the item proposed by his country, namely the offer to host all June-July sessions of the Assembly of the African Union in the city of Sirte starting from July 2010. The argument developed to support this proposal, contained in a memorandum previously forwarded to Member States, was based on considerations linked, on the one hand, to Libya's desire to guarantee the smooth functioning of the Union and, on the other hand, to the difficulties encountered by certain Member States in meeting their commitment to host sessions of the Assembly. By acting in this manner, Libya respects the provisions of the decision designating Addis Ababa as the Union's headquarters and, in that capacity, as host of the January sessions of the Assembly.

155. In concluding his presentation, the Ambassador of Libya proposed that PRC favourably recommends his country's offer to the Executive Council, so that the Assembly decides on the matter.

156. The ensuing discussions underscored Libya's steadfast commitment to promoting pan-Africanism and praised the offer as further proof of that commitment. However, the PRC unanimously acknowledged that, by acceding to Libya's request, it would undermine the fundamental principle of rotation of the June/July session as a way of popularizing the African Union.

157. The PRC took note of Libya's request and referred it to the Executive Council.

2. Holding of the Ordinary Session of the AU Summit in July 2010 in Kampala, Uganda (*Item proposed by the Republic of Uganda*) – Doc. EX.CL/426 (XIII) Add. 2

158. The Ugandan delegation introduced this point by recalling its letter of 3 May 2008 to the Commission requesting the holding of the Assemblies of 2010 and 2013 in Kampala, Uganda. The delegation added that by another letter of 22 May 2008, Uganda finally settled on the holding of only the Assembly of 2010 and did annex to this letter the appropriate explanatory note. It added that, in a desire to respect the vision of the AU as a continent driven by its people and not by governments, Summits should be held in rotation in different countries, including Uganda.

159. In reply to a question from one of the delegations on the modalities of offers to host the Summits, the Legal Counsel recalled that in Abuja, a calendar listing the venues to host the Summits for the next three or four years from then was adopted. The Assembly had considered the offers, taking the date of submission of requests.

160. Consequently, the PRC received Uganda's offer to host the 2010 AU Assembly in Kampala positively and recommended this proposal to the Executive Council.

3. Centers of Excellence for holding African Conferences
(Item proposed by the Arab Republic of Egypt) – Doc. EX.CL/426 (XIII) Add.3

161. While introducing this item, the Ambassador of Egypt informed the PRC that some African countries, (including his own country) had developed over the years tremendous capacity and skills in organizing international conferences. In this connection, Egypt highlighted the urgent need to undertake an inventory of the existing Centres of Excellence in African countries, with a view to enhancing the capacity of these countries to organize international conferences. In particular, Egypt informed the PRC that it was willing to provide technical support in this area.

162. The PRC was also reminded on the need to rationalize the hosting of international conferences by African countries.

163. In the course of deliberations, some members of the PRC observed that it was important to put in place guidelines for identifying the countries suitable for holding international conferences. Furthermore, some members of the PRC were of the view that other factors such as existing capabilities, apart from the infrastructure provided by some countries, had to be taken into account in order to host conferences. In addition to this, PRC expressed the need for concrete proposals to be submitted as well as to streamline AU procedures to hold conferences.

164. While commending Egypt on a good proposal made, the PRC took note of the item and referred it to the Executive Council.

4. Agricultural Development and the Challenges of Food Commodity Price Increase in Africa *(Item proposed by the Arab Republic of Egypt) – Doc. EX.CL/426 (XIII) Add.4*

165. The Representative of the Arab Republic of Egypt presented this item proposed by his Government. In his presentation, he expressed the view that the present food crisis should be seen as a catastrophe that requires urgent attention. He said the problem should also be looked at from the point of view that access to food is a basic human right and, as such, requires concerted effort to guarantee its availability to all.

166. Reminding the PRC that Africa is one of the continents affected most by the crisis, he highlighted the need for concerted effort aimed at comprehensively addressing the problem and putting in place adequate short, medium and long term measures to prevent its recurrence. He also emphasised the need to work with international organizations to find a lasting solution to the crisis. In this connection, he stressed that the international community should be engaged with a view to working towards reducing the use of bio-

fuels, providing material resources, helping in developing Africa's human resources, as well as scaling up technology transfer to Africa.

167. As a specific recommendation, he noted that the Secretary General of the United Nations had set up a Task Force to develop a comprehensive Action Plan to address the problem of rising food prices. At the African level, he emphasised the need to urgently establish an African Early Warning System on food security, intensify efforts to increase agricultural productivity, and work towards more efficient usage of water resources. In this regard, he said the Arab Republic of Egypt would put necessary resources and expertise at the disposal of African countries. He concluded by reiterating that boosting the continent's agricultural potential would increase Africa's competitiveness.

168. In a subsequent intervention, the Chairperson of the AU Commission reiterated the significance of this matter by highlighting the series of conferences devoted to the subject, including the one organised by FAO recently. He reminded the PRC that this is one of the items in the agenda of the Executive Council in view of the topical nature of the subject matter.

169. Following the request for further clarification, the Representative of the Arab Republic of Egypt said that the objective of proposing the item is for Africa to declare its position on the current food crisis. He added that all other regions of the world have already done so and, therefore, the forthcoming Assembly session creates ample and timely opportunity for Africa to do the same.

170. The PRC took note of the report with the recommendations contained therein and recommended it for consideration by the Executive Council.

5. Cooperation between the United Nations and the African Union (*Item proposed by the Arab Republic of Egypt*) – Doc. EX.CL/426 (XIII) Add.5

171. In presenting this item, the representative of Egypt underscored the importance of institutionalising dynamic cooperation relations between the United Nations and the African Union. In this respect, he recalled that several initiatives have been undertaken over the past years to strengthen the coordination and consultation between the two Organizations, notably between the United Nations Security Council and the Peace and Security Council of the African Union. He emphasised that the proposal builds upon and compliments existing African initiatives.

172. He added that strengthening cooperation will enable the two Organizations to examine, not only issues relating to the financing of peace-keeping operations by regional organizations through assessed contributions of members of the United Nations, the strengthening of coordination and consultation between the peace and security systems of the two institutions on important issues, particularly post-conflict reconstruction.

173. In their comments, delegations underscored the relevance of Egypt's proposal while stressing the need for concrete proposals to give substance to the dynamic relations between the UN and the AU.

174. The PRC took note of Egypt's proposal and recommended it to the Executive Council for consideration.

**6. Afro-Arab Cooperation (*Item proposed by the Arab Republic of Egypt*)
– Doc. EX.CL/426 (XIII) Add.6**

175. This item was presented by the representative of Egypt who underscored the need to revive relations between Africa and the Arab World. He stressed that these relations are of special importance compared to relations between Africa and the other partners since 10 African countries also belong to the League of Arab States, representing about 70% of total Arab population. He then outlined the developments in Afro-Arab relations since the last Afro-Arab Summit held in Cairo, Egypt in 1977, and stated the difficulties encountered in organizing the second summit.

176. In conclusion, he stressed the need to speed up the holding of the Second Afro-Arab Summit in order to give a new impetus to Afro-Arab cooperation so that the aspirations of the peoples and governments of the two parties can be realised. In this respect, he invited the African Union Commission and the League of Arab States to pay the necessary attention to this issue and to propose new mechanisms for reviving Afro-Arab cooperation.

177. Following the presentation, the PRC took note of Egypt's proposal and recommended it to the Executive Council for consideration.

Agenda Item VIII: CONSIDERATION OF THE DRAFT AGENDA ITEMS OF THE 13TH ORDINARY SESSION OF THE EXECUTIVE COUNCIL

178. The representative of the Commission presented this item, indicating amendments to the draft agenda to be proposed to the Executive Council introduced by the PRC at its meetings of 16 May and 19 June 2008.

179. When discussing this item, the PRC requested that ministerial meetings listed in the agenda should reflect the sequence of the said meetings.

180. The PRC agreed that **Part A** should contain only reports, declarations, plans of action and recommendations formally adopted by the ministers in charge of the sectors. Such acts will not be discussed in conformity with the Rules of Procedure of the Executive Council. However, Commission reports on the deliberations of sectoral ministerial meetings should feature in **Part B** to be considered by the Executive Council. The Commission was requested to amend the draft agenda accordingly. Furthermore, the Commission should allow enough time for sectoral ministers to adopt their reports before deliberations are closed.

181. The PRC recommended the Draft Agenda for consideration by the Executive Council.

Agenda Item IX: ANY OTHER BUSINESS

182. Under this item, the South African delegation reminded PRC members of the holding of the Diaspora Summit in South Africa in October 2008 and invited them to participate in it.

183. The Egyptian delegation then informed the PRC that the mandate of Ms Soraya Obeid is coming to an end this year and that, taking into account the remarkable services rendered by her, including the opening of a regional United Nations Office in South Africa, it would be appropriate to ask for an extension of her mandate while waiting to get an African candidate ready for the post. This proposal was seconded by many delegations. At the end of the interventions, the PRC authorised the Chairperson of the Commission and the African Group in New York to follow up on the issue. It also recommended that a strong and representative African candidate be prepared in the long term to take up this post.

Agenda Item X: ADOPTION OF THE REPORT

184. The PRC adopted its report on 26 June, 2008 after making a few amendments.

2008

Report of the Sixteenth Ordinary Session of the Permanent Representatives' Committee (PRC)

African Union

African Union

<http://archives.au.int/handle/123456789/4496>

Downloaded from African Union Common Repository