

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

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**EXECUTIVE COUNCIL
Fifth Ordinary Session
25 June – 3 July 2004
Addis Ababa, ETHIOPIA**

EX.CL/100 (V)

**SUMMARY REPORT OF THE MEETING OF THE PRC ON
THE CRITERIA FOR GRANTING AU OBSERVER STATUS
TO NON-GOVERNMENTAL ORGANIZATIONS**

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I INTRODUCTION

1. The Permanent Representatives' Committee held a meeting on 14 June 2004 to consider proposals made by the Commission in Document BC/OLC/117/2004 entitled "*Review of the Criteria for Granting Observer Status to non-governmental organizations*". The meeting was chaired by H.E. Mr. Mohamed Adel Smaoui, Permanent Representative of Tunisia to the African Union and First Vice-Chairperson of the PRC.

II ATTENDANCE

2. In attendance were the following Member States:

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

III ORGANIZATION OF WORK

3. The meeting adopted the following working hours:
 - Morning: 10:00 to 13:00
 - Afternoon: 15:00 onwards until conclusion of the consideration of the item.

IV. CONSIDERATION OF THE PROPOSED CRITERIA FOR GRANTING OF AU OBSERVER STATUS TO NON OVERNMENTAL ORGANIZATION

4. In introducing the document on the review of the Criteria, the Ag. Legal Counsel pointed out that the first part of the Review contained an analysis of the existing Criteria, which was adopted by the Assembly of Heads of State and Government in 1966 as subsequently amended by the Twenty Ninth Ordinary Session of the Assembly of Heads and Government of the OAU held in Cairo in 1993 and contained in document AHG/192(XX1X). He stated that the Review had attempted to give a concise explanation of the changes being proposed in the new Criteria and their justification. He explained that the proposed Criteria was restricted to Non-Governmental Organizations both in Africa and in the Diaspora in view of the fact that the Commission intended to present different proposals on accreditation procedures, for non-African States, International Organizations including inter-Governmental Organizations in Africa. Briefly stated, the justification was that the requirements for accreditation for these categories should be less restrictive and the procedures should be more flexible.
5. In the brief discussion that followed, delegations expressed appreciation to the Commission for the study and the pertinent proposals made, which would facilitate their work. Thereafter, the meeting agreed to consider the proposals on the Criteria for granting of observer status to Non-Governmental Organizations, paragraph by paragraph.
6. In considering the Draft Criteria for Granting African Union Observer Status, the meeting addressed the issues of the participation of African non-governmental organizations and African organizations in the Diaspora; the process of application that should be followed; the rights of observers in the AU meetings; as well as the specific issue of participation in the work of ECOSOCC and Specialized Technical Committees. The oversight role of the African Union through the PRC over the continued relevance of the NGOs granted observer status was also stressed.
7. Thereafter, the meeting considered and approved the Draft Criteria with amendments. (Draft Criteria is annexed to this report.)

**ANNEX : DRAFT CRITERIA FOR GRANTING AFRICAN UNION
OBSERVER STATUS TO NON-GOVERNMENTAL
ORGANIZATIONS (NGOs)**

**DRAFT CRITERIA FOR GRANTING AFRICAN UNION
OBSERVER STATUS TO NON-GOVERNMENTAL ORGANIZATIONS
(NGOs)**

PART I

Principles to be applied in granting Observer Status with the African Union

1. The aims and purposes of Organisations requesting Observer Status shall be in conformity with the spirit, objectives and principles of the Constitutive Act of the African Union.
2. Except where expressly stated, otherwise, the term “Organisation” shall refer to non-governmental organisations at the sub-regional, regional or inter-African levels.
3. The Organisation shall undertake to support the work of the African Union and to promote knowledge of its principles and activities in conformity with its aims and purposes and the nature and scope of its competence and activities.
4. Observer status may be granted to sub-regional, regional or inter-African organisations in accordance with the present criteria.
5. Observer status may also be granted to an organisation of persons of African origin in the Diaspora as may be defined by the Executive Council.
6. The Organisation shall be of recognised standing within the particular field of its competence. Where there exists a number of organisations with similar objectives, interests and basic views in a given field, they shall be encouraged, for the purposes of observer status with the African Union, to form a joint Committee or other body for the group as a whole.
7. The Organisation shall:
 - a) Be registered in a Member State of the Union without any restriction to undertake regional and continental activities; and
 - b) Show a minimum of three (3) years proof of registration as either an African or an African Diaspora Civil Society Organization prior to

the date of submission of the application, including proof of operation for those years.

8. The Organisation shall have an established headquarters with an Executive body. It shall have a democratically adopted constitution, a copy of which shall be deposited with the Chairperson of the Commission. The Organisation shall have a representative structure and possess appropriate mechanisms of accountability to its members, who shall exercise effective control over its policies through appropriate democratic and transparent decision-making processes. The management of the Organisation shall have a majority of African citizens or Africans in the Diaspora as may be defined by the Executive Council.

9. The basic resources of such an Organisation shall substantially, at least two-thirds, be derived from contributions of the members of the Organisation. Where external voluntary contributions have been received, their amounts and donors shall be faithfully revealed in the application for membership. Any financial or other support or contribution, direct or indirect, from a government to the Organisation shall be declared and fully recorded in the financial records of the Organisation.

10. An Organisation that discriminates on the basis of specific criteria, such as gender, colour, religion, ethnicity, tribe or race, shall not be eligible for observer status.

Part II

Application Process by non-Governmental Organisations

1. An organisation wishing to apply for Observer Status shall be required to submit:

- a) A written application to the Commission indicating its intention at least six (6) months before it can be considered by the Executive Council, in order to allow for sufficient time for processing the application;
- b) Its Constitution or Charter; up-to-date list of membership; sources of its finances including copies of its most recent balance sheet; and memorandum of its activities. These should be in at least two of the official languages of the African Union and in sufficient quantities to facilitate circulation to representatives of the Member States.

2. If the Organisation is a non-governmental organisation in the Diaspora, it shall also provide full particulars and names of at least two (2) Member States of the Union that have intimate knowledge of it and are prepared to attest to its authenticity.

3. No application for Observer Status by an Organisation shall be submitted for consideration of the Executive Council, unless it has been submitted at least six months before the session of the Executive Council at which the application will be considered and fully processed by the Commission and submitted to the Executive Council through the Permanent Representatives Committee.

4. The memorandum of activities should contain the past and present activities of the organisation; its connections, including any connections external to Africa, and any other information, which will assist in determining its identity, and especially its scope of activities.

5. The granting of Observer Status to an organisation entails no obligation on the Commission to grant a subvention or any material assistance to that organisation.

Part III

Observer participation in the proceedings of the African Union

1. Representatives of observer organizations may:
 - a) be present in the public galleries for the open sessions of AU Conferences relevant to their field;
 - b) participate in the meetings of AU Organs only in accordance with the conditions laid down in this part.
2. An observer may have access to AU documents provided that they are:
 - a) Not of a confidential nature;
 - b) Dealing with matters of interest to the observers concerned.

Distribution of AU documents may be against payment in those cases where there is no reciprocity.

3. Observers may be invited to attend closed meetings during discussion of a subject in which they are concerned.
4. With the authorisation of the Chairperson, observers may participate in the proceedings of meetings to which they are invited, without the right to vote.
5. Observers may be authorised by the Chairperson of the Conference to make a statement on a matter with which they are concerned, subject to the text of the statement being communicated before, through the Chairperson of the Commission.
6. The Conference Chairperson may give the floor to observers in order to enable them to reply to questions, which might be addressed to them by Member States.

Part IV

Special provisions dealing with participation of observers in the work of the Economic, Social and Cultural Council and other Specialised Technical Committees

1. Observer Status shall be granted to the following category:
 - a) Inter-African non-governmental organizations;
 - b) Non-governmental organisations of the Diaspora.
2. Observers in this category may:
 - a) Attend the public sessions of the ECOSOCC and relevant Specialised Technical Committees during discussion of a matter concerning them;
 - b) Communicate a written declaration to the Commission.

Part V

Relations between the African Union and the Observers

1. The organisation enjoying Observer Status shall undertake to establish close relations of cooperation with the African Union and enter into regular consultations with the latter on all matters of common interest.
2. All organizations enjoying observer status with the African Union shall be required to submit a summary report on their activities every three (3) years. Such reports which shall be submitted in conformity with a format to be supplied by the Commission shall:
 - a) indicate its financial status and viability;
 - b) its activities over that period and specifically as regards the support they have given to the work of the AU or the African Economic Community; and
 - c) the office bearers, when elected and whether the elections were held in accordance with the statutes of the Organization.
3. The Commission shall submit an annual summary report on the status and activities of Organizations granted observer status to the Executive Council through the Permanent Representatives Committee.
4. The Chairperson of the Commission may authorize any organization enjoying observer status which has legally changed its name or which has legally succeeded an organization previously granted observer status to continue to enjoy such status under the new name
5. The Executive Council may on the recommendation of the Permanent Representative Committee, withdraw the Observer Status, if it appears that any organization enjoying such status has ceased to satisfy the requirements laid down in this criteria, such as to be viable or to exist, to function properly, or has lost representative character or its independence.
6. The granting, suspension and withdrawal of observer status of a non-governmental organisation, are the prerogative of the African Union and shall not be the object of adjudication in any tribunal.

Part VI
Final Provisions

1. The provisions of the General Convention on Privileges and Immunities, and those relating to the Headquarters Agreement of the Union, shall not be applicable to observers, save for those regarding facilities provided for the granting of visas.
2. Observers shall themselves be responsible for expenses incurred as a result of their travel to and from, and their stay at the venue of the Conference.
3. Organisations which have been granted African Union Observer Status under the old arrangements shall conform to the present criteria.

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Organs

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Rapport analytique de la reunion du COREP sur les criteres d'octroi du statut d'observateur aux organisations non-gouve

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