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**EXECUTIVE COUNCIL
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25 – 27 January 2008
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PRC/Rpt(XV)

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

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THE PERMANENT REPRESENTATIVES' COMMITTEE (PRC)**

I. INTRODUCTION

1. The Fifteenth Ordinary Session of the Permanent Representatives Committee (PRC) was held at the Headquarters of the African Union Commission in Addis Ababa, (Ethiopia), from 22 to 27 January 2008 under the chairmanship of H.E. John Evonlah Aggrey, Ambassador of the Republic of Ghana and Chairperson of the Committee.

ATTENDANCE

2. The meeting was attended by the following Member States:

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Congo, The Comoros, Cote d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritius, Mauritania, Mozambique, Namibia, Niger, Nigeria, Rwanda, SADR, Senegal, Sierra Leone, Somalia, The Sudan, South Africa, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe.

II. OPENING CEREMONY

3. After welcoming the members of the Permanent Representatives Committee, the Chairperson informed the latter of the non-availability of some documents dealing with Item 1 of the Agenda, namely, Administrative, Budgetary and Financial Matters, adding that the various Sub-Committees concerned were in the process of finalizing their reports. He then made proposals regarding the methodology to follow in considering the items placed on the agenda of the meeting, particularly the reports of the Ministerial Conferences. He said that since the reports had previously been adopted by the Ministers concerned, the PRC should focus on the consideration of decisions/declarations or recommendations arising from these conferences and come up with its own recommendations to the Executive Council. To this end, the Chairperson requested that the Commission should in each case submit the decisions and/or recommendations taken by the said conferences to facilitate the work of the PRC.

4. The PRC requested information on the organization of the Summit, particularly with regard to accreditation, security measures and accommodation. The Commission and the host country provided the necessary information.

5. Some delegations wanted to know the criteria used in selecting participants for the Second Private Sector Forum, arguing that some Member States of the African Union were not invited to the Forum, whereas an African State which is not a member of the African Union and non-African States had been invited. They deplored the fact that

invitations were sent to Member States at very short notice, thus making it impossible for them to participate in the Forum.

6. Replying, the Commission explained that the Forum was organized jointly with UN Global Compact which recommended some of the participants. The PRC called on the Commission to ensure that Member States get involved in time in the organization of such conferences so as to enable them to make their contributions in the interest of the Union.

III. ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

7. The PRC considered its draft agenda and adopted it without amendments.

8. The PRC adopted the following working hours:

Morning	:	10h00 – 13h00
Afternoon	:	15h00 – 19h00

Agenda Item II: ADMINISTRATIVE AND FINANCIAL MATTERS

- 1. Consideration of the 2008 Draft Budget - (EX.CL/367(XII))**
- 2. Consideration of the Reports of the Sub-Committees – (EX.CL/369(XII))**
 - A) Advisory Sub-Committee on Administrative, Budgetary and Financial Matters - (EX.CL/369(XII)) a.**

Consideration of the Report of the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters on its meeting of January 8 and 9 October 2007 – Doc. Adv.S/cttee/Rpt(X)

9. The Chairperson of the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters informed the PRC that items on the agenda of their meeting included:

- i) Consideration of the mid-term report on the execution of the budget of the African Union Commission;
- ii) Consideration of the mid-term report on the execution of the budget of the Pan-African Parliament;
- iii) Consideration of requests for transfers for the 2007 financial year;

- iv) Consideration of the report of the Board of External Auditors on the accounts of the Commission for the financial year ending in December 2007;
- v) Consideration of the sale of the former AU building in New York;
- vi) Consideration of the acquisition of premises for the chancellery of the African Union Diplomatic Mission in Washington, D.C.;
- vii) Consideration of the request for the purchase of vehicles for the Commission and its Regional Offices/ Representations;

10. At the end of the discussions which followed the presentation of the Sub-Committee report, the PRC adopted the following main recommendations:

- a) The Commission should take steps to avoid exceeding budget allocations. Furthermore, it should significantly improve the execution of its programmes;
- b) The Commission should ensure appropriate representation of all its departments during sessions of the Sub-Committee;
- c) The PAP should abide by the Financial Rules and Regulations of the Union and present a mid-term report on the budget which conforms to the standards in force. That report should include the use of extra-budgetary funds and a statement on the collection of funds unduly allocated to parliamentarians and staff of the PAP;
- d) The PAP should henceforth be represented at meetings of the Sub-Committee by either the Secretary-General or his Assistant;
- e) Budget item transfers should be effected only on an exceptional basis;
- f) The capacity building process for the Finance Department of the Commission should be speeded up, notably by putting in place the integrated management system. Furthermore, the Commission should ensure full compliance with the rules and procedures, and that defaulting staff are punished accordingly;
- g) For lack of appropriate provisions, the Commission should stop paying the representation allowance to Commissioners and take steps to recover the 24,000 USD already paid out;
- h) The Commission should strive to sell the former building in New York in conformity with the Financial Rules and Regulations of the Union;
- i) The Union should purchase in Washington, D.C., a building worthy of the dignity of Africa and its organization, taking into account the American real

estate market trends. This should not be tied to the completion of the audit of the Union. The purchase of buildings, with long-term benefits, should be envisaged elsewhere, notably in Brussels. In this regard, the Commission is requested to identify the appropriate financial mechanism to facilitate the implementation of this decision.

- j) The Commission should take steps to sell old vehicles and purchase new ones, in conformity with the Financial Rules and Regulations;

11. The PRC adopted the report of the Sub-Committee and recommended it for consideration by the Executive Council.

Consideration of the Report of the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters on its meeting of January 2008

12. The Report was presented by the Chairperson of the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters, who informed the PRC that the items placed on the agenda of the meeting of the Sub-Committee dealing with Staff Rules and Regulations and salary adjustment were withdrawn due to time constraint and would be considered at a later date.

13. The Chairperson highlighted the broad outlines of the budget submitted by the African Union Commission and the other organs of the Union. The total income and expenditure budget of the Union for the 2008 Financial Year was estimated at US\$165.7 million, broken down as follows: US\$134.6 million for the Commission and US\$30.1 million for the other organs.

14. The Chair noted a 23.9% increase in the 2008 budget compared to that of 2007. This increase was mainly due to the 53.6% growth in the budget allocated to the other organs of the Union. It commended the Commission for the progress made in the preparation of the budget, pointing out that its work had been guided by the principle of zero growth compared to the 2007 budget. The Sub-Committee then made the following observations:

The budget of the Commission

- i) The implementation reports of the Programme Budget and the 2004-2007 Strategic Plan of the African Union were not attached.
- ii) The low 2007 budget implementation rate of 58.8% does not warrant any increase.

Budget of the Pan-African Parliament

- The Budget of the Pan-African Parliament estimated at US\$17.2 million has witnessed a 36.5% increase compared to the previous financial year. The 2007 financial year implementation report was not attached.

Furthermore, some budgetary codes (allowance, overtime, medical expenses, maintenance of vehicles etc.) were very high and some budgeted allowances to a total tune of US\$2.9 million were not authorised by EX.CL/Dec.98 (V).

Budget of the African Commission on Human and People's Rights (ACHPR)

In conformity with the Executive Council decision to grant the ACHPR an autonomous budget separate from that of the Political Affairs Department, the budget proposed for the ACHPR for 2008 stands at US\$ 6,003,857. Some Member States objected to this amount on the grounds that the increase is not justified.

ECOSOCC Budget

ECOSOCC did not provide a detailed breakdown of its draft budget which amounted to a total of US\$1,530,000.

15. Following the presentation of the budget, the PRC mainly discussed the proposal to carry over budget surpluses of previous years, as well as the budgets of the PAP and the ACHPR.

16. Some Member States suggested that the amounts of contributions assessed on Member States be reduced if contributions received at the end of 2007 in respect of the said financial year and representing budget surplus were included in 2008 budget.

17. Concerning the PAP, the PRC considered that the provisions of Decision EX.CL/98 (V) of the Executive Council were not subject to interpretation. The PAP was therefore called upon to scrupulously abide by the letter and spirit of the said Decision. Accordingly, the PAP budget proposed for adoption stands at US\$12,626,271, with the understanding that this money will not be used for unauthorised expenditure.

18. Some Member States objected to the US\$ 6 million draft budget for the ACHPR asked that the argument substantiating their position should be clearly stated, and recalled that it is based on:

- i) the significant difference in the amount requested compared to the budget of the previous financial year;
- ii) the rather unsatisfactory methodology used in assessing the budget, since it did not follow a line by line analysis, among other things;

19. In reply to this argument, the other Member States recalled the reasons for which the Sub-Committee had approved the revised amount for the ACHPR, namely:

- i) this was the first time the ACHPR was presenting its budget autonomously. The zero increase principle could not therefore be applied to it;

- ii) the ACHPR is a Union Organ rather than a project or a Department of the Commission of the Union;
- iii) the Executive Council and the Assembly have taken several decisions calling for the ACHPR to be allocated adequate resources to enable it to carry out its mandate.

20. There were divergent approaches in the discussion on the issue of carrying over budget surpluses. In this respect, the Commission made clarifications on the relevant provisions of the Financial Rules and Regulations concerning the conditions of use of budget surpluses and of the Operational Budget as well as on the budget balance as at the close of 2007, notably:

- i) allocations should be earmarked and maintained for twelve (12) months following the close of the financial year, unless provided for otherwise by the PRC, in order to settle expenses committed during the said financial year;
- ii) amounts used from the Operational Budget are granted as repayable advances, pending payment by Member States of contributions owed;
- iii) the budget surplus as at the close of 2007 includes a substantial amount still to be collected;
- iv) the external auditors are to give their opinion by the end of March 2008, date of final closure of the 2007 budget, before the exact amount of the surplus can be determined.

21. Following the clarification by the Commission, some PRC Members insisted that budget surpluses should still be added to the Operational Budget, in conformity with the relevant provisions of the Financial Rules and Regulations, while others upheld the idea of carrying over part of the surpluses to the next year. A third group of Members suggested that all the budget surpluses should be transferred to the budget of the next year, and especially that the surplus for 2007 should be carried forward to 2008 in order to reduce the contribution assessed to Member States, which could increase by about 12%.

22. To conclude this item, the PRC felt that in view of the differences in the understanding of the provisions of the Financial Rules and Regulations, it was not possible to recommend the carrying over of the 2007 budget surplus to the 2008 Financial Year. However, the Sub-Committee should, in conjunction with the Commission, study the issue for future budgets.

23. One delegation registered reservation on the budget allocated to PAP, adding that the decisions taken when the institution was created, to afford it the resources required to enable it function smoothly, had not been respected, underlining the insufficient budget allocated to that organ.

24. The PRC then adopted the Report of the Sub-Committee with the following recommendations, for presentation to the Executive Council:

- a) PAP should respect the budget drafting procedures by complying with the relevant provisions of the Financial Rules and Regulations and of Decision EX.CL/Dec.98 (V);
- b) The African Union Commission should continue to improve budget drafting, furnish timely information justifying its proposals and be more realistic;
- c) Budget discussions should start well ahead of the Assembly of the Union sessions;
- d) The Ministerial Committee of Five provided for by Decision EX.CL/Dec.371 (XI) should be established as a matter of urgency, and its meeting convened on the sidelines of the 12th Session Executive Council;
- e) The possibility of reviewing the Financial Rules and Regulations should be explored with a view to carrying over budget surpluses from one financial year to another;
- f) The Commission should review the provisions of the Headquarters Agreement with Host Country with a view to cutting down on Headquarters' operational costs;
- g) The Budget Sub-Committee should meet on a quarterly basis with a view to regularly monitoring budget implementation.

25. At the end of deliberations, the PRC adopted the 2008 Budget totaling US\$ 140,037,880 and recommended it to the Executive Council for consideration. The budget is made out as follows:

- a) US\$ 12,626,271 to PAP, out of which US\$ 11,226,271 is earmarked as Operational Budget and US\$ 1,400,000 as Programmes Budget;
- b) US\$ 6,003,857 for ACHPR, out of which US\$ 4,584,390 is earmarked as Operational Budget and US\$ 1,419,466 as Programmes Budget;
- c) US\$ 7,901,214 for The Court, out of which US\$ 7,121,414 is earmarked as Operational Budget and US\$ 779,800 as Programmes Budget;
- d) US\$ 1,530,000 for ECOSOCC, wholly earmarked as Operational Budget;
- e) US\$ 111,976,538 for the African Union Commission, out of which US\$ 68,506,538 is earmarked as Operational Budget and US\$ 43,470,000 as Programmes Budget.

B) Sub-Committee on Structures – (EX.CL/369(XII)) b.

26. During his presentation of the report, the Chairperson of the Sub-Committee recalled the request made by the Commission relating to the creation of additional posts in the current structure of the AU in conformity with decisions of the Executive Council as well as the needs expressed by the various departments and offices concerned, namely:

- i. Bureau of the Chairperson;
- ii. Protocol Services Division;
- iii. AUC Website Unit;
- iv. Management Information Systems Division;
- v. Buildings, Equipment and Transportation Services Unit;
- vi. Inter-African Bureau for Animal Resources (AU-IBAR);
- vii. Stores Unit;
- viii. Pan-Africa Tsetse and Trypanosomiasis Eradication Campaign (PATTEC);
- ix. African Commission on Human and Peoples' Rights (ACHPR);
- x. Department of Social Affairs;
- xi. African Union Passport Administration and Issuing Unit;
- xii. African Union Permanent Delegation to the United Nations (Geneva).

27. Following that presentation, the PRC expressed satisfaction at the quality of the report and reiterated its appreciation to members of the Sub-Committee for the work well done.

28. During the discussions, some delegations requested to know whether the proposed changes to the structures, as stated in the report, had been taken into account in the draft 2008 budget.

29. In response, the Commission explained that those proposals had not yet been taken into account and could only be effected following approval by the Executive Council. Furthermore, the Commission indicated that, even if they were approved during the present session of the Executive Council, the proposals could only be implemented within the 2009 budget.

30. In light of the explanations provided by the Commission, some delegations wondered whether it was appropriate to submit the report to the present session of the Executive Council. In effect, the delegations concerned underscored the fact that, on the basis of recommendations contained in the institutional audit which will be subsequently submitted to the Executive Council, the Council may, during its present session, have to take decisions whose implementation would require changes to structures. In that connection, they proposed that consideration of that report be postponed till after the Summit, to take into account all decisions which could have an impact on the structures. The new structure and its financial implications would be submitted to the Executive Council at its session of July 2008.

31. Other delegations stressed that the recommendations contained in the report be considered within the framework of the implementation of earlier decisions of the Executive Council aimed at strengthening AU structures. In that regard, they moved for the adoption of the report and that the submission of the recommendations contained therein should not depend on the decisions expected from the Council, but rather, be guided by the need to report to it on the implementation of its decisions. They requested that the report should be adopted and that the recommendations therein should be submitted to the current session of the Executive Council.

32. Following the above discussions, the Deputy Chairperson of the Commission stated that the proposals in question had been made pursuant to implementation of the decisions of the Executive Council.

33. At the end of deliberations, the PRC took note of the report and agreed to submit the two options to the Executive Council for a decisions on the way forward:

- a) Either to postpone the consideration of the report by the Executive Council to allow the PRC to further examine the report after the Summit;
- b) Or to adopt the report and submit the recommendations therein to the present session of the Executive Council.

C) Sub-Committee on Contributions – (EX.CL/369(XII)) c.

34. The Chairperson of the Sub-Committee on Contributions presented the report of the Sub-Committee to the PRC and highlighted the status of Member States' contributions as at 23 January 2008 which amounted to US\$111,797,082.86. He indicated that the total outstanding arrears of contributions as at 23 January 2008 stood at US\$40,955,010.68. He also pointed out that, of the total of 53 Member States, 28 are in arrears of one year and above, and 25 are up to date with the payment of their contributions, with six of them having made advance payments. He then referred to the requests made by the Democratic Republic of Congo and Burundi for cancellation of arrears of contributions accumulated during the years they were in conflict. He also referred to the request made by Tunisia for a reconsideration of its assessed contributions for the years 2004 and 2005. Finally, he called on the PRC to examine the recommendations made by the Sub-Committee.

35. The PRC was informed that the Commission, in implementing Decision EX.CL/Dec.377 (XI) had conducted a study on a standard formula that could be applied to Member States emerging from conflict situations. However, after reviewing the study, the Commission was urged to deepen it and submit thereon a comprehensive report that would take into account the observations and comments of the Sub-Committee

36. In the ensuing debate, the following observations were made:

- The Commission's claim that it was difficult to establish a direct correlation between economic performance and the capacity to pay by Member States was not valid because the same indicator is used in other international organizations;
- Payment of assessed contributions by Member States was an indication of their commitment to the Union. To this end, Member States should be sensitized to the need to pay their assessed contributions as appropriate; and
- All Member States emerging from conflict situations should be treated in the same manner, and with the same conditions as those applied to countries that had been granted temporary and exceptional exemption in the past.

37. The PRC noted with appreciation the report of the Sub-Committee and endorsed all its recommendations as follows:

- a) The following Member States will be under sanction:
 - i. Cape Verde
 - ii. Central African Republic
 - iii. Democratic Republic of Congo
 - iv. Eritrea
 - v. Guinea Bissau
 - vi. Sao Tome and Principe
 - vii. Seychelles
 - viii. Sudan
- b) The temporary and exceptional exemption from sanctions granted to Sierra Leone and Burundi be extended so long as they honor their agreed payment schedules;
- c) The request of Tunisia to pay the contribution for 2004 and 2005 at 2.88% scale of assessment be accepted and Tunisia be encouraged to clear all arrears;
- d) The Commission undertake further analysis on the study on a standard formula for countries emerging from conflict situations with additional data and re-submit a comprehensive report for the review of the Sub-Committee.

38. The PRC adopted an additional recommendation to the effect that:

- All Member States emerging from conflict should be treated in the same manner, with the same conditions as those applied to countries that have been granted temporary and exceptional exemption in the past.

3. Consideration of the Progress Report on Recruitment of Staff of the Commission – (EX.CL/368(XII))

39. Introducing the above-mentioned report, the Commission recalled the various decisions authorizing recruitment of staff to enable it discharge its functions. It informed the PRC that the total staff complement authorized by the pertinent decisions taken at various meetings of the Policy Organs of the African Union stood at 939, divided as follows: 10 Elected Officials, 479 Professional Staff and 450 General Service (GSA) Staff.

40. The Commission then underscored the careful approach adopted in the recruitment of the professional staff since this category constitutes the linchpin of the Commission's endeavour to accomplish its objectives. The Commission further briefed the meeting on: 1) staff distribution by Department; 2) staffing situation from 2003 to 15 January 2008; and 3) outstanding positions to be filled. Expatiating on this latter point, the Commission informed the meeting that out of the 939 staff approved, only 630, that is 67.09%, had actually been recruited; leaving a difference of 295 positions yet to be filled, 194 of which belonged to the professional category.

41. The Commission further informed the PRC that the recruitment process for vacant positions had already been set in motion and that, in that regard, appropriate advertisements had been published. Seventy (70) applications had already been received and would soon be submitted for short-listing. The PRC was further informed that the job descriptions for additional seventy (70) posts were being translated and would be advertised as soon as the translation process was completed. Regarding the posts in the GSA category, the Commission announced that technical selection examinations had been organized and that, within one month, recruitment of fifteen (15) Secretaries and Clerks would be effective.

42. In conclusion, the Commission highlighted the constraints it faced in the recruitment process which, it indicated, were four (4) in number: many candidates turned down offers of appointment on the grounds that the compensation package was not competitive; staff resigned their appointments for greener pastures; the mandatory requirement of advertising all positions in all the working languages of the African Union; the quota system as well as the sanctions imposed on some Member States.

43. The PRC commended the Commission for its precise information on the recruitment process, thus making it possible to know the exact number of staff in the service of the Organization and the number yet to be recruited. The PRC further congratulated the Commission for having made significant effort to ensure representation of all the regions of the Continent in the staff complement.

44. It, however, made the following observations:

- i) The need to understand why candidates, to whom offers of appointment had been made, had turned them down after recruitment mainly on the

grounds that the compensation package was not attractive, whereas advertisements for vacant positions contain all relevant information on the remuneration system and other related benefits;

- ii) posts should not be left vacant in anticipation of candidatures from countries under sanctions in view of the fact that the sanctions regime also applies to recruitment;
- iii) compliance with the quota system should not be sacrificed on the altar of efficiency and merit. It is necessary to revisit this quota system;
- iv) the need to revisit the quota system taking into account the evolution of the staff complement in relation to the structure;
- v) The unattractive conditions offered by the Commission cannot alone account for offers being turned down or for resignations. This state of affairs could also be explained by the working context and environment;
- vi) the quota system was not the only factor hampering the recruitment process. Another contributory factor was the inadequate level of transparency;
- vii) the non-functioning of the administrative tribunal constituted a source of frustration for staff members where they have the feeling that decisions taken against them are unjust.
- viii) the non implementation of the decision of Council calling for the establishment of a cooperation mechanism between the Commission and the PRC in the recruitment process.

45. In response, the Commission indicated as follows:

- i) The functioning of the tribunal has been hampered by the lack of funds and the absence of a Secretary to the tribunal. The reactivation process is underway;
- ii) review of the quota system should be undertaken jointly by the Commission and the PRC;
- iii) the Commission had always rendered to PRC an account of the activities undertaken as part of the recruitment process, and therefore felt that it had complied with the directives of the Executive Council.

46. The PRC took note of the report with the following amendments, and recommended that it be submitted to the Executive Council for adoption:

- a) review the quota system by country on the bases of the approved post-Maputo Structure;
- b) implement the principles of regional representation and quota in a way to ensure that the values of efficiency and competency are preserved in the supreme interest of proper functioning of the Structures of the Commission; and
- c) request the Commission to find innovative ways to ensure that the quota system is not an obstacle to the recruitment exercise.

Agenda Item III. IMPLEMENTATION REPORT

- Consideration of the Report on Implementation of Previous Decisions of the Executive Council and the Assembly - (EX.CL/370(XII))

47. In introducing the report, the Secretary to the Commission provided a synopsis of the implementation of the various Decisions and Declarations of the policy organs of the Union, by the Commission for the period July to December 2007. Due to financial and human constraints, some of the decisions could not be implemented while others were constrained by technical and/or time limitation.

48. Following the observation by the Chairperson of the PRC that the Implementation of Decision EX.CL/Dec.375 (XI) on the Special Audit on the First Conference of Intellectuals of Africa and the Diaspora was not reflected in the Commission's presentation, the Chief of Staff of the Bureau of the Chairperson of the Commission outlined the following steps taken by the Commission to implement that decision:

- i. The Commission contacted the Chairperson of the Board of External Auditors, Mr. Rexie LH Chiluzi and a member of the Board, Mr. Charles Ndorimana, to carry out additional work in order to, among other things, identify guilty staff and what happened to the unspent balance of US\$ 7 Million appropriated from the General Fund for the Dakar Conference. The aim was to ensure that there was no arbitrariness in identifying guilty staff and to assure Member States that the unspent balance was indeed returned to the General Fund;
- ii. The Commission discussed with Senegal, as host country, in order to determine the refunds it should make to the Commission for expenditure it should have met in accordance with the host agreement;
- iii. The Commission is in discussion with the Government of South Africa with regard to obtaining refund of the VAT paid by it; and
- iv. The Commission determined the receivables from Rapidawn Marketing and Communications Ltd and attempted to recover it from the company and has

requested through the Government of South Africa and the solicitors of Rapidawn the recovery of the amount.

49. With respect to the identification of staff responsible for lapses and losses, the Commission indicated that the Auditors were able to identify concerned staff after a detailed study of all the documents, receipt of the responses to the questionnaires sent to the concerned staff and personal interviews of the staff that were available. Regrettably, the Auditors attempt to interview the Deputy Director of Cabinet at the time of the Conference, and the then Acting Director of Administration, Human Resources Development and the Executives of Rapidawn failed because none of them responded to the repeated request including offer to pay for their trips to Addis Ababa.

50. Consequently, and in accordance with Article 58 of the Staff Regulations and Rules, the Chairperson directed the Deputy Chairperson to set up the Joint Disciplinary Committee to determine actions to be taken against the staff concerned. The Committee was also to play the role of Losses Committee, in accordance with Articles 66-68 of the Financial Rules and Regulations with a view to determining the losses caused to the Commission by the acts of the concerned staff.

51. Regarding the US\$7 million appropriated from the General Fund for the Conference, the Auditors findings indicated that:

- i. A total amount of **US\$4,739,989.35** was the actual amount representing the expenditure incurred on the Conference leaving a balance of **US\$2,260,010.65** which was still in the General Funds and part of which was the amount transferred to Pan African Parliament as explained in the preceding paragraph.
- ii. The sums of **US\$2,749,479.30** and **US\$1,100,000** were transferred to South Africa and Senegal respectively where bank accounts to service the Conference were opened.
- iii. From the amount transferred to South Africa a total of **US\$ 781,351.86** was used for the Conference and the balance of **US\$1,968,127.44** was transferred to the Pan African Parliament as subvention as per letter ref. No. PBFA/6/5/365 dated 30 March 2005 from the Deputy Chairperson, and addressed to the President of the Pan African Parliament.
- iv. Out of **US\$1,100,000**, which was transferred to Senegal through Credit Lyonnais Bank, a total of **US\$988,201.25** was used for the Conference and the balance of **US\$111,798.75** was transferred back to the General Fund.

52. In the ensuing debate , delegations made comments and observations as follows:

- i. An identification of constraints in implementing some decisions was not enough. There would have been another column in the presentation of the Commission that prescribes the way forward in overcoming the constraints;

- ii. The Commission's report on the Dakar Conference should have been in a matrix form. In addition, there were no details regarding the measures that have been put in place to address the obvious lapses in organizing similar Conferences in the future;
- iii. The Department of Foreign Affairs of South Africa is facilitating a speedy and mutually acceptable arrangement between the Commission and the South African Revenue Services in effecting the refund on VAT to the Commission in relation to the transaction that was entered between the Commission and a private South African company, Rapidawn;
- iv. The report on the Dakar Conference should be seen as work in progress and the Commission should be encouraged to pursue the line of action it has embarked upon within a specified time frame in order to bring the culprits to book.

53. In response to the above, the Commission indicated that the Joint Disciplinary Board had already been put in place and it is hoped that it would conclude its work as soon as possible.

54. On whether the Deputy Chairperson had the authority to direct transfer of funds to the PAP, the meeting was informed that he does have the authority since he is in-charge of administrative and financial matters in the Commission.

55. Thereafter, the PRC made the following recommendations for consideration of Council:

- a) Take note of the report;
- b) Request the Commission to present the report on the status of implementation of previous decisions of the Council and Assembly in a standardised matrix form and to add a column on the way forward to overcome constraints, in order to facilitate its evaluation in a global manner;
- c) Also Request the Commission to include the implementation of Decision EX.CL/Dec.69 (III) on the establishment of an African Audiovisual and Cinema Commission;
- d) Renew the earlier request to the Commission to expedite action on resolving the inconsistency in various linguistic texts and to conclude the establishment of the African Union Commission on International Law to harmonize existing treaties;
- e) Taking note of the actions that have been taken by the Commission with regard to the lapses of the Dakar Conference, request the Commission to expedite the actions it has taken to enable the matter to be brought to

a close as soon as possible and to provide a progress report to the PRC within the next three months.

Agenda Item IV: LEGAL AND INSTITUTIONAL MATTERS

- Consideration of the Report on the Status of OAU/AU Treaties - (EX.CL/371(XII))

56. In introducing the report, the Deputy Legal Counsel pointed out that the Report was up to date as at 2 December 2007. She underlined that during the reporting period, significant events had happened and highlighted the fact that thirty-seven (37) instruments of ratification had been deposited and thirty-two (32) signatures had been appended to the various OAU/AU Treaties. In this regard, she drew particular attention to the fact that since the submission of the last report in July 2007, considerable efforts to sign and ratify OAU/AU Treaties especially the Five (5) Maputo Treaties, the Protocol to the Convention on Terrorism adopted in July 2004 and the African Union Non-Aggression and Common Defence Pact adopted in January 2005, the African Youth Charter adopted in July 2006 and the African Charter on Democracy, Elections and Governance adopted in January 2007 was made. In this regard, she highlighted the fact that the People's Democratic Republic of Algeria had deposited four (4) instruments of ratification on 11 January 2008, the Federal Democratic Republic of Ethiopia had signed six (6) Treaties and the Republic of Ghana had signed two (2) Treaties. She then proceeded to update the PRC on the changes to the status of signature and ratification since the date of the report as follows:

Ratification/accession:

- African Civil Aviation Commission Constitution: Zimbabwe (10/12/2007);
- African Union Non-Aggression and Common Defence Pact: Algeria;
- Convention For the Elimination of Mercenaries in Africa: Algeria;
- African Convention on Preventing and Combating Corruption: Malawi (27/12/2007);
- Protocol of the Court of Justice of the African Union: Algeria;
- Protocol to the OAU Convention on the Prevention and Combating of Terrorism: Algeria.

Signature:

- African Charter on Democracy, Elections and Governance: Ethiopia (28/12/2007) Ghana (15/01/2008) Mauritius (14/12/2007);
- African Convention Establishing an African Technical Co-operation

Programme: Ethiopia (28/12/2007);

- African Rehabilitation Institute: Ethiopia (28/12/2007);
- African Youth Charter: Congo (14/01/2008) Ethiopia (28/12/2007) Ghana (15/01/2008) Libya (10/01/2008);
- Convention for the Establishment of the African Centre for Fertilizer Development: Ethiopia (28/12/2007);
- Protocol to the OAU Convention on the Prevention and Combating of Terrorism: Ethiopia (28/12/2007) Senegal (10/01/2008).

57. The Deputy Legal Counsel in conclusion informed the PRC that though some Member States had made major efforts to sign and ratify or accede to OAU/AU Treaties, a lot remained to be done and thus called on Member States to accord the Treaties adopted under the aegis of the OAU/AU utmost priority.

58. In the discussions that followed the following questions were asked:

- (i) When would the Commission conclude the process of recruitment for the Office of the Legal Counsel of an Arabic speaking legal expert to assist with the Legal Texts in the Arabic language?
- (ii) When would the meeting of Ministers of Justice on the ratification and harmonisation procedures of Treaties in the Union be held?
- (iii) If a Treaty could enter into force even though the requirement of a specific number of instruments of ratification to be deposited had not been achieved?

59. In addressing the requests for clarifications, the Deputy Legal Counsel responded as follows:

- (i) The process of recruitment of an Arabic speaking legal expert was being addressed in earnest by the Commission;
- (ii) That the requirement for a specific number of ratifications before an instrument came into force was consistent with International Treaty Law;
- (iii) The Commission had rescheduled the meeting of Experts and Ministers of Justice and Legal Affairs to March 2008, which meeting would consider and address, *inter alia*, the issue of harmonisation of ratification procedures.

60. Thereafter, the PRC took note of the report and made the following recommendations for consideration by Council:

- a) Commend the Chairperson of the Commission for the initiative and efforts aimed at encouraging Member States to become States Party to the OAU/AU Treaties;
- b) Appeal to Member States to prioritize and accelerate the signing and ratification/accession to OAU/AU treaties;
- c) Request the Commission to expedite resolving the inconsistency in various linguistic texts and to appoint a team of experts including Arabic speaking Legal Experts to assist in this regard;
- d) Further request the Commission to expedite the implementation of the Decision relating to the review of OAU Treaties;
- e) Also request the Commission to undertake an evaluation of the “Signing Week” with a view to establishing its impact on the sensitization efforts of Member States; and
- f) Reiterate its appeal to Members of the Pan-African Parliament to assist with advocacy and sensitization of Member States to expedite the process of ratification/accession to OAU/AU Treaties.

Agenda Item V: POLITICAL MATTERS

- Consideration of the Report on the Situation of Refugees, Returnees and Internally Displaced Persons in Africa - (EX.CL/372(XII))

61. In introducing the Report on the situation of refugees, returnees and internally displaced persons in Africa, the Commissioner for Political Affairs highlighted the following key issues:

- i) The recent developments in the area of refugees, returnees and internally displaced persons in Africa and the tremendous challenges in responding to their plight;
- ii) The effects of global climate change, which affected about one and half million people in more than 18 countries during the reporting period, in the worst flooding experienced by the African Continent in over a decade, and the African Union’s response to these crisis;
- iii) The efforts made by the Commission and the PRC Sub-Committee on Refugees, in close cooperation with AU partners in favor of victims of forced displacements;

- iv) The Challenges faced and the proposed way forward, in finding durable solutions to the problem of forced displacement on the Continent;
- v) The crucial role that Member States would play in the 2008 Special Summit of Heads of State and Government on Refugees, Returnees and Internally Displaced Persons.

62. Concerning the Rules of Procedure and the Terms of Reference of the AU Coordinating Committee on Assistance and Protection to Refugees, Returnees and Internally Displaced Persons in Africa (CCAR), the Commissioner highlighted the following:

- i) Recalled the Executive Council decision EX.CL/Dec. 353(XI), requesting the Commission to continue efforts to reactivate the Coordinating Committee and to finalize the revision of its Rules of Procedure and the Terms of Reference of its Working Group so that they could be submitted to the Executive Council in January 2008;
- ii) Informed the PRC that the documents had been revised and were being put forward for consideration and endorsement by the PRC.

63. On the Report of the PRC Sub-Committee on Refugees, Returnees and Internally Displaced Persons, the Chairperson of the Sub-Committee highlighted the following:

- i) The assessment missions undertaken by delegations of this organ to Liberia, Sierra Leone and the Sudan, between July and December 2007, and the financial contributions donated by the African Union to some Member States;
- ii) The active participation of the members of the PRC Sub-Committee on Refugees in various meetings, including the Task Force on the preparations of the Special Summit on the Refugees, Returnees and Internally Displaced Persons to be held in 2008, the 58th Session of the Executive Committee of the Programme of the High Commissioner for Refugees, in October 2007, in Geneva and the session with the ICRC aimed at promoting the international Humanitarian Law.

64. In the discussions that ensued, Members of the PRC expressed their appreciation to the Commissioner for Political Affairs and the Chair of the PRC Sub-Committee on Refugees, for their comprehensive Reports and made the following comments:

- i) The report should be reviewed to reflect the outcome of the Member States' Legal Experts meeting on the draft IDP Convention; to mention the Lord's Resistance Army (LRA) as a terrorist organization operating in Northern Uganda; and mention of the names of the negative forces

involved in committing the atrocities in Eastern DRC including ex-FAR/Interhamwe;

- ii) Certain delegations strongly disputed the Commission's estimation of the number of IDPs in Somalia arguing that the true number was far lower. In this regard, this recurrent issue of statistics on victims of forced displacement was raised as needing harmonization and verification to match the realities on the ground;
- iii) The visibility of the African Union in the field was raised as a concern by several Member States as lacking, and leading to increased dependence on other humanitarian organizations for information and statistics on forced displacement;
- iv) The criteria used by the AU in contributing funds to the various countries affected by the problem of forced displacement;
- v) The presence of negative forces in Eastern Democratic Republic of Congo (DRC), which are creating insecurity and perpetrating human rights violations against civilian populations in that part of the country, as well as in the neighboring countries in the Great Lakes region;
- vi) The growing impact of global climate change and natural disasters has severe humanitarian consequences in several countries on the African Continent and need to be addressed;
- vii) The need to finalise the draft AU Convention on Internally Displaced Persons;
- viii) The proposed date for the Special Summit of Heads of State and Government on Refugees, Returnees and Internally Displaced Persons, originally scheduled for September 2008, may not be convenient, taking into account other important meetings, including the UN General Assembly Meeting.

65. Based on the explanations provided by the Commission, the PRC took note of the report and made the following recommendations for the consideration of Council:

- a) Take note of the report;
- b) Requested the Commission to develop a mechanism for verification and harmonization of the figures given by their Partners in the field;
- c) Call on Member States to Increase their financial contributions to the Refugees and IDPs' Fund to enhance AU's visibility in the field and its capacity to respond in a timely and effective manner;

- d) Request the AU Commission to play a greater role in supporting the process of creating peace and stability in the Great Lakes region, taking into consideration the decisions of the Peace and Security Council (PSC) relating to the situation in the Great Lakes Region and the agreement which was signed on 23 January 2008 between the Government of the DRC and the different armed groups operating in Eastern DRC;
- e) Request the Commission to include in its Early Warning System an effective prevention and response mechanism to address natural disasters in Africa;
- f) Request the Commission to hold the next Legal Experts Meeting as soon as possible in order to finalise the Convention on Internally Displaced Persons;
- g) Request the Commission to consider the postponement of the Special Summit on Refugees, Returnees and Internally Displaced Persons originally scheduled for September to October/November 2008.

66. Regarding the Rules of Procedure of the Coordinating Committee on Protection and Assistance to Refugees, Returnees and Internally Displaced Persons, the PRC made the following recommendations:

- a) The Chairmanship of the CCAR should be held by a Member State;
- b) The quorum should be increased from one-third to simple majority of its membership;
- c) All AU working languages should apply.

67. Finally, the PRC took note of reports on the Situation of Refugees and the PRC Sub-Committee on Refugees and recommended to Council for adoption the Rules of Procedure of the CCAR and the Terms of Reference as amended.

Agenda Item VI: ECONOMIC, SOCIAL AND CULTURAL MATTERS

1. Consideration of the Progress Report on the various strategic partnerships of the African Union with Japan (TICAD IV), China, South America, India and Turkey - (EX.CL/373(XII))

68. Presenting the document on the TICAD IV preparation process, the Commissioner for Trade and Industry indicated that this document would serve first and foremost to place Africa on the agenda of the international community. She recalled the meeting held in New York on 2 October 2007 of the Co-organizers and the organization of regional meetings in Lusaka and Tunis. She informed the PRC that a ministerial meeting was scheduled to hold in Libreville in March 2008 to prepare the Conference which will be held in Yokohama, Japan in May 2008, followed by the G8 Summit in July

2008, also in Japan. Japan intends to use its term as president of the G8 to accord top priority to the African Agenda identified at the TICAD IV Summit.

69. She highlighted the fact that throughout the preparation process, the Commission constantly recalled the primordial role of the Union. She then drew the attention of the PRC to areas of common interest presented in the document, which should lead to concrete projects between Japan and Africa. In this regard, the contribution of all the Departments of the Commission concerned was requested.

70. In conclusion, she pointed out that the Commission intends to submit a draft decision inviting Member States and the RECs to participate actively in TICAD IV.

71. The Chief of Staff of the Bureau of the Chairperson of the Commission then briefed the PRC on the state of play of other partnerships with South America, India and Turkey. With respect to China, he indicated that since FOCAC in 2006, not much activity had taken place between the AU and China although bilateral relations between China and individual African countries have continued.

72. With respect to the partnership with South America, the Chief of Staff indicated that a coordinated group had met in Caracas and Abuja. He informed that Venezuela had proposed to host the second Summit in Caracas as follows:

- Meeting of Senior Officials - 25 to 26 November 2008;
- Meeting of Ministers - 27 to 28 November 2008;
- Meeting of Heads of State and Government – 29 to 30 November 2008.

73. He then recalled that with regard to the coordinating mechanism, the African side is represented by Nigeria and the Commission while the South American side is made up of Venezuela, Brazil and Bolivia, the latter being the temporary secretariat for UNASUR for the current year.

74. He then gave a brief overview of the activities to be undertaken before the Summit, which include a meeting of experts in Addis Ababa in March 2008 on social issues, a meeting of Senior Officials in Brazil towards the middle of the year and a meeting of Energy Experts and Ministers in the margins of the meeting of African and Latin America Energy Experts and Ministers which will take place in Mexico in March 2008.

75. With respect to partnership with India, he recalled the meeting between an Indian delegation and the Sub-Committee of the PRC on Multilateral Cooperation that took place the previous year during which agreement was reached on part of the Declaration to be issued at the proposed Summit. He added that the rest of the Declaration will be discussed shortly. He reminded the PRC that the Commission was still awaiting contribution from Member States to the draft Declaration forwarded to them.

76. He informed the PRC that the Forum with India was scheduled for 8 April 2008 in New Delhi. He added that India had accepted that the Summit take place in accordance

with the format decided upon in Banjul in 2006 with regard to Africa's meeting with single country partners.

77. Regarding preparations for the Forum with Turkey, he stated that the Sub-Committee on Multilateral Cooperation had worked very closely with the Commission right from the beginning of negotiations. He recalled that a joint delegation of the Sub-Committee and the Commission had held fruitful discussions with Turkish authorities during a mission to that country in December 2007. He pointed out that Turkey had proposed that the Summit would take place any three days within the period 18 to 27 August, 2008. He also drew attention to Turkey's request that the Summit, being the first one between Africa and Turkey, should be attended by all 53 Member States rather than the limited Summit as approved by the Banjul Decision. He requested Member States to pronounce themselves on the various recommendations contained in the Report.

78. The PRC commended the Commission for the quality of the document presented and raised a number of questions on the definition of the objectives and criteria for establishing partnership with other parties, the excessive number of Summits planned in 2008 and the need to rationalize this schedule. It also urged that there be consistency in relations with partners. Furthermore, it requested the extension of cooperation within the TICAD framework to include other Millennium Development Goals (MDGs), in addition to education and health, and intervention in conflict resolution.

79. Some delegations supported the Commission's advocacy for its full participation in cooperation with Japan and other partners in general. It was recalled that the workshop on partnership held in 2006 had worked out a partnership strategy, namely a win-win policy in order to avoid the donor-recipient relation and focalize partnership on sustainable development. The Commission also recalled the decision adopted by the Heads of State and Government, which requested that it periodically evaluate these partnerships. It also referred to the Strategic Plan that gives it the mandate to initiate these partnerships, in concert with Member States. The Commission also affirmed that it had the capacities to launch these initiatives. While providing clarifications on the reason for the high number of Summits planned for 2008, it agreed with the PRC that there was a need to rationalize them in future.

80. Some delegations stated that:

- i) The summits relating to the partnership should be reviewed and reduced with immediate effect;
- ii) Only long-standing summit commitments should go ahead;
- iii) New summit requests should be reconsidered by the PRC Sub-Committee on Multilateral Cooperation;

- iv) In order to provide proper guidance on multilateral cooperation, an AU Policy and Strategy Framework should be developed as a matter of urgency.

81. Other delegations argued that the objectives and criteria for the Union's partnership policy had already been defined and adopted by the Assembly. They also pointed out that commitments had been made with the countries concerned and could not be disturbed at this stage. The Commission also drew attention to the Banjul Assembly decision, the decision by the Assembly on partnership with emerging powers and the Strategic Plan which dealt with all the issues.

82. The PRC stressed the need for adequate preparation and meticulous follow-up in order to make the partnerships more effective.

83. The PRC took note of the Report together with the recommendations contained therein and recommended them for adoption by the Executive Council.

2. Consideration of Reports on Africa-EU Partnership (Doc. EX.CL/374(XII)):

A) Report of the Second EU-Africa Business Forum, 21-22 June 2007, Accra, Ghana, (Doc. EX.CL/374(XII) - a

84. Presenting this item, the Commissioner for Economic Affairs indicated that the Second EU-Africa Business Forum was organized jointly by the AU Commission and the European Commission in Accra, Ghana, from 21 to 22 June 2007. This Forum followed the first one, held in Brussels in November 2006. He indicated that the objectives of the Forum were to influence improvements in the business and investment climate in Africa, give a voice to the private sector and make Africa more attractive to the European private sector and create a platform for networking and increasing trade and investment.

85. Four topics were discussed, namely, entrepreneurship, ICT Interconnectivity, infrastructure interconnectivity, and trade issues. At the end of the Forum, a private sector declaration was adopted, together with a set of recommendations, clearly identifying actors, responsibilities and time lines. In the declaration, the private sector reiterated its commitment to working with the AU and the EU Member States to further promote the development of the African continent.

86. Concluding his presentation, the Commissioner indicated that the Forum is now an annual event, held alternately between Africa and Europe. He indicated that preparations are under way for the third Forum which is expected to take place in Paris, France, in October 2008.

87. In the ensuing discussions, the Commissioner was asked to report on tangible results from the two fora that have taken place so far. In response, the Commissioner said that the second Forum built on the discussions that commenced at the first Forum and came up with specific actionable points. Hence, the question of implementation

could be best addressed after the third Forum. More time was needed to allow for such implementation.

88. The PRC took note of the Report together with the recommendations contained therein, and recommended them for adoption by the Executive Council.

B) Report on the Launch of the EU-Africa Infrastructure Partnership, 24– 25 October 2007, Addis Ababa, Ethiopia (Doc. EX.CL/374(XII)b):

89. The Director for Infrastructure and Energy reported that the EU-Africa Infrastructure Partnership was launched on 24-25 October 2007 in Addis, Ababa, Ethiopia and brought together 172 delegates from the AU and the EU Member States, the European and AU Commissions, Regional Economic Communities, strategic partners and specialised institutions, among others. The first meeting of the Steering Committee of the Partnership on the theme “Creating and sustaining regional infrastructure networks and services in Africa” was also held.

90. The Director indicated that the Partnership aimed at creating infrastructure networks required for speeding up the continental integration process, enhance economic growth, promote regional trade and reduce poverty. He underlined the willingness of the EU to support Africa’s efforts to identify and address the missing links in existing networks, harmonise transport policies, and develop cross-border and regional energy infrastructure, among others.

91. In the discussions which followed, the PRC described the objectives of the Infrastructure Partnership as laudable and went further to emphasise that the onus was on Africa to pursue the achievement of the objectives.

92. The PRC took note of the Report and recommended it for adoption by the Executive Council.

C) Report on the Outcome of the Africa-EU Summit, (Lisbon, Portugal, 8-9 December 2007) and the way forward (Doc. EX.CL/374(XII)c):

93. The Report of the Lisbon Summit, held from 8-9 December 2007, was presented by the Commissioner for Economic Affairs. He reported that the Summit was attended by 53 African and 26 European countries and was preceded by a joint preparatory Ministerial meeting in Sharm-el-Sheikh, Egypt. The Summit adopted the Africa-EU Joint Strategy and Action Plan as well as a Declaration.

94. The presentation highlighted some of the key principles underpinning the Joint Strategy, such as a partnership of equals, the need to address both bilateral and global challenges, the recognition of one integrated Africa and a broad-based people-centred partnership.

95. The Commissioner further highlighted the four broad clusters of the Joint Strategy, namely, peace and security, governance and human rights, trade and regional integration, and key development issues. He then referred to the five themes of the Summit: namely governance and human rights; peace and security; migration; energy and climate change; and trade, infrastructure and development.

96. In conclusion, the Commissioner informed the PRC of the offer by the Socialist People's Libyan Arab Jamahiriya to host the next Africa-EU Summit scheduled for 2010; the need for a strong coordinating role for the Commission in the EPA process; and the need for implementation of the Joint Strategy.

97. In the discussions that ensued, the PRC raised concern that the paragraph on the situation in Zimbabwe reflected only the view of the EU side. The Commission was hence asked to recast that section to reflect the views expressed from the African side.

98. The PRC further expressed the view that the Sub-Committee on Multilateral Cooperation needed to strategise on the modalities for implementation of the Joint Strategy and the Plan of Action. The Commission, for its part, indicated that, it had already taken initial steps to convene a brainstorming meeting on implementation modalities as well as the identification of independent experts to support the implementation.

99. The need for effective follow-up mechanism on EPA negotiations was expressed. The Commissioner for Trade and Industry indicated that it plans to arrange for a high level discussion on the subject in early 2008 as recommended at the Lisbon Summit. A draft decision calling for a meeting of Ministers of Trade and Finance has been prepared for adoption by the Executive Council.

100. The PRC took note of the Report and recommended it for adoption by the Executive Council.

3. Briefing on the Preparations for the 12th UNCTAD Session – (EX.CL/375 (XII))

101. The Commissioner for Trade and Industry gave information on progress made in the preparations for the 12th UNCTAD Session which will be held in Accra, Ghana from 20 to 25 April 2008. This conference which takes place every four years, evaluates the four-year programme and defines the axes of future programmes. Continuing her presentation, the Commissioner informed the PRC that the 192 UNCTAD Member States had selected the following theme for their 12th session: Addressing the Challenges of Globalization for Development. This central theme has four sub-themes.

102. The PRC was also informed that at its 54th Session, the Trade and Development Board (TDB), UNCTAD's Governing Body, decided to establish a Preparatory Committee for UNCTAD XII with Cote d'Ivoire as Vice-Chairperson of the Board and Chad as coordinator of the Working Group. The two countries will work in close

collaboration with other African countries to defend Africa's interests during UNCTAD's preparatory deliberations, with a view to the attainment of the MDGs.

103. In its presentation, the Commissioner indicated that the African Group had prepared their position which was defended during meetings of the G77+China, and which will be the subject of negotiations. The Commissioner also pointed out that African countries had observed that the aim of the developed countries is to limit the mandate of UNCTAD in order to avoid the discussion of issues on major interest for the development of the Continent.

104. Lastly, she indicated that a draft decision would be submitted for consideration by the Executive Council with a view to further strengthening the African Group in Geneva to defend Africa's positions at UNCTAD XII preparatory meetings.

105. The delegation of the host country provided information on progress made in the preparations and indicated the address of the website where participants could obtain the information they may need.

4. Consideration of the Reports on the Implementation of the AU Solemn Declaration on Gender Equality in Africa (SDGEA) – EX.CL/376 (XII):

- a) Third Report of the Chairperson**
- b) Synthesis of Reports from Member States**

106. The representative of the Commission first recalled the main commitment contained in the Solemn Declaration on Gender Equality in Africa adopted in 2004, and which is mainly the preparation of an annual report by Member States on progress made in the area.

107. What emerged from the presentation is that:

- i) the number of countries that communicated their report for 2007 was 7 against 9 for the 2005-2006 period. This figure makes it difficult to evaluate the gender situation in the Continent;
- ii) there was an improvement by Member States in the fulfilment of their commitments with regard to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women, considering that 23 Member States ratified the Protocol while 23 others signed it, and only 7 have neither signed nor ratified this document;
- iii) all aspects of the gender issue were not adequately considered and information on specific measures taken to promote women or on the number of persons concerned is rarely provided;
- iv) according to the general statistical data available, significant progress has been made in the area of education while in the political arena, progress is

slow. On this last issue, the countries that have adopted affirmative actions to promote the representation of women in political life, such as the quota system, are those with the best results;

- v) concerning the employment of women, on the whole, the situation of the Commission is acceptable except in regard to the professional category in which the gender parity has not yet been attained.

108. In conclusion, the representative of the Commission recommended, among other things, the mainstreaming of gender parity as one of the indicators of the African Union Peer Review Mechanism. She also requested the PRC to assist the Commission in obtaining the signing and ratification of texts on gender promotion and in encouraging Member States to apply the texts.

109. The ensuing discussions mainly highlighted the need for Member States to sign and ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and to honour their commitments to prepare and communicate the annual report on the gender situation in each Member State.

110. The PRC then took note of the report and recommended it for the consideration of the Executive Council.

5. Consideration of the Report of the Commission on Elections into the Post-interim ECOSOCC Assembly - (EX.CL/377(XII))

111. In presenting the Report, the Commission highlighted the activities undertaken by the AU Commission and the Interim ECOSOCC, outlining the roadmap that was prepared to ensure the implementation of Decision EX.CL/Dec 338 (X) of January 2007, relating to the election of the Post-Interim ECOSOCC Assembly by the deadline of 31 December 2007. A Credentials Committee was established, to review applications from organizations to establish their eligibility to stand for elections. Elections to ECOSOCC Assembly began with the holding of continental elections, held in Addis Ababa in October 2007. Subsequently, six Member States, namely Sudan, Tunisia, Algeria, Egypt, Cameroon and Kenya, held elections before the deadline.

112. The Commission highlighted the difficult conditions under which the elections process for the ECOSOCC Assembly has been held. The logistical task of conducting elections in 53 Member States, as well as at the regional and continental levels, has proved more complex and time consuming than originally envisaged. Furthermore, communication between the Commission, Embassies in Addis Ababa, and the competent national authorities in capitals, has proved very difficult. As a result, the original deadline, namely to conduct elections in all Member States by 31 December 2007, was not met. The Commission thus requested the PRC to recommend to the Executive Council a revision of the original calendar of elections, and therefore an extension of the mandate of the Interim ECOSOCC Assembly. It highlighted 3 options that the PRC could consider for recommendation. These were:

- i) To deny any request for extension, and launch the ECOSOCC Assembly with its current composition, which includes representatives from only 6 Member States;
- ii) To extend the mandate of the Interim ECOSOCC Assembly and the deadline of the elections to the Post-Interim ECOSOCC Assembly till 30 April 2008, with the launch of the ECOSOCC Assembly on 30 May 2008; and
- iii) To extend the deadline for an indefinite period, until all Member States have conducted elections to ECOSOCC.

113. The Commission and the Interim Presiding Officer of ECOSOCC have both recommended Option 2, namely an extension of the deadline for elections, till 30 April 2008. The Commission believed that, within that period, it could conduct elections in up to 30 countries, which would provide the ECOSOCC Assembly with a critical mass of approximately 35 Member States. The other countries could have by-elections over time. In conclusion, the Commission stressed that, in those countries where elections have been held, the organizations elected were of a very high calibre.

114. In their discussions, delegations stressed the importance of ECOSOCC as an AU Organ. They also highlighted that, as new organ, ECOSOCC is a concept that Member States are still coming to terms with, which would partly explain the delay in conducting elections in all Member States. It is clear that there are challenges, but it is also imperative that ECOSOCC be operationalized to ensure its effective functioning. For this reason, it was agreed to recommend to the Executive Council that the deadline for elections and the mandate of the Interim ECOSOCC be extended till 30 April 2008, and that permanent ECOSOCC Assembly be launched on 30 May 2008.

Agenda Item VII: ITEMS PROPOSED BY MEMBER STATES

- Participation of the Diaspora as an Observer in the Assemblies of the African Union (*Item proposed by the Republic of Senegal*) – (EX.CL/406(XII)) Add.1

115. The Ambassador of Senegal, Permanent Representative to the AU, presented this item proposed by his Government. He expressed the strong position of Senegal that the African Diaspora forms an integral part of the AU. He indicated that up till now, the Diaspora has been participating in AU Assemblies upon invitation. Senegal believes that the African Diaspora should be allowed to choose its representatives to participate in AU Assemblies.

116. Delegations that intervened thanked Senegal for this proposal. They agreed that the Diaspora is an important constituency of the AU, whose participation needs to be included in AU Assemblies. However, it was pointed out that the Diaspora is a very complex concept, and that the African Diaspora is very diverse, geographically, historically and structurally. It is therefore necessary to ensure that the Diaspora that

was to participate in AU Assemblies be inclusive and fully representative of this diversity.

117. Furthermore, it was stressed that the AU has already accepted the principle of Diaspora participation. The challenge now was to identify the mechanisms which will allow for the actual participation of the Diaspora in AU Assemblies. It was pointed out that a consultative process is already underway, and that the forthcoming AU/Diaspora Summit would provide further feedback from Heads of State and Government.

118. Some delegations proposed that the Diaspora participation included more than participation in Assemblies. It was therefore proposed that a recommendation be made to the Executive Council that: the AU Commission prepare a study on the types of representation the Diaspora could engage in within the AU and its organs; and that the Commission should also prepare a study presenting the options whereby the Diaspora could participate more in all organs of the AU.

119. The Ambassador of Senegal thanked the PRC for its support to the principle, while agreeing that the Diaspora is very diverse and that the task of organizing the Diaspora was a very difficult one and would in all likelihood take many years. Nevertheless, he felt that the adoption of Senegal's proposal in principle would provide a political message which would give weight to previous pronouncements relating to the importance of the Diaspora to Africa.

120. It was agreed that due to the complexity of the issue, there was a need to identify the mechanism or structures that would facilitate the representation of the African Diaspora in AU Assemblies.

**Agenda Item VIII: COMMUNICATION OF THE AFRICAN GROUP OF
AMBASSADORS IN NEW YORK ON THE UN REFORM**

121. This agenda item was not discussed because there was no member of the Group of African Ambassadors that was available for the briefing. As a result, the PRC decided to delete the item from its agenda.

**Agenda Item IX. CONSIDERATION OF THE DRAFT AGENDA ITEMS OF THE
10th ORDINARY SESSION OF THE EXECUTIVE COUNCIL**

**PART A OF THE DRAFT AGENDA: PROPOSED ITEMS FOR ADOPTION WITHOUT
DISCUSSION (in conformity with the Provisions of Rule 9(3) of the Rules of
Procedure of the Executive Council**

**1. Report of the Second AU Conference of Ministers in charge of Integration,
26-27 July 2007, Kigali, Rwanda EX.CL/378(XII)**

122. Following a brief presentation of the report by the Commissioner for Economic Affairs, PRC took note of the report and recommended it for consideration by the Executive Council.

2. Report of the First Extraordinary Session of the AU Conference of Ministers of Industry (CAMI), 24-27 September 2007, Johannesburg, South Africa EX.CL/379(XII)

123. Following a brief presentation of the report by the Commissioner for Trade and Industry, PRC then took note of the report and recommended it for consideration by the Executive Council.

3. Report of the Second Pan-African Forum on Children: Mid-Term Review, 29 October - 2 November 2007, Cairo, Egypt EX.CL/380(XII)

124. Following a brief presentation of the report by the Commissioner for Social Affairs, the delegation of Mozambique informed PRC that it planned to table a proposal that Assembly adopts a decision on the plight of children aimed at acknowledging the critical situation of children in Africa and to include this topic as an item on the agenda for the July 2008 Assembly of Heads of State and Government of the Union.

125. PRC took note of the report and proposal and recommended them for consideration by the Executive Council.

4. Report of the Third AU Conference of Ministers of Drug Control, 3 – 7 December 2007, Addis Ababa, Ethiopia EX.CL/381(XII)

126. Following a brief presentation of the report by the Commissioner for Social Affairs, PRC took note of the report and recommended it to Executive Council for consideration.

5. Report of the Fifth Ordinary Session of the AU Labour and Social Affairs Commission, 16 – 21 April 2007, Addis Ababa, Ethiopia EX.CL/382(XII)

127. Following a brief presentation of the report by the Commissioner for Social Affairs, PRC expressed disappointment that a position was lost for Africa in the International Labour Organisation (ILO) because of lack of proper coordination on the African side. It therefore recommended proper coordination between the Departments of Social Affairs and Political Affairs, in close consultation with the Geneva office on issues relating to the ILO.

128. A proposal was also made to work out a mechanism whereby decisions taken at the level of the Assembly should not be questioned in other fora. Recalling the tripartite nature of the Labour and Social Affairs Commission which is composed of Member States, Trade Unions and Employers' associations, the Commissioner explained that any candidature to ILO should ensure concurrence among the three stakeholders. In this regard, all candidatures should have been submitted to the Labour and Social Affairs Commission for a decision and referred to the African Group in Geneva for transmission to ILO.

6. Report of the First African Union Diaspora Ministerial Conference, Johannesburg, South Africa, 16 - 18 November 2007 EX.CL/383(XII)

129. Following a brief presentation of the report by the Director of CIDO, PRC took note of the report and recommended its consideration by the Executive Council.

7. Report of the Sixth Ordinary Session of the African Population Commission General Assembly, 16-17 July 2007, Johannesburg, South Africa EX.CL/384(XII)

130. Following a brief presentation of the report by the Commissioner for Social Affairs, PRC took note of the report and recommended its consideration by the Executive Council.

8. Report of the Third Ordinary Session of the AU Ministerial Conference of Science and Technology (AMCOST III), 12-16 November 2007, Mombassa, Kenya EX.CL/385(XII)

131. Following a brief presentation of the report by the Commissioner for Science, Technology and Human Resources, PRC took note of the report and recommended its consideration by the Executive Council.

9. Report of the Third Ordinary Session of the AU Conference of Ministers of Education (COMEDAF III), 6-10 August 2007, Johannesburg, South Africa, EX.CL/386(XII)

132. Following a brief presentation of the report by the Commissioner for Science, Technology and Human Resources, PRC took note of the report and recommended it for consideration by Council.

10. Concept Paper on the African Union Policy on Access to Post-Primary Education for Victims of Forced Displacements in Africa EX.CL/387(XII)

133. The Commissioner for Political Affairs introduced the concept paper and PRC recommended its consideration by the Executive Council.

11. Report of the Sixth Ordinary Session of African Ministers' Council on Water (AMCOW), 28-31 May 2007, Brazzaville, Congo EX.CL/388(XII)

134. Following a brief presentation by the Commissioner for Rural Economy and Agriculture, PRC took note of the report and referred it to the Executive Council for consideration.

12. Report of the First AU Conference of Ministers responsible for Road Transport, 15-19 October 2007, Durban, South Africa EX.CL/389(XII)

135. Following a brief presentation by the Director for Infrastructure and Energy, PRC took note of the report and recommended its consideration by the Executive Council.

136. At the end of the consideration of these items, it was recalled that, in line with the established procedure, all draft decisions and declarations emanating from these Conferences will be submitted to the Drafting Committee for subsequent submission to the Executive Council.

X. ANY OTHER BUSINESS

A) Rationalization of Meetings in the Commission and late Distribution of Documents

137. A delegation indicated that there was need for the Commission to rationalize its meetings in order to enhance their outcomes and to allow room for follow-up actions. The same delegation expressed serious concern regarding the late distribution of documents for the PRC and the other Sessions. It was emphasized that timely distribution of documents would facilitate their thorough scrutiny and internal consultations, thus enabling meaningful contributions during meetings.

B) Briefing on Security Arrangements for the Summit

138. Further to the write-up provided by the Commission, the PRC was extensively briefed on security arrangements for the Summit. Both parties are expected to ensure that all the Heads of State and Government, as well as important dignitaries are accorded privileges commensurate with their positions.

XI. ADOPTION OF THE REPORT

139. The PRC adopted its Report as amended.

2008

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

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