

**AFRICAN UNION**

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**PERMANENT REPRESENTATIVES' COMMITTEE  
THIRTY FIRST ORDINARY SESSION  
21 - 23 JANUARY 2016  
ADDIS ABABA, ETHIOPIA**

**PRC/Rpt(XXXI)  
Original: English/French**

**REPORT**

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## REPORT OF THE THIRTY-FIRST ORDINARY SESSION OF THE PERMANENT REPRESENTATIVES' COMMITTEE (PRC)

### SECTION I: INTRODUCTION

1. The Thirty-First Ordinary Session of the Permanent Representatives' Committee (PRC) was held from 21 to 23 January 2016 in Addis Ababa, Ethiopia, under the Chairpersonship of its Chairperson, H.E Albert Ranganai Chimbindi, Ambassador of the Republic of Zimbabwe.

2. As is customary, the PRC held preparatory meetings from 13 May to 20 January 2016, in Addis Ababa, Ethiopia, during which it:

- i) Reviewed and adopted the Work Programme for its preparatory meetings;
- ii) Reviewed and updated the draft agendas of its 31<sup>st</sup> Ordinary Session and those of the 28<sup>th</sup> Ordinary Session of the Executive Council and the 26<sup>th</sup> Ordinary Session of the Assembly as well as the draft programme of parallel events and meetings;
- iii) Considered several working documents on the items proposed for consideration by the 28<sup>th</sup> Ordinary Session of the Executive Council and the 25<sup>th</sup> Ordinary Session of the Assembly, in accordance with Rule 4.1 (c) of its Rules of Procedure.

3. As is also the practice, the PRC seized the opportunity of its Session to welcome the new Permanent Representatives. In this connection, it welcomed the Permanent Representatives of Burkina Faso, H.E. Mr. Amidou TOURE, Cote d'Ivoire, H.E. Koffi Evariste Yapi, Egypt, H.E. Mr. Aboubakar Hefney, Gabon, H.E. Tassyla-ye-Doumbeney, The Gambia, H.E. Mass Axi Gye, Mali, H.E. Mr. Fafré Camara, Mauritius, H.E. Mr. Dhamraj Busgeeth, Namibia, H.E. Mrs. Monica NNashandi, Niger, H.E. Mr. Zakariou Adam Maiga, Rwanda, H.E. Mrs. Hope Tumukunde Gasatura.

4. In the course of its preparatory work, the PRC also received a joint brief on 19 January 2016 by Representatives of the Commission and a delegation from the Federal Democratic Republic of Ethiopia, on the logistics, protocol and security arrangements for the upcoming 26<sup>th</sup> Ordinary Session of the Assembly. More specifically, the briefing touched on aspects such as:

- i) Contact person for information;
- ii) Escorts of Honor/Escorts of Protocol;
- iii) Registration/Accreditation (Passes, Badges and Invitations);
- iv) Accommodation and Hospitality;
- v) Local transportation;
- vi) Car passes;
- vii) Security arrangements outside AU Headquarters and fire arms;

- viii) Media and press equipment;
- ix) Aircraft clearance;
- x) Visa formalities;
- xi) Arrival and departure ceremonies at Bole International Airport;
- xii) Official functions (Summit, Reception, Lunch and Dinner);
- xiii) Conference Website;
- xiv) Protocol and administrative guidelines

5. Members of the PRC were advised to read the document on Protocol Guidelines that was circulated to all Member States.

6. Subsequently, comments and observations were made and clarification sought.

7. In conclusion, the PRC took note of the briefing.

**a) OPENING CEREMONY**

**i) Opening Remarks by the Chairperson of the Permanent Representatives' Committee (PRC)**

8. In his opening remarks, H.E. Mr. Albert Chimbindi, Ambassador of the Republic of Zimbabwe and Chairperson of the Permanent Representatives' Committee (PRC), extended a special welcome to all delegations and officials from the respective capitals to the 31<sup>st</sup> Ordinary Session of the PRC. He also expressed profound gratitude to the Chairperson of the Commission, Commissioners and staff of the Commission for the excellent facilities provided for the success of the session.

9. He enjoined his colleagues to be guided by the principles enshrined in Assembly Decision: Assembly/AU/Dec. 582 (XXV) adopted in Johannesburg, South Africa in June 2015, on the Streamlining of the Summit and the Working Methods of the African Union, which emphasized a business-like approach to the activities of the Union through, among other measures, efficient time management, streamlined agenda to ensure fewer and clearer Decisions, for ease of implementation, as well as respect for the principles of complementarity and subsidiarity. He explained that the session should make judicious use of its time in order to tackle the many and diverse agenda items that have been slated for deliberation.

10. While soliciting the cooperation of Member States to ensure the smooth conduct of the work of the PRC, the Chairperson wished everyone present a happy, healthy and prosperous 2016 and a fruitful deliberation.

**ii) Opening Remarks by H.E. Dr. Nkosazana Dlamini Zuma, Chairperson of the African Union Commission**

11. H.E. Dr. Nkosazana Dlamini Zuma, Chairperson of the AU Commission welcomed all delegations to the 31<sup>st</sup> Ordinary Session of the PRC, particularly newly appointed Ambassadors, and wished them a prosperous new year 2016. She thanked

the host country for ensuring a conducive environment for the Summit and thanked the PRC members for their dedication.

**12.** The Chairperson indicated that the January Summit will review work done in 2015 and focus on key issues for 2016. She referred to the annual report submitted by the Commission which contains a reflection on the first ten-year plan of Agenda 2063 and its priority programmes as well as updates on flagship projects. She pointed out that the seven SDGs are part of Agenda 2063 and thanked the Committee for the Common African Agenda which informed many decisions that are in the SDGs. She recalled that in 2015 focus was on emancipation of women and girls and thanked the Government of Zambia for hosting the Girls' Summit. She emphasized that regional integration was high on the agenda and stressed the need to continue to strengthen AU's institutions and make progress on the decisions on alternative sources of funding and the restructuring of AU organs. She welcomed the decision to streamline the work of the AU as well as the operationalization of the Specialised Technical Committees as AU organs. She indicated that the AU presented a united front and made progress at various global fora and that the Commission will continue to build on partnerships established. Touching on elections, peace and security issues, the Chairperson expressed gratitude to all peacekeepers across the continent who are sacrificing their lives for peace and moved for a minute of silence.

**13.** In conclusion, she thanked the Chairperson of the PRC, Amb. Albert Chimbindi of the Republic of Zimbabwe, for the able manner in which he steered the deliberations of the PRC, the excellent cooperation received from him and the Bureau, and for his dedication, wisdom, guidance and spirit of pan-Africanism.

#### **b) ATTENDANCE**

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

#### **c) ADOPTION OF THE AGENDA**

**15.** The PRC adopted its draft agenda.

#### **d) ORGANIZATION OF WORK**

**16.** The PRC adopted the following working hours:

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

**SECTION II: CONSIDERATION OF THE REPORT ON THE ACTIVITIES OF THE PRC  
– PRC/Rpt(XXXI)**

**i) Consideration of the Reports of the PRC Sub-Committees**

**A) Report of the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters - EX.CL/928(XXVIII)i**

- Supplementary Budget Request for the Financial Year 2015
- Budget Execution for the Financial Year 2015.

**17.** The Report was presented by H.E. Mr. Ndumiso Ntshinga, Ambassador of the Republic of South Africa and 1<sup>st</sup> Vice-Chairperson of the Sub-Committee, following which members of the PRC made comments and observations and sought clarification as follows:

- i) Supplementary budget is requested for 2015 activities; if the activities are rolling over within three (3) year period such as those of the Peace and Security Council (PSC), they should rather be reprioritized and included in the 2016 budget;
- ii) The Report makes no reference to the deliberations of 9 December 2016 meeting of the Sub-Committee including the need to fund activities from the assessed contributions of Member States for the year 2015 not yet paid;
- iii) The Advisory Sub-Committee on Administrative, Budgetary and Financial Matters meets as a Committee of the Whole whereas the PRC creates sub-committees for specific tasks; in this regard, in the future, this irregularity calls for a structural change and some issues should be dealt with directly by the PRC;
- iv) The situation of some short term staff who worked in 2015 without salaries due to partners stopping their funding should be addressed and budgeted for 2016;
- v) The Commission should present to the PRC the availability of the Reserve Fund because new disbursement of funds can only be authorized if the amount available is equal to at least three (3) months of the operational budget;
- vi) Effective from 2017, there is a need for all budget requests to be accompanied by detailed explanations;

- vii) As at 31 December 2015, only nineteen (19) countries were up to date with the payment of their contributions and, therefore, the Commission cannot be blamed for low execution rate;
- viii) A budget is set according to programmes and in future a supplementary budget should be submitted only in unforeseen and unavoidable circumstances, and where implementation of decisions of the Policy Organs demands so;
- ix) An update of the budget execution should be made available in order to determine the real requirements which can be rolled over in the 2016 budget since we have come to the end of the 2015 financial year;
- x) Apart from the budget being aligned to programmes, an impact assessment on benefits accrued to Member States should be carried out to ensure that the whole continent will benefit before taking decisions to allocate supplementary funds. This will also provide an opportunity for the Executive Council to evaluate the performance of the Members of the Commission against their respective portfolios;
- xi) The PRC needs to meet with partners to find out why they are not disbursing pledged funds in a timely manner and in full;
- xii) The Commission should not rely on pledges by partners and therefore there is need for Member States to ensure that funds are available for the programmes and in a timely manner;
- xiii) The need to determine the obligations of Member States in relation to the operational budget and a portion of the programme budget and those of the partners;
- xiv) A recommendation should be made to enable The Sudan to release AU funds withheld through unilateral sanctions;
- xv) The Republic of Guinea announced that it has paid an amount of United States Dollars (US\$) 357,432.03 to cover its 2015 contribution and part of the arrears for 2014; it also requested the Commission to indicate its contribution due for the 2016 budget to enable it to effect payment;
- xvi) The PRC Sub-Committee needs to meet more frequently to avoid recurring problems and to review the whole budgeting process of the Union to enable an evaluation of the implementation of programmes, in particular achievements.

**18.** In response, the Acting Director of Programming, Budget, Finance and Accounting (PBFA) of the Commission stated as follows:

- i) It was agreed that in submitting a supplementary budget, there would be no implementation if funds are not available;
- ii) The Commission has taken a decision on austerity measures on Member States' budget based on availability;
- iii) The revised Financial Rules and Regulations allow the Commission to expand the 2015 budget up to three months in the current budget and therefore adoption of supplementary budget is still in order;
- iv) The Reserve Fund comprises a reserve account and bank account and is subject to auditing;
- v) The Strategic Planning Department reports on substantive output and impact of budget utilization.

**19.** The Deputy Chairperson supplemented as follows:

- i) Two major figures appear in the supplementary budget request, one from partners and the other from Member States which amounts to less than 1%;
- ii) A better word could be used for supplementary budget which is in fact a corrective measure to take into account specific elements;
- iii) Partners have their own cycle of budgeting;
- iv) Contributions received in 2015 amount only to 56% of 2015 budget; there is a direct correlation between funds received and budget execution;
- v) Budget performance is always assessed before allocating new budget;
- vi) Under International Public Service Accounting Standards (IPSAS) rule, budget cannot roll over to the following year;
- vii) Sanctions on The Sudan are not fair and affect the AU budget; the whole continent should work together to find a solution with the US.

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

- a) Adopt the Report of the Sub-Committee on Administrative, Budgetary and Financial Matters and take note of Member States' observations on the same;
- b) Endorse the following:
  - i) The proposed supplementary budget amounting to USD 53,836,582.87 broken down as follows:

- a) Operating budget of US\$ 1,035,250.39;
- b) Programme budget of USD 52,801,332.48 to be financed to the tune of USD 1,324,752.39 by Member States and subject to availability of funds and US\$ 52,511,830.48 by Partners
- ii) With effect from the 2017 budget, all budgetary requests should be realistic, detailed and annotated, including the amounts pledged by Partners;
- iii) Proposals for supplementary budget should be restricted to unforeseen and exceptional circumstances;
- iv) A supplementary budget of US\$ 150,000.00 should be secured from the Turkish Government as per the latter's pledge in 2015. This should be done before March 2017, failing which such pledge will be lost;
- v) A supplementary budget of US\$ 1,500,000.00 to be financed from the grant by the Government of the Republic of Congo;
- vi) A supplementary budget of US\$ 154,000.00 for payment of short term Commission Staff which were recruited for service delivery improvement and whose salaries were to be paid from a partner fund that was not released;
- vii) The salaries of the said staff members should be provided for in the 2016 budget and paid up to the end of their contracts. However, the job descriptions of the said staff should be made available to the next meeting of the Advisory Sub-Committee;
- viii) The initial approved budget for 2015 is \$393,039,455.00. The total amount for supplementary budget is \$53,836,582.87. This brings the total approved budget for 2015 to \$466,874,038.00;
- ix) The Commission should ensure the observance of competence as well as gender and geographical distribution in conducting recruitment. .
- c) Further recommends to the Executive Council to:
  - i) Take Note of the low level of budget execution during the period under review and Request the Commission in collaboration with Member States and other Stakeholders to take the necessary measures with a view to enhancing the budget execution rate;
  - ii) Appeal to all Member States to meet their obligations and clear their arrears as well as their assessed contributions for 2015;

- iii) Request the Commission to take up its responsibility of engaging Member States on the need for the latter to honour their obligations;
- iv) Encourage the Commission to pursue dialogue with Partners with a view to bringing them to release their pledged funds for 2015;
- v) Decides that the request for supplementary budget from the Administrative Tribunal should be declined since the latter will not be able to hold a Session before the end of the 2015 financial year;
- vi) Invite the PRC to consider a top up amount during the 2016 supplementary budget in view of the importance of the Tribunal;
- vii) Request the Commission and the PRC through its Sub-Committee on Administrative Budgetary and Financial Matters to ensure that there is effective communication to enhance information sharing.

**B) Report of the Sub-Committee on Programmes and Conferences - EX.CL/928(XXVIII)ii**

**21.** The Report was presented by the Chairperson of the Sub Committee who highlighted the programmes and the activities to be implemented by the Commission in collaboration with PRC through its relevant Sub-Committees.

**22.** In conclusion, the PRC recommends to the Executive Council to:

- i) Request the Commission to highlight the budgetary assumptions on how the programmes and activities around the 2017 theme of the African Union would impact and shape the budget;
- ii) Further Request the Commission to present latest statistics in the Budget Framework Paper (BFP), especially on the budget execution rates;
- iii) Request the Commission to put in place effective mechanisms for accelerating execution rates;
- iv) Emphasize the need for Member States to increase their contributions to the programme budget as well as the Peace Operations budget;
- v) Request the Commission to accommodate into the BFP the robust and enhanced accountability mechanisms as proposed by the Ad hoc Ministerial Committee on the Scale of Assessment once these are adopted;
- vi) Emphasize the need for the BFP to clearly reflect priorities espoused in Agenda 2063;

- vii) Request the Commission to undertake efforts aimed at replenishing the Reserve Fund;
- viii) Further Request the Commission to factor the operationalization of the African Standby Force (ASF) and its budget implementation into the BFP.”

**C) .Report of the Sub-Committee on Structural Reforms - EX.CL/928(XXVIII)iii**

**23.** The Report of the Sub-Committee on Structural Reforms was presented by H.E. Mr. Joseph Nourrice, Ambassador of Seychelles to the Federal Democratic Republic of Ethiopia and Chairperson of the Sub-Committee. He provided the context of the structural reform carried out by the Sub-Committee which was predicated on Executive Council Decision EX.CL/Dec.877 (XXVII) adopted in Johannesburg, South Africa in June 2015.

**24.** After the presentation, comments and observations were made as follows:

- i) The work of the Sub-Committee on Structural Reforms is commendable but the outcomes should be considered as work-in-progress;
- ii) The recommendations of the structural reform that have been agreed upon should be implemented;
- iii) A more holistic reform exercise beyond the AU Commission should be carried out, including the other AU Organs and external Offices as well as the streamlining of the portfolios of Members of the Commission;
- iv) The cost implication of the structural reform should be clearly spelt out;
- v) The structural reform should take into account geographical representation in filling positions;
- vi) There is need to properly delineate the overlapping roles and responsibilities between the Peace and Security Department, and the Department of Political Affairs;
- vii) Spanish language should be adopted as one of the working languages of the Union.

**25.** Responding to the comments, H.E. Mr. Erastus Mwencha, Deputy Chairperson of the Commission explained that the structural reform is intended, among other things, to align the structure of the Commission to Agenda 2063 and ensure its efficiency and effectiveness. He noted that reform was not static and suggested that the outcome of the exercise should be recommended for adoption by the Executive Council, with a proviso that additional work needed to be done specially on the other AU Organs and external Offices. He emphasized the point that the overlapping roles and functions of the

Peace and Security Department, and the Political Affairs Department have been taken into account, adding that they will be sequential changes following the adoption of the structural reform. On the implementation modalities, the Deputy Chairperson indicated that the Commission, the PRC and the Consultants had agreed to develop a follow-up implementation matrix that would ensure annual update of the implementation.

**26.** Additional clarification was provided by the Chairperson of the Sub-Committee who emphasized that although the Sub-Committee had done appreciably well, that should not foreclose the fact that some more work needed to be done with respect to the other AU Organs and external Offices. He suggested that, as an interim measure, the outcome of the exercise carried out on the Commission should be forwarded to the Executive Council for consideration and adoption.

**27.** In conclusion, the PRC recommends to the Executive Council to:

- i) Take Note of the Report of the Sub-Committee on Structural Reforms as work in progress in pursuance to Executive Council Decision EX.CL/Dec. 877 (XXVII) adopted in Johannesburg, South Africa in June 2015;
- ii) Request the Commission working in collaboration with the PRC to finalize the work outstanding on Structural Reform and to submit a final report at the June/July 2016 Summit;
- iii) Further Request the Commission to:
  - a) present a status report to the PRC on a regular basis and draw up timelines on the implementation plan;
  - b) Strictly apply the provisions of the existing African Union Staff Regulations and Rules regarding compulsory retirement of both regular and short term staff as well as implement an effective succession planning system;
  - c) Ensure that the financial implication of the proposed structure is not more than the already anticipated additional cost of USD 1.5 million to Member States and the additional staff strength should be covered using the savings that will be generated through improving processes and cost efficiencies mechanism as well as eliminating wastes;
  - d) Request the Commission to reduce its operational dependence on partners' funds in the management of key and sensitive posts in the proposed structure;
  - e) Present a detailed report on the financial implication of the proposed structure in the light of the identified posts and job descriptions;

- f) Design and submit the macro structure for Peace Keeping Liaison Offices for inclusion into the structure of the Department of Peace and Security;
- iv) Further request the Commission to implement the measures to improve operational efficiency and effectiveness that do not need structural reform.

**D) Report of the Sub-Committee on Audit Matters - EX.CL/928(XXVIII)iv**

**28.** The Report of the Sub-Committee on Audit Matters was presented by the First Vice-Chairperson of the Sub-Committee, H.E. Mr. Lazare Makayat Safouesse, Ambassador of the Republic of Congo, on behalf of the Chairperson, H.E. Mr. Akuei Bona Malwal, Ambassador of the Republic of South Sudan. The presentation focused on the Implementation Matrix of Audit Recommendations as at 15 September 2015; the Commission's Budget Performance Analysis for the period ended 30 June 2015; Highlight of the Commission's Budget Performance for the period ended 30 September 2015, and the Status of Execution of the Annual Procurement Plan of the Commission.

**29.** After the presentation, comments and observations were made as follows:

- i) In accordance with Executive Council Decision Ex.CL/Dec.877 (XXVII), the Commission should periodically submit an implementation matrix of audit decisions, as a form of status report, spelling out responsibilities and timeframes;
- ii) The Commission should create a dashboard on implementation of decisions, for ease of reference and comprehension;
- iii) There is need for a sanctions regime for non-implementation of audit decisions;
- iv) Over-expenditure of budget allocation without appropriate authorization should be discouraged;
- v) There is need to set deadlines for internal and external audits;
- vi) There is need for regular staff audit of officers responsible for audit matters;
- vii) The Sub-Committee should meet regularly to monitor and follow-up on audit matters.

**30.** In his response, the Director of Internal Audit in the Commission emphasized that the suggestions made by Member States have been noted for compliance. She explained the cycle for financial reports and audit, and the issues of over-expenditure which were being handled with the Partners. She indicated that the implementation matrix of audit decisions has been prepared and submitted to the Sub-Committee for consideration and approval. Additional response was provided by the Chairperson of the

PRC who emphasized the need for the implementation of audit decisions, as well as performance evaluation of audit staff.

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

- i) The Commission should continue with the follow-up of the implementation status of its audit recommendations and external audit recommendations, and report to the Sub-Committee on Audit Matters periodically;
- ii) Non-implementation of audit decisions should be sanctioned;
- iii) The Commission should ensure that all concerned Directors/Heads of Departments of the Commission attend meetings of the Sub-Committee on Audit Matters;
- iv) The Commission should scale up the execution rate of available funds in the second half of the year, in order to achieve a satisfactory implementation rate at the end of the current year;
- v) All Departments of the Commission should establish realistic project implementation plans, taking cognizance of the available funds and human capacity;
- vi) Reports on Budget Performance should include detailed information on the funds received showing the breakdown of the monies received from each Partner;
- vii) Over-expenditure of budget allocation without authorization, should be discouraged;
- viii) The Commission should carry out an audit of human resources and staff performance;
- ix) The Commission should set deadlines for internal and external audits and ensure that those deadlines are met;
- x) The Office of Internal Audit should undertake an audit on reserve funds of the Union and present the report during the first quarter of 2016;
- xi) The Sub-Committee on Audit Matters should meet quarterly to follow-up on the implementation of audit reports and decisions.

**E) Report of the Sub-Committee on Multilateral Cooperation - EX.CL/928(XXVIII)v**

**32.** The Report was presented by the Chairperson of the Sub-Committee, after which Members of the PRC made the following comments and observations:

- i) Concern was expressed on the peripheral role given to the Commission during meetings with partners;

**33.** In conclusion, the PRC recommends to the Executive Council the following:

- i) The African Union should prepare its own working documents for the Summits that captures its position in its engagement with Partners;
- ii) The PRC in collaboration with the Commission to continue its evaluation of Strategic Partnerships and to submit its recommendations in the envisaged overall evaluation report;
- iii) The Commission in collaboration with the PRC to carry out a review of the Banjul Formula and to make appropriate recommendations to the Executive Council in June/July 2016;
- iv) To have two partnership summits per year starting from 2017;
- v) Strategic Partnership summits to be held after every five years;
- vi) The Commission should take a lead role in choosing the number of Partnership Summits;
- vii) The engagement of Partners with a view to verifying the identified areas of competencies for the partnership relationship;
- viii) The alignment of the African Union Program Budget, jointly funded by Partners, according to the priority areas identified in the First Ten Year Implementation Plan of Agenda 2063;
- ix) The Sub-Committee on Multilateral Cooperation to comply with and implement paragraph 10 of Executive Council Decision No. 877 reaffirming the right of all AU Member States without distinction to participate in all meetings, activities and events organized within the context of partnerships of which the AU is part.

**F) Report of the Sub-Committee on Refugees, Returnees and Internally Displaced Persons in Africa - EX.CL/928(XXVIII)vi**

**34.** The Report was presented by the Chairperson of the Sub-Committee on Contributions, while the Commissioner of Political Affairs presented the Report on the Humanitarian Situation in Africa, after which Members of the PRC made the following comments and observations:

- i) The Committee was commended for being proactive and for clarity of the Report;

- ii) The Commission was praised for the financial support it gave to the flood victims at the Saharawi refugee camp in Algeria;
- iii) The Commission was requested to produce a more analytical report in order to know the trend of the humanization situation on the continent;
- iv) Member States expressed concern over the source of the data used in the Report;
- v) Member States called for recommendations on the way forward to be included in the Report;
- vi) Suggests that recommendations be included in the Report;
- vii) Requests for improvements in data collection to facilitate accurate reporting;
- viii) Calls for the Report to be more analytical so as to determine the trend and know whether it is being followed;
- ix) Calls for coordination between the Sub-Committees on Refugees, Returnees and internally Displaced Persons and that of the Committee on Emergencies.

**35.** In conclusion, the PRC took note of the Report and recommends to the Executive Council to:

- i) Recall the decision of Executive Council (EX.CL/Dec.567 (XVII)) to increase the assessed contribution of Member States for assistance towards alleviating humanitarian situation from 2%-4%, to request the appropriate policy organ to implement this decision, in view of the increasing complexity of humanitarian situations on the continent;
- ii) Request Member States to assist the Sub-Committee to organize assessment missions to the countries affected by dire humanitarian situation by relaying information on requests to carry out assessment missions to respective capitals in good time;
- iii) Further request regional Deans to nominate heads of delegations in time to ensure that assessment missions are carried out as scheduled;
- iv) Request the Commission to include the PRC in future humanitarian assessment missions;
- v) Request the Commission to ensure that appropriate follow up action on assessment missions is undertaken by engaging national stakeholders, civil society organisations and international partners;

- vi) Call on African Union to speak with one voice at the World Humanitarian Summit (WHS) and to call upon Member States and the Commission to implement the recommendations in the Common African Position (CAP) including the post Istanbul Action Plan and outcome of the World Humanitarian Summit.

**G) Report of the Sub-Committee on Contributions - EX.CL/928(XXVIII)vii**

**36.** The Report was presented by H.E. Mr. Promise S. Msibi , Ambassador of the Kingdom of Swaziland and 2<sup>nd</sup> Vice-Chairperson of the Sub-Committee, after which the PRC made the following comments and observations:

- i) The Ministerial Committee on the Scale of Assessment together with the Commission was to consult the Republic of Angola with a view to reaching agreement on the scale of assessment of Angola;
- ii) The need to look into the bank charges that arise from transfers of funds by Member States;
- iii) Need for the Commission to submit financial reports in relation to funds received from partners which is a condition for the latter to disburse subsequent funds;
- iv) Requested the Commission to update the list of Member States that have paid their contributions to the 2015 Budget;
- v) The need to review the sanctions regime and in particular the defaulting period for nonpayment of contributions to be reduced to one (1) year instead of two (2) years;
- vi) The need for the Commission to send to Member States the full amount of contributions due for the 2016 Budget to ensure speedy payment in particular for those that want to pay fully and not partially based on the temporary assessment done;
- vii) Expressed concern over the delay by some Member States, in paying fully their assessed contributions, stressing that such delays hamper the work of the Commission; however, there is need for the Commission to work out modalities to enable countries on which unfair unilateral sanctions have been imposed to pay their contributions in a timely and safe manner as opposed to ad hoc measures currently in place of payment in cash;
- viii) Requested the Commission to carry out studies with a view to opening accounts with banks within Africa to facilitate timely payment of contributions by Member States;

- ix) The issue of using the dollar as the currency of the Union should be looked into since that is what jeopardizes the transfer by the Member States under sanctions;
- x) Proposed the setting up of a committee to reflect on the sanctions regime as well as the issue of currency and bank locations;
- xi) Supported the call for the United States of America (USA) to lift the unilateral sanctions imposed on The Sudan in order to enable the latter to meet its obligation to the Union;
- xii) Urged the Ad-hoc Ministerial Committee on the Scale of Assessment to meet on the sidelines of the Summit in Addis Ababa, Ethiopia on 30 and 31 January 2016 and to speed up further consultations with Angola on its proposed increased assessment.

**37.** In conclusion, the PRC:

- a) Adopts the Report, the recommendations contained therein and the observations of Member States in this regard;
- b) Recommends to the Executive Council to:
  - i) Welcome the efforts by Member States to pay up their contributions and Urges those Member States that have not yet done so to honour fully their obligations in a timely manner;
  - ii) Further welcome their support of development partners to the organization and calls on them to honour their commitments;
  - iii) Decide on the temporary exemption of Libya till 2017, taking into account its commendable and generous contribution to the Union in previous years and the difficulties it has been facing for a number of years;
  - iv) Express its solidarity with the People and the Government of the State of Libya to whom Council wishes a quick recovery
  - v) Request the Commission to hold discussions with Member States that are in arrears with a view to coming up with a payment plan/schedule;
  - vi) Call on Member States that are in arrears of over two (2) years to settle the arrears promptly, to avoid sanctions being applied on them in accordance with the existing rules;
  - vii) Further Call upon the United States of America to lift the long- standing unilateral economic sanctions imposed on The Sudan, to allow the

latter to meet its commitments to the African Union and other International Organizations;

- viii) Request the Commission to explore means of opening an account within Africa dedicated to and aimed at facilitating timely payment of contributions by Member States;
- ix) Approve the setting up of a Committee of the PRC to oversee the implementation of the sanction regime and to study the issues relating to the banks and the currency used by the organization in light of the new challenges faced in the global arena;
- x) Request the Ad-hoc Ministerial Committee on the Scale of Assessment to meet on the margins of the 28<sup>th</sup> Ordinary Session of the Executive Council in January 2016 to speed up further consultations with the Republic of Angola on its proposed new scale assessment with a view to reaching final conclusion on the matter;
- xi) Maintain sanctions on the Central African Republic for non-payment of its assessed contributions and accumulated arrears since the 2011 financial year;
- xii) Impose sanctions on the following:
  - Republic Sao Tome and Principe for non-payment of its arrears of contribution for the last two (2) financial years;
  - Republic of Somalia for non-payment of its contributions since the 2010 financial year and not honouring the request to pay up at least fifty percent (50%) of its arrears before the end of the 2015 financial year.
- xiii) Decide to maintain the temporary exemption granted to the Republic of Madagascar as long as it continues to honour its obligations in line with the agreed plan.

**H) Report of the Sub-Committee on Economic and Trade Matters - EX.CL/928(XXVIII)viii**

**38.** The Report of the Sub-Committee was presented by its Chairperson, H.E. Ambassador Lazare Makayat Safouesse of the Republic of Congo after which members of the PRC made comments and observations and sought clarification as follows:

- i) The Commission to update the PRC on the state of play since the launch of the CFTA negotiations at the last Summit in Johannesburg;
- ii) To also give some update on the 10<sup>th</sup> WTO Ministerial Conference (MC10);

- iii) AGOA has already been renewed but not extended to all Member States;
- iv) To explain the meaning of speaking with one voice at international fora and EPA documents to be forwarded to the AUC and ECA;
- v) To address the challenges hindering the process of illicit financial flows to move forward and the need for the AUC to take practical steps to recover those funds;
- vi) Partnerships are also handled by another Sub-Committee, there is a need for harmonization;
- vii) With regard to the recommendation to organize a Ministerial Roundtable on current economic, financial, agricultural and humanitarian challenges facing the continent, in light of the need to minimize the number of meetings, that event could be discussed during the Retreat, as an item of Executive Council or during the meeting of Ministers of Planning, Development and Finance scheduled for March 2016;
- viii) In view of the potential challenge posed by the signature of the Trans-Pacific Partnership (TPP) between the US and Asia-Pacific countries in terms of preference erosion for African products under AGOA, what can be done to mitigate the impact?
- ix) The Commission to send reminders to Embassies about the designation of negotiators and focal points for the CFTA as well for the signature and ratification of Protocols establishing the African financial institutions;
- x) The Commission to explain the extent of its implications in EPAs and AGOA;
- xi) The Commission to update PRC on the AMDC and mineral resources information;
- xii) The Commission to update the PRC on Agenda 2063, particularly the Inga Dam project
- xiii) The Report. On the Third International Conference on Financing for Development (FFD3) held in Addis Ababa in July 2015 was noted;
- xiv) It was further noted that the outcome document of FFD3 was the Addis Ababa Action Agenda (AAAA).

**39.** In response to the concerns raised, the Commissioners for Trade and Industry and for Economic Affairs stated as follows:

- i) Since the launch of the CFTA negotiations at the last Summit, the Commission has continued consultations with the RECs, and with the Tripartite on Synchronization of Negotiations in Trade-in-Services, mobilized funds from Member States and partners to set up a CFTA Unit, advertised 14 P5 posts for the Unit, done short-listing and is about to complete interviews. It has also requested Member States to designate their Chief and Alternate negotiators, as well as focal points in the Embassy in order to start negotiations;
- ii) AGOA is a unilateral preference initiative of the US; the Commission along with Member States has been particularly involved in the reauthorization of AGOA, including the Chairperson of the Commission; the request to extend to all African countries however did not go through due to the system of the US which deals with Africa South of the Sahara separately from North Africa; among beneficiary countries only six are actually taking advantage of the preferences; others have been repeatedly urged to set up their AGOA national response strategies with the assistance of ECA where for the moment funds for such assistance have dried up; the US is also expecting reciprocal trade arrangements with Africa similar to those granted to EU under EPAs;
- iii) Before all major international negotiations, be it AGOA, EPAs or WTO, trade Ministers meet and agree on a common African position; since negotiations are dynamic, during the negotiations they meet again to strategize in unity assisted by the Commission; during MC10 in Nairobi in December, where developed countries wanted to do away with the Doha Development Agenda and bring in new issues, the host country Kenya and Chair of MC10, excelled in very difficult conditions to bring the Conference to a successful conclusion with Africa keeping its unity; Kenya is to be congratulated;
- iv) The Commission is not party to EPA negotiations; however in order to assist and guide Member States with proper analytical work in cooperation with ECA, it needs to see the agreements signed by negotiating regions; it will be recalled that a paragraph was included in the Declaration under the Africa-EU partnership, stating that if EPAs are adversely affecting African countries by reducing their policy space they can be reviewed; this is why it is important for the Commission and ECA to have those agreements;
- v) Indeed the TPP of the US with the Asia-Pacific region and the Trans-Atlantic Partnership with the EU region will affect Africa as will do all mega trade agreements; an impact study has already been undertaken and can be made available; Africa can only appeal to the US but cannot impose on its policies; the response is to focus on Africa's agenda, speed up continental integration through the CFTA and strive to keep the rules-based organization which is the WTO alive;

- vi) The Statutes of the AMDC have been approved by the Sub-Committee of Justice and Legal Matters and the Commission will proceed on evaluation missions to countries that have offered to host it as a specialized agency of the AU; Member States need to be careful with some developed countries that are keen to undertake geological surveys of Africa's mineral resources without due authorization;
- vii) Regarding the Ministerial Roundtable on economic, financial, agricultural and humanitarian challenges facing the continent, the related crises facing the continent have to be addressed expeditiously; besides the Ministers to be convened are different from those attending the Conference of Planning, Development and Finance; this is why an emergency meeting needs to be convened;
- viii) Many economic issues will be addressed during implementation of the first ten-year plan of Agenda 2063; The private sector partners are investing in the Inga Dam and already Nigeria and South Africa have expressed the desire to purchase energy from that project as soon as the eight phases are completed;
- ix) On 24-25 February 2016 there will be a private sector investment conference to raise funds for flagship projects in the Great Lakes Region including Inga Dam from which DRC will earn revenue from export of energy;
- x) Indeed, illicit financial flows need not only be stopped but should also be recovered as soon as possible; AUC and UNECA are coming up with modalities to do that with the collaboration of a consortium formed comprising organizations with relevant competencies in the field under the leadership of H.E. former President Mbeki;
- xi) In order for the financial institutions to materialize, Member States need to ratify their statutes.

**40.** In conclusion, the PRC took note of the Report and recommended to the Executive Council as follows:

- i) The Commission should conduct a continent-wide study to investigate the causes of shortcomings in the AGOA process and make the most of the experiences of countries that have recorded better economic and commercial performance in this process. The Commission should also remain engaged with the United States to ensure that there is no erosion of preferences available under the AGOA;
- ii) Member States should set up their national AGOA response strategies to take better advantage of the economic and commercial potential of AGOA;

- iii) Member States should define a common African position and respect the commitments made in this context to express the continent's demands with one voice at major international meetings on negotiations of trade agreements;
- iv) Member States should speed up the implementation of the CFTA process by allocating the funds necessary for the indigenization of the negotiation process. This would allow the Commission to train more national experts and within the Embassies of Member States present in Addis Ababa;
- v) The Commission calls for rapid signature and ratification of the Protocols establishing the pan-African financial institutions, ACB, AIB and AMF, with a view to providing the continent with adequate resources for the implementation of the Continental Development Agenda;
- vi) Member States and negotiating regions should forward their signed EPAs to the Commission and the UNECA with a view to analyzing them and ensuring that they are compatible with Africa's development as framed in Agenda 2063;
- vii) In view of the negotiations on CFTA that are about to start, Member States should expeditiously designate their Chief and alternate Negotiators as well as focal points within their respective Embassies in Addis Ababa;
- viii) The Commission should capitalize on the commitment of China within FOCAC and the MOU signed with China for industrialization.
- ix) The Commission should urgently organize a Ministerial Roundtable on current economic, financial, agricultural and humanitarian challenges facing the continent with a view to addressing these challenges and designing an African forward-looking response to build long-term resilience;
- x) AUC and Member States should fast-track the implementation of flagship programmes such as the Grand Inga Dam Project to unleash the economic potential of the continent.

**I) Report of the Sub-Committee on NEPAD - EX.CL/928(XXVIII)ix**

**41.** The Report was presented by H.E. Mr. Chimango Edward Chirwa, Ambassador of the Republic of Malawi and 2<sup>ND</sup> Vice-Chairperson of the Sub-Committee on NEPAD, following which members of the PRC made comments and observations and sought clarification as follows:

- i) The status of the pipeline projects are missing in the Report;
- ii) The need to ensure that meetings are organized between the Sub-Committee and the NEPAD Planning and Coordinating Agency (NPCA),

including at the NPCA Headquarters to enable the members of the Sub-Committee to familiarize themselves with the work of NEPAD;

- iii) The presentation mentioned in paragraph 9 on the Agency's mandate and analysis of the key results needs to be attached to the Report;
- iv) The NEPAD activities and programmes should be included in the AU programmes in order to avoid overlap with those of the other institutions of the Union;
- v) NEPAD should make presentation on implementation of its programmes and activities to the PRC to enable all Member States to understand its activities including the processes used for funding programmes;
- vi) Who determines whether there are security issues in AU Member States? This should not be a criterion for benefiting from the NEPAD funds and in addition there are no issues of security in the Saharawi Arab Democratic Republic (SADR) and Somalia and therefore all AU Member States including SADR and Somalia should benefit from the NEPAD projects;
- vii) The integration of NEPAD into the AU structures and processes was delayed because of the ongoing restructuring exercise of AU but this is more the reason why the integration should be accelerated so that it can be included in the restructuring process;
- viii) The criteria for eligibility or selection of beneficiary countries for NEPAD projects lacks in transparency; the Sub-Committee needs to be more dynamic in this regard among others with a view to providing more information;
- ix) A proliferation of committees is not efficient in particular if the issues can be adequately addressed by the Commission and NPCA under the supervision of the PRC through its Sub-Committee on NEPAD. In this regard, they should formulate and present those criteria to the PRC for consideration;
- x) The PRC through its Sub-Committee should determine the programme of work of NPCA and the latter will be implementing the approved programme; this should include the definition of criteria for funding projects;
- xi) The process of data collection done by students regarding infrastructure projects should coincide with existing infrastructural institutions in Member States.

**42.** In response to concerns raised, the Commission stated as follows:

- i) The familiarization tour scheduled to take place before the end of March 2016 will take care of all concerns raised;
- ii) Most projects are sponsored by partners whose criteria for eligibility include the aspect of security;
- iii) Not all projects reach the level of bankability where some upfront resources need to be provided by the beneficiary country;
- iv) Students are engaged to go door to door to collect primary data but the country relies mostly on official national sources and international financial institutions like IMF and World Bank;
- v) The presentation will be attached to the Report.

**43.** In conclusion, the PRC:

- a) Adopts the Report of the Sub-Committee on NEPAD as well as the recommendations contained therein and Takes Note of the observations by Member States on the same.
- b) Recommends to the Executive Council to:
  - i) Request the Commission to expedite the finalization of the integration of NEPAD into the AU structures and processes, particularly in light of the envisaged restructuring exercise with a view to avoiding programmes overlap and duplication;
  - ii) Also Request the Commission, in collaboration with the NEPAD Programming and Coordination Agency (NPCA) to propose well defined criteria for eligibility of Member States for NEPAD projects;
  - iii) Announce the vacancy of the position of the Chief Executive Officer (CEO) of NPCA and request the NPCA Secretariat in collaboration with the Commission NEPAD Coordination Unit to circulate the Terms of Reference of the position to all Member States;
  - iv) Extend NEPAD programmes and projects to the Sahrawi Arab Democratic Republic and Somalia;
  - v) Decide that the harmonization of medical products should take into account the draft AU model law on regulation of medical products;
  - vi) Request NPCA to provide clear completion time lines for the infrastructure development projects with respect to the sixteen (16) Mega projects as well as the new projects in the pipeline on the continent.

**J) Report of the Policy Sub-Committee of the Special Emergency Fund for Drought and Famine in Africa - EX.CL/928(XXVIII)x**

44. The Report was presented by H.E. Mr. Fafre Camara, Ambassador of Mali and 1st Vice-Chairperson of the Sub-Committee.

45. At the end of the presentation, the following observations were made:

- i) The Peace and Security Council, in the wake of the disasters in Southern Africa, held a contingency meeting in November 2015 to which a UN representative was invited. Subsequently, the Peace and Security Council held discussions with all Ambassadors of the PRC to further sensitize them on the adverse effects of natural disasters;
- ii) The Report rightly recommends the convening of a Donors' Conference to mobilize the resources needed to counter the effects of the El Niño phenomenon. This Conference should be convened as soon as possible and in pursuance of the relevant decision of the Executive Council;
- iii) The delegation of the Saharawi Arab Democratic Republic (SADR) expressed appreciation to the AU, a delegation of which visited the Saharawi refugee camp. The delegation also thanked the People's Democratic Republic of Algeria for its assistance which has remained constant. However, the assistance received, which is highly appreciated, only covers 40% of the needs of Sahrawi refugees. It launched a strong appeal for increased financial and material assistance to its country;
- iv) There is an urgent need to take action to replenish the funds of the Sub-Committee to enable it to fulfill its mandate and, above all, to fight effectively against El Niño and other natural disasters that may occur;
- v) The Delegation of Algeria said it was deeply touched by the kind words of appreciation addressed to its country by the SADR. It recalled that Algeria was only playing its role, which is that of defending just causes;
- vi) The proposed Donors' Conference should also be in line with the outcomes of COP21, one of main recommendations of which is to provide financial support to African countries, which are less polluting, but are the most affected by the effects of climate change;
- vii) The Commission should also ensure that all commitments made within the scope of climate change by the G8 and COP21 are respected;
- viii) It is regrettable that the Sub-Committee was unable to work at full capacity during the period under review;

- ix) The mandate of this Sub-Committee should be reviewed and extended to all categories of disasters, without being limited solely to drought and famine.

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

- i) Take Note of the Report of the Sub-Committee on the Special Emergency Assistance Fund for Drought and Famine in Africa;
- ii) Consider harmonizing its mandate with that relating to refugees due to the similarity of the issues dealt with and in the interest of synergy, thereby avoiding the duplication of AU efforts;
- iii) Authorize the specialization of the two Sub-Committees (Special Emergency Assistance Fund for Drought and Famine in Africa and the Sub-Committee on Refugees, Returnees and Internally Displaced Persons (IDPs)) to enhance efficiency;
- iv) Develop a timetable for the organization of the Donors' Conference;
- v) Urge the Commission to take all necessary steps, in collaboration with the competent organs, to harmonize all offers made within the different relevant entities (COP21 and G8) as financial contributions to Africa in order to maximize the use of possible funds released;
- vi) Launch an appeal for assistance for our brothers and sisters of the Sahrawi Arab Democratic Republic, which has been affected by floods;
- x) Adopt the recommendations with the proposed amendments.

**K) Report of the Sub-Committee on Headquarters and Host Agreements - EX.CL/928(XXVIII)xi**

**47.** The Report was presented by the Chairperson of the Sub Committee, following which Members of the PRC made the following comments and observations:

- i) The Sub- Committee was commended for the progress it has recorded;
- ii) Urged the Host Government to circulate to Member States the circular it issued in 2013 increasing the amount to be the withdrawn from 5000 to 10,000 USD by Commission staff and Member States staff.

**48.** In conclusion, the PRC takes note of the Report and recommends to the Executive Council as follows:

- i) Appeal to both Eritrea and Ethiopia to continue to show the spirit of compromise to resolve the disagreements highlighted in the Report;

- ii) The Host Government in consultation with the Commission should develop better guidelines on receiving diplomats and ensure an expedient immigration processing;
- iii) Requests the Sub-Committee to follow up with its proposal to have the Host Government and the PRC to meet in a Special Session after the Summit to discuss and address broad issues of concern;
- iv) The Host Government should liaise with its relevant departments to ensure that immunities and privileges are fully accorded to AU Staff and Diplomats of Member States at the airport;
- v) The Staff members of the Commission should respect the laws of the Host Government and the Commission should respond in a timely manner to communication from the Federal Democratic Republic of Ethiopia Ministry of Foreign Affairs bringing to its attention alleged infractions by staff members.
- vi) The Host Government should synchronize the exercise of the duty free privilege in Ethiopia in transactions where US Dollar is the required mode of payment. The Host Government should also review the rules governing the purchase of tickets and buying of duty free items in Addis Ababa in Dollars while Diplomats and AUC staff members are legally restricted from withdrawing dollars and making the necessary payment.;
- vii) The Host Government should expedite the implementation of the Quick Wins and effect the money transfer;
- viii) The AUC and the Host Government should work out a timetable for the drafting and finalization of the relevant guidelines to facilitate the implementation of the Host Agreement;
- ix) The staff members of the Commission should respect the laws of the Host Government and the Commission should respond in a timely manner to communication from the Federal Democratic Republic of Ethiopia Ministry of Foreign Affairs bringing to its attention alleged infractions by staff members of the Commission;
- x) The Host Government to advise the Commission before changing any rules that may affect the rights and privileges of staff members of the Commission and the Permanent Representatives as well as their personnel accredited to the African Union;
- xi) The Commission should develop guidelines on the issuance of visas to individuals in the employment of the Commission, not fully covered in the African Union Staff Regulations and Rules and submit same to the Host Government for its consideration;

- xii) The Host Government is encouraged to borrow a leaf from other countries which host International Organisations with respect to the modalities those countries use to implement the diplomatic privileges and immunities.

## **SECTION V: CONSIDERATION OF THE REPORTS OF OTHER AU ORGANS**

### **A. THE COMMISSION**

#### **i) Consideration of the Report of the Commission of the Implementation of the Previous Decisions of the Executive Council and the Assembly of the Union - EX.CL/929(XXVIII)**

**49.** The Report was presented by a Representative of the Secretary General's Office following which members of the PRC made comments and observations and sought clarification as follows:

- i) The increasing statistical trend in numbers of decisions and the downward trend regarding implementation is worrisome; out of 105 decisions adopted in January and July 2015, only 5 decisions were reported fully implemented and over 90 decisions reported as either partially implemented or not reported on by Departments;
- ii) There is a proliferation of decisions; in this regard agenda items could be reduced to retain only those that need to be considered at the given time; also a mechanism could be put in place to enable both the Commission and Member States to follow-up on progress;
- iii) Update is required from the Commission on the decisions for the Commission to support elections in Burkina Faso and to award a special prize under FESPACO as agreed in the MOU signed between Burkina Faso and the Commission;
- iv) Since a consultant has been recruited to review the implementation process, a task which would have been done better by the Commission itself, there is need to speed up the work;
- v) The Report is a progress report but does not give enough details to allow for in-depth consideration;
- vi) Some facts in the Report on the Headquarters agreement and Protocol Services need to be aligned while others such as the visual and cinema congress should be included therein;
- vii) The kind of decisions being taken should be reviewed, leaving administrative decisions to the Commission;

- viii) The exact objective of decisions should be clearly spelt out and Departments should better coordinate their work to reduce the number of decisions and avoid duplication;
- ix) There has been some progress on the decision relating to the transformation of the School of African Heritage to a School with Pan-African Vocation, item proposed by Benin, but this is not reflected in the Report;
- x) The word unaccounted for is to be replaced by not reported on;
- xi) Commission should explain why the partner conference on the creation of a South-South and Triangular Coalition in support of Africa Post 2015 was not organized before December 2015;
- xii) Member States who propose items for discussion are expected to also submit legal, structural and financial implications; in this regard, the AUC and Member States need to work together in order to increase the chances of implementation of decisions;

**50.** In response to the concerns raised, the Commission stated as follows:

- i) Reporting twice a year on implementation of decisions does not give enough time for the Commission and Member States to carry out appropriate action;
- ii) A consultant has to be recruited because there are only three permanent staff in the Secretary General's Office presently who are busy with daily duties;
- iii) There is a need for the Commission and representatives of Member States to meet frequently in order to find solutions to the issue of non-implementation of decisions;
- iv) Although administrative decisions are primarily the work of the Commission, Member States need to give the necessary legislative authority for those decisions to be implemented;
- v) The Report will be updated with information on the Headquarters Agreements;
- vi) In spite of the MOU signed with FESPACO, the peace prize was awarded only for the 2013 edition for want of funds;
- vii) Sometimes multiple institutions are proposed to be created without an appropriate sustainability mechanism.

**51.** In conclusion, the PRC takes note of the Report and recommends to the Executive Council as follows:

- i) Departments should strive to reduce their decisions to a maximum of three per Department and should ensure their full implementation within the reporting period;
- ii) Decisions should be reported once a year to provide adequate time for implementation by both the Commission and Member States and be reported during the June/July Summit;
- iii) Adequate resources should be allocated to the Commission to speed up recruitment of qualified personnel;
- iv) With regard to the follow-up mechanism on implementation of decisions, following a Summit, a matrix of recommendations, indicating responsibilities and planning with appropriate time frames should be made available for joint follow-up by PRC and the AUC; decisions on which no action is taken after two or three years should be cancelled;
- v) Due to the proliferation of decisions, agenda items need to be rationalised and the number of meetings reduced;
- vi) The process of adoption of Protocols/Treaties not well thought through should be reviewed so as to avoid non-ratification in due time;
- vii) Decisions to be funded by partners should be limited and Member States should make their contributions to the Organisation in time to allow for implementation of decisions.

**ii) Consideration of the Report of the Commission on Palestine and the Middle East - EX.CL/930(XXVIII)**

**52.** The Report was presented by the Commissioner of Political Affairs, after which Members of the PRC made the following comments and observations:

- i) Commend those countries that have raised the Palestinian flag as a mark of recognition of the Palestinian State;
- ii) The Commission was requested to raise a strong voice for international law through the ICC;
- iii) Call on the Israeli Authorities to abandon its expansion policies;
- iv) Condemned the Israeli use of force in the Gaza Territory and call for the lifting of economic the blockade in the occupied territories;
- v) Call on Israel to release all Palestinian prisoners;

vi) Member States to boycott Israeli products.

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

- i) Requests the Commission to present a report on implementation of previous decisions on Palestine and the Middle East;
- ii) The African Union reaffirms its unwavering support for the cause of the Palestinian people, including their UNSC Resolutions 242, 338 and 194. inalienable right to the establishment of their independent State within the 1967 borders and their capital ELQODS (East Jerusalem) as well as the right of return for refugees in accordance with relevant;
- iii) The African Union invites the Palestinian Authority and Israel to resume without delay peace talks leading to the end of the Israeli occupation and the creation of two States living side by side in accordance with international legality, the Arab Peace Plan and the proposals of the International Quartet;
- iv) The African Union urges Israel to definitively refrain from confiscating Palestinian land to build settlements and houses and demands the dismantling of all informal constructions in order to create the necessary confidence-building measures for the resumption of the peace process;
- v) The African Union condemns the deliberate policy of the Israeli authorities aimed at altering the status quo at Elqods through collective and individual sanctions of all kinds such as the demolition of houses and the dispossession of the inhabitants of Jerusalem of their property, punitive and vexatious measures against Palestinian people and the proliferation of barriers for Muslim and Christian believers to access the sacred places of worship such as Aqsa Mosque and other Temples of Faith. This policy, which is regularly accompanied by the closure of access to the old town, in violation of the right to free movement of Palestinians within the occupied territories, is part of a deliberate willingness to judaize Al-Aqsa, the third holiest site of Islam, through division in space and time, and change the names of the main Christian-Muslim religious and worship monuments as well as historical places of Al-Aqsa to Hebrew names;
- vi) The African Union denounces excessive and disproportionate use of force by Israel against the peaceful resistance of the Palestinian people including, in some cases, by using unconventional means. Such practices are comparable to war crimes under international law;
- vii) The African Union urgently appeals to the relevant United Nations mechanisms to provide protection for the people of Palestine who are subjected to oppression by the Israeli occupation forces;
- viii) The African Union supports the accession of Palestine to the United Nations as a full member.

**iii) Consideration of the Annual Report of the Chairperson of the African Union Commission for the period January to December 2015 - EX.CL/931(XXVIII)**

**54.** The Deputy Chairperson of the Commission, H.E. Mr. Erastus Mwencha, on behalf of the Chairperson of the Commission, presented the Report of the Commission for the period under review. He gave an overview of the structure of the Report which was divided into three sections. Section A, which was strategic in nature, focused on the main themes relating to the building of an Africa that meets the criteria of the AU Agenda 2063. Part B highlighted the outcomes of the activities undertaken during the period under review, particularly in connection with the seven pillars of the 3rd 2014-2017 Strategic Plan. The last part which was in the form of conclusion, made projections on the immediate future as well as recommendations.

**55.** The Deputy Chairperson, thereafter, indicated the various sectors in which the continent has made significant progress and went on to mention the various challenges that Africa continued to face in spite of the strides made. Thus, on the economic front, the trend towards prosperity was maintained with progress in education and strong performance in manufacturing sector..

**56.** However, unemployment, marginalization and growing poverty continued to persist and needed to be addressed in order to ensure inclusive growth which would not exclude any social group on the path to development. But had Africa the means to enable it to reverse the trend?

**57.** It is in the light of these challenges that Agenda 2063 places emphasis on training and skills acquisition, in order to facilitate job creation and ensure accelerated growth. Hence the importance of industrialization which would ensure more value addition to the raw materials of the continent. At the same time, greater attention should be paid to shared values such as democracy and the free movement of people. Given the small size of our national economies, they can only realize their full potential through integration at the regional and continental integration level.

**58.** Touching on the theme of the year dedicated to the gender, the Deputy Chairperson dwelt on the dashboard developed and which comprised key indicators that made it possible to measure the progress by the various Member States in the area of gender. Thus, regarding national parliaments, the number of women parliamentarians increased. Women should be trained to acquire the professional skills that would ensure their significant presence in the agricultural and mining sectors..

**59.** Although Africa enjoyed good economic growth in general, it was unevenly spread among regions, and furthermore it declined from 4.9 to 3.7%. The decline in the growth rate is attributable to a combination of factors among, especially the decline in commodity prices on the world market

**60.** The remedial measures must focus on structural aspects such as access to finance, industrialization, investments to mitigate the effects of climate change, which

adversely affect agriculture, the strengthening of the regional integration process, the implementation of policies to take advantage of the demographic dividend, the taking into account of the rapid rate of urbanization of the continent, stronger attachment to the fundamentals of Pan-Africanism, the development of endogenous African discourse, in perfect harmony with our priorities..

**61.** Taking a retrospective look at 2015, the Deputy Chairperson described it as being full of challenges, crystallized by the surge in the number of refugees and migration driven primarily by armed conflicts.

**62.** Regarding the African Union's relations with the rest of the world, he mentioned the summits held with India and China during which Agenda 2063 served as compass for consolidating strategic partnerships with the partners. Also the Commission continued to work on its implementation under the first 2013-2023 decade and on the modalities for its ownership. Thus, the implementation of Agenda 2063 remains a central issue that must be addressed urgently.

**63.** At the institutional level, 2015 saw the effective implementation of the Specialized Technical Committees (STCs), a development which represented a remarkable institutional progress. It also resulted in the reduction of sectoral ministerial meetings. In the same vein, the restructuring of the Commission was initiated, guided by Agenda 2063 which looked towards the future.

**64.** With respect to the contribution of Member States to the Union's budget, there was still the problem of its improvement in order to enable the Organization to reduce its dependence on partners. In addition to the traditional partners, the Organization had new partners and their combined funding of AU programmes continued to increase.

**65.** For the purpose of providing a synoptic view of the achievements of the Commission for 2015, the Deputy Chairperson outlined the results according to sector (agriculture, infrastructure, green economy, peace and security, etc.) He particularly mentioned the health sector, highlighting the threat posed by the Ebola haemorrhagic fever and the prompt response of the Commission.

**66.** The Deputy Chairperson concluded his presentation in the form of an observation and an appeal. The observation: our currencies have been depreciating due to their weakness. Appeal: urgent need to give a fillip to the regional and continental integration process in order to strengthen the resilience of our economies.

**67.** After the presentation, all delegations congratulated the Deputy Chairperson for the concision and clarity of his presentation, achieving the extraordinary feat of summarizing the contents of a hundred page document in a comprehensive manner.

**68.** The following observations were made;

- i) The account of the implementation or previous decisions was far from satisfactory. The discrepancy between this account and the presentation of

the Activity Report of the Commission is significant. How can such a discrepancy between the two documents be explained?

- ii) The Strategic Plan 2014-2017 should be incorporated in Agenda 2063, particularly the Agenda 2063 First 10-Year Implementation Plan, so that one can focus on a single document;
- iii) Some of the factual data, such as gender parity in the parliaments of Burkina Faso, The Sudan, Burundi, etc., are inaccurate;
- iv) In the same vein, the chronology of events in Burkina Faso, as described in the Report do not coincide with the facts;
- v) The Report should have included an account of COP21, which was held in Paris;
- vi) The recommendations proposing that the African Investment Bank (AIB) be moved from Libya should be deleted from the Report and the relevant decision of the Assembly of the African Union on the issue should prevail;
- vii) The delay in the operationalization of the AIB is due not only to the security situation in Libya, but mainly because only two Member States have ratified the Protocol on the Establishment of the African Investment Bank;
- viii) The security situation in Libya is improving, and the National Unity Government was formed and took office. The Report does not take this development into consideration and should be corrected accordingly;
- ix) Member States should therefore be invited to ratify the Protocol on the Establishment of the African Investment Bank;
- x) Eritrea has never been invited to the meetings of the Heads of the Intelligence Services of Eastern African States. The delegation called on the AUC to remedy this;
- xi) While the Commission is undertaking the Continental High Speed Train Project (CHSTP), it is important to take stock of new inter-state and regional railway projects, for example, the initiative to build a railway linking Eritrea and Sudan;
- xii) The Report does not give a comprehensive overview of inter-State projects like the Sudan-Eritrea railway project;
- xiii) Little mention is made of Commission-RECs relations, whereas the burden for the implementation of Agenda 2063 falls more on the Regional Economic Communities;

- xiv) Furthermore, the Commission should develop a concrete approach on financing modalities for Agenda 2063 under the First 10-Year Implementation Plan;
- xv) However, a Member State, a major contributor, expressed its disagreement with the proposal made in the Report under Alternative Sources of Financing, to request Member States to mobilize part of their revenue from oil resources for the benefit of the AU;
- xvi) The Report is silent on the post-2015 MDGs;
- xvii) With a view to effectively taking ownership of Agenda 2063, interactions between the Commission and Member States should be intensified thereby making the Union that of the people and reducing its inter-governmental nature;
- xviii) Tunisia reiterated its availability to contribute to the operationalization of the Pan-African Institute for Statistics which will be based in Tunis;
- xix) The Report does not provide sufficient information on the status of implementation of the Continent's flagship projects, such as the High-Speed Rail network Project;
- xx) The Report only mentions some of the AU Permanent Missions accredited in Europe and in the United States of America, while making no mention of those in Africa;
- xxi) The part of the Report concerning the implementation of the Maritime Strategy should be reformulated. Implementation of the Strategy has not begun and the first meeting convened did not meet due to lack of the quorum required for valid deliberations. It should therefore be transformed into informal consultations;
- xxii) Pursuant to the recommendation of the STC on Education, Member States should commit to the popularization of the education strategies agreed upon;
- xxiii) It would be appropriate to envisage a critical review of various agreements signed by Member States on the exploitation of the Continent's natural resources;
- xxiv) The infection of women with HIV has not declined. Awareness must be intensified towards the said population group with abstinence as the main preventive weapon;
- xxv) The definition of the rate of contribution rate to AU budget by Member States must necessarily take into account the global economic context and its

adverse impact in order to define a scale of assessment based on the actual capacity of Member States;

- xxvi) The Report does not do justice to Congo which organized the Fiftieth Anniversary games of Brazzaville in that it does not provide the details that would enable Member States to appreciate the efforts made by Congo. The Report should highlight the grandeur and solemnity of that important event, characterized by a strong participation of Member States and the Commission of the Union represented at the highest level;
- xxvii) Regarding the presidential and parliamentary elections that were recently organized in Burundi, the Report mentioned the process was marred by "violence" whereas the United Nations present in Burundi at the time as opposed to the AU which did not send observers stated that the elections were "peaceful". The Report should therefore be reviewed accordingly;
- xxviii) WHO has declared Guinea "Ebola free", while the Report mentions "isolated cases" in Guinea. Such information could scare away potential foreign investors. It would be appropriate to clearly state, as done by WHO, that the Ebola haemorrhagic fever has been eradicated in Guinea;
- xxix) Tourism should be adequately developed in the Report. It is strongly recommended that the recognized preponderance of tourism should be reflected in the structure being designed;
- xxx) Seychelles implements free movement of persons. No entry visa is required and as such, the country is open to tourists;
- xxxi) The three Member States that were affected by the Ebola Virus would have appreciated it if the Report had been more detailed on the various stages of the epidemic, especially highlighting the internal efforts made by the three countries and action developed by the African Union Commission..

**69.** The Deputy Chairperson thanked all delegations for their comments which will contribute to the enrichment of the final Report. He gave the following responses to some questions raised:

- i) The Commission has always deplored the low level of implementation of decisions. However, there has been a significant improvement in implementation quality of the latest decisions compared to previous years. It should be noted that since the implementation period is only six months, this time constraint must be taken into account. Moreover, there are two categories of decisions: those to be implemented by Member States and those within the jurisdiction of the Commission. We have to send Member States questionnaires for information on the basis of which we can more objectively assess the implementation of decisions;

- ii) The Strategic Plan 2014-2017 was approved in January 2014 when Agenda 2063 was still being developed. The Strategic Plan expires in 2017. This time shift accounts for the discrepancy observed between the Strategic Plan and Agenda 2063.

**70.** The Deputy Chairperson then gave the floor to the Commissioner for Social Affairs, the Director of the Department of Trade and Industry as well as some other Directors to provide information on technical issues within their competence. They gave the following explanations:

- i) To say that isolated cases of Ebola have been reported does not mean that the epidemic is back. This is an indication that the pandemic phase is over. It is a positive development which is a source of great satisfaction;
- ii) The organization chart of the Centre for Disease Control (CDC) has not yet been adopted; decision-making organs are being set up. Meanwhile, Member States are invited to appoint their representatives in the Regional Centres;
- iii) In 2014, funds could not be obtained for the implementation of the Maritime Strategy. Some funding has been mobilized in 2015. Key Departments of the Commission are at work and a progress report is planned.

**71.** The Deputy Chairperson once more took the floor and stated that all material errors and other statistical inaccuracies will be rectified. The Commission will also undertake to provide documented answers to some of the questions raised by Member States, while incorporating all the positive proposals with a view to improving the work of the Commission as well as relations between the Commission, Member States and RECs.

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

- i) Acknowledge the achievements made by the Commission working in collaboration with the PRC, to improve upon the operations efficiency and effectiveness of the Commission;
- ii) Further acknowledge the effective implementation of the Specialized Technical Committees, which constitutes a remarkable institutional development;
- iii) Reiterate its previous Decision on the conduct of a comprehensive study on the status of implementation of previous Decisions of the Executive Council and the Assembly and to submit a progress report thereon in June/July 2016;

- iv) Request the Commission working in collaboration with the relevant stakeholders, to expedite the operationalization of the African Centre for Disease Control (CDC);
- v) Further Request the Commission, working with the Member States, to take the necessary measures for the implementation of the Maritime Strategy.
- iv) Consideration of the Revised Budget for 2016 Financial Year-EX.CL/946 (XXVIII)**

**73.** The report was presented by the Deputy Chairperson in which he highlighted the following:

- i) He referred the PRC to the AU Assembly approved (decision ref. Assembly/AU/Dec.577(XXV)) during 25th Ordinary Session, which approved a total budget of US\$416,867,326 for the African Union for year 2016 broken down into US\$150,503,875 Operating Budget and US\$266,363,451 Programs to be financed as follows:
  - a) A total amount of US\$169,833,340 is assessed on Member States; and
  - b) A total amount of US\$247,033,986 is secured from International Partners.
- ii) The Assembly also approved Program budget of the Union to be funded as below:
  - a) The amount of US\$20,011,065 to be assessed on Member States; and
  - b) The amount of US\$246,352,386 to be secured from International Partners.
- iii) With an effort to close the funding gap, the Commission managed to mobilize an additional amount of US\$25,971,724 from International Partners. The mobilized amount will be applied to finance activities under various projects of the Commission. As a result, the total Program budget of the Union has now increased to US\$292,335,174.
- iv) He further reported that the total revised budget of the Union will be US\$442,839,049 of which US\$150,503,875 is for operating budget while US\$292,335,174 is for Program activities.
- v) The revised budget will be financed as follows:
  - a) A total amount of US\$169,833,340 is assessed on Member States; and

- b) A total amount of US\$273,005,709 is secured from International Partners.
- vi) The Deputy Chairperson stressed that assessed contribution on Member States remains unchanged and the entire amount mobilized pertains to International Partners. Following further contribution, the new revised 2016 budget figure would be US\$446,856,159 of which US\$150,503,875 is for operating budget while US\$296,352,284 is for Program activities. The revised budget will be financed as follows:
  - a) A total amount of US\$169,833,340 is assessed on Member States; and
  - b) A total amount of US\$277,022,819 is secured from International Partners.
- vii) Therefore, based on the revised budget figures the Member States contribution stands at 38% from the total budget and 6.7% from Programs..
- v) **Consideration of the Report on Modalities on Equitable Geographical and Gender Representation in African Union Organs – Doc.EX.CL/953 (XXVIII)**

**74.** The representative of the Legal Counsel presented the Report, after which members of the PRC made observations, comments and sought clarification as follows:

- i) This proposal needs to be considered very seriously so that Member States feel the Union belongs to all of them without any imbalances as exist presently, and that the decision taken be enduring;
- ii) Explain how elections will be held by region?
- iii) What happens if there is need for more than eleven candidates?
- iv) The proposal has been borrowed from the PSC set up in 2004; the third loose vote should rotate by region instead of being allocated to the West region permanently and also by organs;

**75.** In response the Legal Counsel stated as follows:

- i) It is expected that the proposed modalities will be adopted during this Summit session and apply to the election of members of the Committee on Rights and Welfare of the Child;
- ii) A clear mechanism needs to provide for numbers greater than eleven;

**76.** In conclusion, the PRC took note of the modalities proposed and recommended to the Executive Council as follows:

- i) Votes should be conducted in a way that all regions are represented equitably;
  - ii) More work needs to be done to address the current situation of imbalance in terms of geographical and gender representation in all AU Organs as well as ensure that the two (2) principles are applied in the future;
  - iii) The 11th position should be floating among all the regions.
- vi) Progress Report of the Commission on the Implementation of Previous Decisions of the Assembly of the African Union on the International Criminal Court (ICC) – EX.CL/952(XXVIII)**

**77.** The Progress Report on the International Criminal Court (ICC) was presented by the Legal Counsel of the Commission, who indicated that the same report will be presented to the executive Organs of the Union. After the presentation, comments and observations were made as follows:

- i) The Commission was commended for updating Member States on the implementation of Decisions on the International Criminal Court;
- ii) Member States should be provided the report, in order for them to fully comprehend the report and make useful comments and contributions;
- iii) Need to complete the composition of the open-ended Committee of Foreign Ministers (“Open ended Ministerial Committee”).

**78.** Responding to issues raised, the Legal Counsel highlighted the work being done by the Open ended Ministerial Committee and the plan by the Committee to meet with the United Nations Security Council, in order to engage on all issues that have been consistently raised by the African Union, as well as the proposal for each region of the Union to be represented in the Bureau of the Ministerial Committee.

**79.** In conclusion, the PRC recommends to the Executive Council to:

- i) Take note of the Report of the Commission on the Progress Report of the Commission on the implementation of decisions on the International Criminal Court (ICC) and the recommendations contained therein;
- ii) Commend the commitment of the African Union and its Member States to fight against impunity in accordance with the Constitutive Act;
- iii) Reiterate its previous Assembly Decisions on the deferral of the proceedings initiated by the ICC against the President of the Sudan and the Deputy

President of Kenya in accordance with Article 16 of the Rome Statute which allows the UNSC to defer cases for one year;

- iv) Urge Member States to comply with the Assembly Decisions on the warrants of arrest issued by the ICC against the President of the Sudan pursuant to Article 23 (2) Of the Constitutive Act and Article 98 of the Rome Statute of the ICC;
- v) Express deep concern regarding the wisdom of the continued prosecution of the case of the Deputy President of the Republic of Kenya;
- vi) Commend the work being done by members of the Open ended Committee of Foreign Ministers under the chairmanship of the Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia and encourage the Committee to meet the UNSC, in order to engage on all issues of concern to the African Union.

## **B. THE SPECIALIZED TECHNICAL COMMITTEES (STCs)**

**80.** Before proceeding to examine the Reports of the STCs, the Chair recalled Assembly Decision Assembly/AU/Dec.582(XXV) on streamlining of the AU Summits and the working methods of the African Union deciding to empower the Specialized Technical Committees (STCs) of Ministers to take decisions on issues falling under their competence, except where there are attendant financial and structural implications. However, the Executive Council may, if necessary, consider decisions of the STCs at the request of any Member State.

### **1) Consideration of the Report of the First Ordinary Session of the STC on Communication and Information Technology (STC- ICT), Addis Ababa, Ethiopia, 31 August-4 September 2015 - EX.CL/932(XXVIII)**

**81.** The Report was presented by a representative of the Infrastructure and Energy Department, following which members of the PRC made comments and observations and sought clarification as follows:

- i) The first recommendation regarding setting up structures of governance in charge of management of the Pan-African e-network (PAeN) has financial implications for Member States;
- ii) Which legislative authority backs the recommendation to set up structures of governance? Was this proposal examined by the relevant Sub-Committee, namely on Contributions and on Administrative, Budgetary and Financial Matters respectively?

**82.** In response, the Representative of the Department stated as follows:

- i) The setting up of the PAeN is a project presently sponsored by the Government of India to which 48 African countries are beneficiaries. However, the financial assistance provided by India is coming to an end and for the project to continue Member States have to take over financially. In this regard, the Department was assigned the responsibility of carrying out a study, the conclusions of which were submitted to the STC with various options. The necessary amount to continue the project divided by number of countries brings each country's participation to US\$90,000 annually.

**83.** In conclusion, the PRC takes note of the Report and requests the Commission to provide an explanatory note on the financial implications to enable the formulation of recommendation to the Executive Council:

- a) Forward it to the Executive Council for examination since it entails financial implications, accompanied by an explanatory note from the Department on the financial implications for Member States.

**2) Consideration of the Report of the First Ordinary Session of the STC on Education, Science and Technology (STC-EST), Addis Ababa, Ethiopia, 27-30 October 2015 - EX.CL/934(XXVIII)**

**84.** The Report was presented by the Commission for Human Resources, Science and Technology in which he concluded that there were no financial implications, after which comments and observations and clarification was sought as follows:

- i) There are financial implications with respect to the endorsement of the amendments to the statute of Pan African University (PAU) proposed by the Council, which need to be explained;
- ii) The Ministers of Education did not endorse the amendment of the statute of PAU as mentioned under paragraph 25 (a) of the Report;
- iii) The payment of honoraria to members of the PAU Council should be benchmarked with other African reputable institutions;
- iv) The financial implication of developing volume 2 of the African Pharmacopia series should be clarified;
- v) Algeria had entered a reservation on paragraph 25 (a) relating to the amendment of the statute of PAU but this is not reflected in the report;
- vi) A concept note on para 15 (b) should be provided.

**85.** The Commissioner for HRST clarified as follows:

- i) Although there are no financial implications, there are however running costs of the PAU involved. In general, all countries will have to incur some

form of costs when it comes to quality assurance of universities and institutions of higher learning:

- ii) No reservations were entered with respect to the conclusions of the work of the STC;
- iii) On honoraria, what is being proposed is a principle applicable universally and the idea is to align the honoraria with that of other reputable institutions;
- iv) On the Addis Ababa Convention, this concerns African countries plus Morocco and the Holy Sea. What is noteworthy is the fact that no African country has ratified the Addis Ababa Convention;
- v) The STC on Justice will be addressing the issue of the amendment of the statute of the PAU.

**86.** The representative of the Office of the Legal Counsel clarified as follows:

- i) On the endorsement of the amendment to the PAU Statute, it is clearly mentioned under Para 25 (a) that the Ministers of Education themselves had endorsed the amendments.

**87.** In conclusion, the PRC:

- i) Takes Note of the Report of the First Ordinary Session of the STC on Education, Science and Technology (STC-EST);
- ii) Also Takes Note of the request by South Africa, Benin and Algeria that the Report be discussed by the Executive Council to allow them raise certain issues of concern in the following areas:
  - a) Payment of honoraria to the members of PAU Council;
  - b) Amendment to the statutes of PAU.
- iii) Recommends to the Executive Council the Report of the STC on Education, Science and Technology for consideration, in compliance with Decision 582.

**3) Consideration of the Report of the First Ordinary Session of the STC on Justice and Legal Affairs, Addis Ababa, Ethiopia, 2-14 November 2015-EX.CL/935(XXVIII)**

**88.** The Report was presented by a Representative of the Legal Counsel, after which Members of the PRC made the following comments and observations:

- i) The Commission was commended for clarity and quality of the Report;

- ii) Stressed the need for the strengthening the Office of the Legal Counsel given the large volume of work it is handling.

**89.** In conclusion, the PRC recommends to the Executive Council to endorse:

- i) The proposal by the Commission for one delegate per state to attend the meetings of the STC on Justice and Legal Affairs subject to availability of resources;
- ii) The proposal that the STC on Justice and Legal affairs to meet annually and for appropriate budget allocation;
- iii) The proposal on strengthening of the Office of the Legal Counsel to enable it to effectively respond to the increase in the workload and effective serving of the STCs.

**4) Consideration of the Report of the First Ordinary Session of the STC on Migration, Refugees and Displaced Persons, Addis Ababa, Ethiopia, 16-20 November 2015 -EX.CL/936(XXVIII)**

**90.** The Report was presented by the Director of Political Affairs Department following which members of the PRC made comments and observations and sought clarification as follows:

- i) The creation of the African Humanitarian Agency could have financial implications on Member States;
- ii) Paragraph 48 of the Declaration contained in Annex 5 recommends the setting up of a Fund for AU humanitarian action; what would be its relation with the Drought and Emergency Fund?
- iii) In light of preparations for the African position for the Humanitarian Summit, the Report does not take into consideration the situation of countries in North Africa;
- iv) The recommendation on setting up an AU Fund for humanitarian action to ensure effective use of resources, including energy and natural resources, goes beyond the mandate of the STC;
- v) There is a need for the Commission to monitor and report on the utilization of the Drought and Emergency Fund.

**91.** In response, the Director of Political Affairs stated as follows:

- i) In preparing the African position for the Humanitarian Summit in Turkey, the Department met with RECs and Member States from Southern Africa, East and West Africa; however, dates could not be fixed with hosting countries for

Central and North Africa, therefore a combined meeting was organized in Addis Ababa for the two regions and the outcome is given in a separate report; but discussions will continue until May when the Istanbul Summit is scheduled;

- ii) The funding for the African Humanitarian Agency is expected to come from Member States and supplemented by partners;
- iii) With regard to the link between the AU Fund for Humanitarian Action and the Drought and Emergency Fund, the on-going exercise on rationalizing the actions of the two Sub-Committees will also take this into consideration.

**92.** In conclusion, the PRC took note of the Report and recommended to the Executive Council to:

- i) Join efforts to eradicate all forms of racism, discrimination, defamation and intolerance;
- ii) Call on the PRC to speed up the rationalization of the work of the Sub-Committee on Migration, Refugees and Displaced Persons and that of the Drought and Emergency Fund in order to also rationalize the creation of Funds for humanitarian purposes, avoid overlaps and have a single Fund;
- iii) Call on the international community for fair burden sharing and for it to fulfill its responsibilities in funding humanitarian action on the continent.

**5) Consideration of the Report of the Extraordinary Meeting of the Specialized Technical Committee on Defense, Safety and Security, Addis Ababa, Ethiopia, 13-15 January 2016 - EX.CL/944(XXVIII)**

**93.** The Report was presented by the Commissioner for Peace and Security, after which Members of the PRC made the following comments and observations:

- i) Expressed condolences to Kenya and families of the AU peacekeepers who lost their lives in Somalia;
- ii) The Commission was commended for the progress made in the operationalization of the African Standby Force;
- iii) Emphasized the need to ensure coordination amongst various African Peace and Security Architecture supporting structures and between the AUC and the RECs/RMs;
- iv) Appreciated the efforts made by the AU Commission and RECs/RMs for the successful conduct of the training exercise for the African Standby Force;

- v) Urged Member States to improve interoperability in areas such as language used in joint exercises, joint training and joint operations;
- vi) Recognized the importance of multidimensionality of the of African Standby Force; ASF especially in relation to the identification of lessons learned and best practices in the deployment of police and civilian personnel;

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

- i) The operationalization of the African Standby Force;
- ii) The dissolution of ACIRC pursuant to Assembly Decisions 489 (XXI) and 515 (XXII);
- iii) The recommendation of the Declaration to the Assembly for endorsement;
- iv) The Commission to make the necessary follow-up on all aspects regarding the full operationalization of AFRIPOL;
- v) An appreciation extended to the countries that contributed to the success of the African Standby Force (AMANI AFRICA-II Field Training Exercise (AA-IIFTX)

### **C. THE AFRICAN COMMISSION ON HUMAN AND PEOPLES'RIGHTS**

#### **6) Report on the Activities of the African Commission on Human and People's Rights (ACHPR) - EX.CL/938(XXVIII)**

**95.** The Report was presented by the Vice Chairperson of the Commission, after which Members of the PRC made the following comments and observations:

- i) The Commission was commended for their role in upholding human rights;
- ii) Urged the Commission to work closely with Member States for information verification in order to produce quality report;
- iii) Expressed concern over the Commission's delay to withdrawal of the observer status granted to the NGO called Coalition of African Lesbians (CAL) in compliance with Executive Council Decision.

**96.** In conclusion, the PRC recommended to the Executive Council to:

- i) Encourage Member States to sign, ratify, domesticate and implement all regional and international human rights instruments;
- ii) Urge Member States to take the necessary measures to strengthen regional and international cooperation towards putting an end to terrorism in Africa;

- iii) Call upon the Commission to review its criteria for granting observer status to NGOs and to report at the June/July 2016 Summit:
- iv) Member States take action to address in their respective countries, the areas of concern that are highlighted in the Activity Reports of the Commission;
- v) The Commission was urged to build the capacity and strengthen local human rights organisations;
- vi) The AU Commission was called upon to address the operational challenges confronting the Commission and its Secretariat.

#### **D. THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS**

##### **7) Report on the Activities of the African Court on Human and Peoples' Rights (AfCHPR) - EX.CL/939(XXVIII)**

**97.** The Activity Report of the African Court on Human and Peoples' Rights (AfCHPR) was presented by its President, Hon. Justice Augustino S. L. Ramadhani. He indicated that the presentation was in accordance with Article 54 of the African Charter on Human and Peoples' Rights (the African Charter) , and covers the period May to November 2015.

**98.** Following the presentation, comments and clarifications were sought as follows:

- i) What is the Court doing to address the low level of ratification by Member States of the Protocol establishing the Court and the Declaration under Article 34(6)?
- ii) There is need for a brainstorming session before the next AU Summit in June 2016, in order to create awareness and encourage Member States to accede to the Protocol establishing the Court;
- iii) How is the Court tackling the preponderance of applications and the slow rate of disposal of cases?
- iv) Member States should continue to support the Court through financial contributions, to enable the Court to insulate itself from external influence;
- v) It is untrue that a certain Member State has failed to comply with the Court orders issued in respect of a matter brought against it as indicated in paragraphs 19, 20 and 66 of the report;

- vi) There is need for the Court to submit the outcome of the Study being undertaken on the establishment of a Trust Fund to the PRC and subsequently to the Executive Council;
- vii) What is the position of the PRC to the request by the President of the Court to address the Assembly at the 10<sup>th</sup> Anniversary of the Court in June 2016?

**99.** Responding to the comments made, the President of the Court highlighted efforts being made by the Court to undertake sensitization in Member States, noting that it would be preferable to have direct access to the various Presidents, as was the case with the Republic of Chad, which speedily ratified the Protocol last December. He further emphasized that the Court was slow in disposing applications submitted to it because of its limited Judges who worked on part-time basis, as well as the few Lawyers available to it. He then underlined the fact that the Judges were persons of high caliber, without reproach in accordance with Article 11 of the Protocol establishing the Court. On the interface with the Libyan authorities, the President explained efforts made by the Court to contact the designated focal person of the Government, in order for the Government to comply with the case brought against it. Lastly, the President reiterated his proposal to address the Assembly in June 2016, where possible in accordance with the Rules of Procedure of the Assembly

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

- i) Take note of the Report and its recommendations;
- ii) Commend and congratulate Member States that have ratified the Protocol establishing the Court and call on the others to do so;
- iii) Call on Member States to initiate activities at national level and in collaboration with other States, to celebrate 2016 as African Year on Human Rights with focus on the Rights of Women in Africa;
- iv) Request the Court to work closely with the PRC and the AUC to finalize the Study on the establishment of a Trust Fund and submit a report to the June 2016 Ordinary Session of the Executive Council, specifying in particular, the sources of funds, sustainability, the benefits, and its impact on Member States assessed contributions;
- v) Further request Member States of the Union to continue to contribute to the Court and comply with its Decisions;
- vi) Also takes note of the reservation entered into by Libya, in relation to paragraphs 19, 20 and 66 of the Activity Report of the Court.

## **E. THE ECONOMIC, SOCIAL AND CULTURAL COUNCIL**

### **8) Report of the Economic, Social and Cultural Council of the Africa Union - EX.CL/940(XXVIII)**

**101.** The Report on ECOSOCC was presented by its presiding officer, after which members of the PRC made comments, observations and sought clarification as follows:

- i) ECOSOCC bemoans lack of consultation during the restructuring process whereas the Report on Structural Reform talks of extensive consultations between the AUC and other organs;
- ii) Now that ECOSOCC is fully operational, there is need to identify proper headquarters to host it;
- iii) The Report concentrates more on meetings, institution building and meetings with partners; it should focus rather on programmes within Africa, domesticate Agenda 2063 and achieve consultations with other AU organs;
- iv) What are the impediments to carrying out elections in time?
- v) A calendar of elections would be appreciated;
- vi) How does ECOSOCC see the way forward in terms of its funding for sustainability?
- vii) Austerity measures taken by the AUC should not have called for the freezing of ECOSOCC programmes;
- viii) Commend ECOSOCC for having opened two national chapters in spite of challenges and request that it pursues the process in all regions equitably;
- ix) It is very important for all AU Member States to be represented in ECOSOCC in order to achieve a Union of the people;
- x) What linkage exists between ECOSOCC and national social and economic councils?
- xi) What challenges has ECOSOCC met in implementing AU decision on admission of civil society organizations in AU institutions, particularly with regard to cultural values.

**102.** In response to concerns raised, the presiding officer of ECOSOCC stated as follows:

- i) ECOSOCC has taken on aggressively the popularization of Agenda 2063; a team of youth has been set up to meet with youth of higher learning to

prepare a plan; Agenda 2063 will be made part of the training curriculum of Obama youth programme;

- ii) Africa is the only continent that does not have a well-structured accreditation process for civil societies; its members take oath that they will only take directives from AU authorities; all CSOs wanting to be part of AU institutions should be cleared by ECOSOCC; after accreditation ECOSOCC will continue to review their performance and value addition;
- iii) ECOSOCC is the only AU organ that operates fully on Member States' funding;
- iv) ECOSOCC has never been consulted during the restructuring exercise nor on austerity measures;
- v) Elections have been delayed due to lack of funding;
- vi) An inter-departmental Committee conducts elections, not ECOSOCC; PRC could also be represented;
- vii) The calendar for elections will soon be drawn up.

**103.** In conclusion, the PRC takes note of the Report and recommends to the Executive Councils follows:

- i) ECOSOCC to remain fully engaged and collaborate with CSOs of Member States and establish national chapters;
- ii) To call upon ECOSOCC to prepare criteria for admission of CSOs to AU bodies and organs pursuant to Decision EX.CL/890;
- iii) ECOSOCC to continue popularizing Agenda 2063 and its ten year implementation plan; and
- iv) To speed up the process of fully constituting its General Assembly so that every Member State is represented.

#### **F. THE AFRICAN UNION ADVISORY BOARD ON THE FIGHT AGAINST CORRUPTION**

##### **9) Report of the African Union Advisory Board on the Fight against Corruption - EX.CL/943(XXVIII)**

**104.** The Report was presented by the Chairperson of the African Union Advisory Board on Corruption, after which Members of the PRC made the following comments and observations:

- i) Disappointment was expressed with the low rate performance in the discharged of its functions;
- ii) Updates were requested on the status of the alleged corruption involving a former staff of the Board;

**105.** In response, the Legal Counsel said that a Note Verbale has been sent to the country of the alleged culprit. He further informed that separate reports on the matter was done by the ECA and the donor (Swedish Government) which were at variance with each other adding that investigations are ongoing and the PRC will fully be informed on the outcome of the investigations, which will determined whether a charged will filled or not.

**106.** In conclusion, the PRC takes note of the Report and recommends to the Executive Council to:

- i) Take note of the report;
- ii) Urge Member States to ratify and domesticate the African Union Convention on Preventing and Combating Corruption;
- iii) Provide the necessary resources required to make the Board more efficient.

#### **SECTION IV: ITEMS PROPOSED BY MEMBER STATES**

- 1) **Strengthening Resilience and Sustainable Development in Africa through Enhanced Mastery of the International Strategy for Disaster Risk Reduction (*Item proposed by the Republic of Cameroon*) EX.CL/945(XXVIII)Add.1**

**107.** The Report was presented by the Representative of Cameroon, after which Members of the PRC made the following comments and observations:

- i) Concern was expressed over the financial, legal and structural implications in the establishment of the proposed African architecture for disaster reduction;
- ii) The negative impacts that natural disasters have on humanitarian situation on the Continent was recognized;
- iii) Concern was further expressed on the functions of the proposed centre of excellence for disaster risk research, prevention and management might overlap with those of AU specialized agencies on disaster management.

**108.** In conclusion, the PRC takes note of the presentation and recommends to the Executive Council as follows:

- i) An agreement in principle to support the idea and emphasize the relevance and opportunity for the AU to have an architecture for risk reduction in Africa at national, regional and continental levels;
- ii) To request the Commission in collaboration with Cameroon to submit a roadmap for the creation of the centre on excellence for disaster risk research prevention and management;
- iii) An agreement to work with partners with respect to providing resources to mitigate disasters.

**2) Resolution on Convening of Another World Conference against Racism (Item proposed by the Republic of The Gambia)- EX.CL/945(XXVIII)Add.2**

**109.** The item was presented by the Ambassador of The Gambia. After the presentation, the following observations were made:

- i) Two important points were not mentioned under the objectives, namely colonialism and occupation. The two aspects remain a source of concern to the African Union;
- ii) «Violent extremism» remains a highly controversial terminology in that its meaning is far from unanimous;
- iii) The call for another World Conference against Racism and Other Forms of Intolerance should be preceded by an assessment of progress made since the 2009 Conference held in Durban, South Africa on the same theme;
- iv) Before the above-mentioned conference, another conference was held in 2001, as a result of which progress was made. However, the problem remains intractable. Concrete actions should therefore be taken;
- v) Legal or regulatory mechanisms should be identified which would enable the AU to convene such a world conference.

**110.** In response to the observations, the Gambian delegation gave the following answers:

- i) The World Conference in Durban, South Africa focused on a wide range of issues; the proposed Conference intends to re-focus on much more specific issues.
- ii) The objective of the World Conference envisaged would therefore be to carry out an in-depth consideration of the aspects that are primarily of concern to Africa.

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

- i) Request The Gambia to carry out consultations. In the meantime, the AU would reflect on the practical modalities of convening such a world conference;
- ii) Request the Commission and the African Group in New York to:
  - a) Work collaboratively and pursue the tabling of the proposal: “Convening of Another World Conference Against Racism, Racial Discrimination, Xenophobia and Related intolerance” at the United Nations General Assembly and the Human Rights Council and to provide a feedback on the outcome of their efforts at the June 2016 Summit;
  - b) Pursue the tabling of a United Nations General Assembly Resolution on Slavery, Colonialism, Occupation, Reparations and Restitution including the convening of an international conference to discuss these issues as well as measures and strategies to address their lasting negative impact;
  - c) Engage other relevant stakeholders including other Member States of the United Nations, the Caribbean Community, the African Diaspora and relevant CSOs in order to advance this agenda.

**3) Proposed Theme of the African Union in 2017: Demographic Dividend and Investments in Youth (*Item proposed by Malawi*) EX.CL/945(XXVIII)Add.3**

112. The item was presented by H.E Mr. Chimango Edward Chirwa, Ambassador of the Republic of Malawi regarding a proposed theme for the year 2017 on “*Harnessing the Demographic Dividend through the Youth*”. He indicated that the theme was inspired by the demographic dynamics and, in particular, the fact that Africa is the youngest continent in the world. He stressed the role of the Youth as Africa’s greatest asset that will determine Africa’s future including the realization of the objectives of Agenda 2063. He added that there was therefore need to empower the youth population and to have a coordinated and synchronized approach to the issue as was decided at the High Level Consultative Meeting held on the margins of the 70<sup>th</sup> United Nations General Assembly held in September 2015.

113. Thereafter, the PRC made comments and observations as follows:

- i) Commended the Republic of Malawi for this timely initiative in proposing the year 2017 as the year for the Youth since they represent 70% of the population of the continent;

- ii) The Youth should be considered not as a threat but a factor for development and there is need develop a concrete plan of action for the year to ensure that they play their rightful role in the development of the continent;
- iii) The theme is most appropriate in particular after having put in place a plan of action to ensure that women are empowered and contribute effectively to the realization of the objectives of Agenda 2063;
- iv) The Youth will be have to play its rightful role to ensure that Africa realizes its vision of a *peaceful, integrated, prosperous...*

**114.** The PRC took note of the presentation and recommends to the Executive Council to:

- i) Commend the Republic of Malawi for this timely initiative in proposing the year 2017 as the year for the Youth;
- ii) Recommend to the Assembly that 2017 be declared as the year of "*Harnessing the Demographic Dividend through the Youth*";
- iii) Request the Commission and the PRC to develop a plan of action in this regard for consideration at the next Ordinary Session of the Assembly scheduled for June/July 2016.

**4) The African Air Expo 2016 (Item proposed by the Republic of Ghana) - EX.CL/945(XXVIII)Add.4**

**115.** The item was presented by the Ambassador of Ghana.

**116.** Member States were sensitized on the need to participate in the event, which is in line with the implementation of the Yamoussoukro Agreement.

**117.** The PRC took note of the presentation and recommends to the Executive Council to call on all Member States to participate actively at the Expo.

**5) Lifting the long-standing unilateral sanctions imposed on the Sudan (Item proposed by the Sudan)- EX.CL/945(XXVIII)Add.5**

**118.** The draft Declaration on Lifting the Long-Standing Unilateral Sanctions Imposed on The Sudan by the United States was presented by H.E. Mr. Osman Nafie Hmad, Ambassador of the Republic of The Sudan who called on the support of all AU Member States. All Members of the PRC unanimously supported the Resolution.

**119.** In conclusion, the PRC recommends the Resolution to the Executive Council for adoption and to request the Commission to develop modalities for follow-up on the implementation of this decision.

**6) Bid to host the Secretariat of ECOSOCC (*Item propose by Zambia*)  
EX.CL/945(XXVIII)Add.6**

**120.** The item was presented by H.E. Susan Sikaneta, Ambassador of the Republic of Zambia who stated that the bid of Zambia to host the Economic, Social and Cultural Council (ECOSOCC) in Lusaka, Zambia was based on a number of factors. In this regard, she recalled that during the 25<sup>th</sup> Ordinary Session of the Assembly of the Union held in Johannesburg, South Africa, in June 2015, the Economic, Social and Cultural Council (ECOSOCC) had presented a report indicating that the General Assembly of ECOSOCC had been legally constituted and had become a full-fledged organ with the same status as other AU Organs and was ready to be headquartered in any other Member State. She further stated that Zambia, which in its fifty-two (52) years of membership in the OAU/AU had never had the privilege of hosting an AU organ. She added that the bid was in line with the principle of equitable geographical distribution of AU organs and institutions agreed to by the Assembly in Johannesburg which was aimed at fostering strong sense of integration. Finally she pointed out that the relevant consultations had been done with the relevant services of the Commission and especially the Office of the Legal Counsel to ensure that all legal, structural and financial implications were addressed. In conclusion, she briefed the PRC on the various facilities which Zambia was prepared to offer towards hosting this Organ.

**121.** Thereafter, Members of the PRC made comments as follows:

- i) Expressed full support for the candidature of the Republic of Zambia to host ECOSOCC as an important organ of the AU aimed at ensuring that the people of Africa participate in the process of policy formulation and implementation of the Union;
- ii) Recalled the need to ensure that all existing processes are adhered to in line with the existing legal instruments including the Constitutive Act of the African Union and the ECOSOCC Statute;
- iii) Indicated that more work needed to be done in terms of processes and the financial and structural implications;
- iv) ECOSOCC like all other AU Organs should have its own Headquarters and should be able to function separately from the Commission; In addition, there is need to decentralize the AU institutions and organs;
- v) Policy Organs have the power to address the issue of moving some institutions from the Headquarters of the Union and should not be limited by previous decisions taken;
- vi) Requested the he Commission to make an inventory of all institutions and organs hosted in different Member States to facilitate decision making by the policy organs;

- vii) Also requested the Commission to assist fully with the transfer of ECOSOCC from the AU Headquarters in Addis Ababa, Ethiopia to Lusaka, Zambia to ensure adequate relocation.

**122.** Responding the Legal Counsel indicated that it was important that decisions taken by Policy Organs complied with the rules set.

**123.** In conclusion, the PRC recommends to the Executive Council to:

- i) welcome and fully support the offer by Zambia to host ECOSOCC;
- ii) urge Zambia working with the Commission to expedite the processes regarding legal, structural and financial implications;
- iii) request the Commission to undertake the appropriate evaluation mission and present a detailed report to the next Session of the Executive Council scheduled for June/July 2016.

**7) Dakar Declaration on Intellectual Property (*Item proposed by Senegal*) - EX.CL/945(XXVIII)Add.7**

**124.** The item was presented by the Representative of Senegal. In that respect, he recalled the holding, from 2 to 5 November 2015, of the Dakar African Ministerial Conference on Intellectual Property, organized by the World Intellectual Property Organization (WIPO). At the Conference, Ministers underscored the importance and usefulness intellectual property policies could have in the Continent's economic development. He added that Conference proposed the establishment of a Pan-African Intellectual Property Organization (PAIPO) to strengthen the two existing structures, namely, the African Regional Intellectual Property Organization (ARIPO) and the African Intellectual Property Organization (AIPO), whose headquarters will be in Tunis, Tunisia.

**125.** Thereafter, the PRC made the following comments and observations:

- i) There is need to consider the financial, legal and structural implications of the proposals including the Group of experts to follow up on the implementation of the Dakar Declaration to be supported by WIPO;
- ii) The proposal aims at providing clarification on the governance architecture in the area of intellectual property and in this regard, the continental structure would complement the existing structures;
- iii) All AU member states are not members of any of the two (2) existing regional organizations and the continental structure namely PAIPO will enable to take them into account and to ensure harmonization of the approaches in dealing with this matter;

- iv) There is need to ensure that the Specialized Technical Committee (STC) on Science and Technology should also deal with this matter to ensure that there is no duplication in the approach of all the structures;
- v) The decision of WIPO to establish two (2) regional offices should be noted and welcomed as it would serve to strengthen the cooperation of the latter with Africa;
- vi) The legal instrument establishing the continental organization will have to be ratified by Member States as recommended by the STC on Justice and Legal Affairs.

**126.** At the end of the debate, the PRC recommends to the Executive Council to:

- i) Welcome the proposal by Senegal to create a continental organization on intellectual property;
- ii) Need to ensure that the legal, structural and financial issues need to be addressed;
- iii) Need to ensure harmonization of all the structures that will be dealing with the issue of intellectual property on the continent;
- iv) Also welcome the establishment of the working group to follow up on the implementation of the Dakar Declaration; however, the financing of the working group needs to be sustainable;
- v) Recommend the proposal to the Executive Council for adoption;
- vi) Welcome the decision taken by WIPO at its 55<sup>th</sup> Session, held in October 2015, to open two external offices in Africa, and with context of enhancing the cooperation between the African Union and WIPO, invites the African Group in Geneva to expedite the process of identifying the two Member States of the AU to host the above-mentioned WIPO external offices.

**8) The Pan-African Forum for a Culture of Peace in Africa, Luanda Biennale (Item proposed by Angola) – EX.CL/945(XXVIII)Add.8**

**127.** The item was presented by the Ambassador of Angola. Initially scheduled to take place in Luanda in September 2015, the event was re-scheduled for September 2016 following consultations between the different parties, namely, the AU Commission, UNESCO and Angola.

**128.** The issue raised was whether the funding earmarked for 2015 was still available. In answer to the question, the representative of the Commission stated that no budget provisions had been made to cover the expenses for holding the forum. The

Commission would however continue to work towards the mobilization of funds, in collaboration with UNESCO.

**129.** In conclusion the PRC takes note of the announcement that the event did not take place and that a fresh proposal would be submitted after due consultation with all stakeholders:

**SECTION V: CONSIDERATION OF THE DRAFT AGENDA OF THE 28TH ORDINARY SESSION OF THE EXECUTIVE COUNCIL AND THE 26TH ORDINARY SESSION OF THE ASSEMBLY OF THE AFRICAN UNION**

**130.** The PRC considered the Draft Agendas of the 28th Ordinary Session of the Executive Council and 26th Ordinary Session of the Assembly of the African Union and recommended them to the Executive Council for adoption.

**SECTION VI: CONSIDERATION OF THE DRAFT DECISIONS AND DECLARATIONS OF THE 28TH ORDINARY SESSION OF THE EXECUTIVE COUNCIL AND 26TH ORDINARY SESSION OF THE ASSEMBLY OF THE AFRICAN UNION**

**131.** The PRC considered the Draft Decisions and Declarations of the 28th Ordinary Session of the Executive Council and 26th Ordinary Session of the Assembly of the African Union and recommended them to the Executive Council.

**SECTION VII: ADOPTION OF THE REPORT**

**132.** The PRC met on Saturday 23 January 2016 and adopted its Report.

**SECTION VIII: ANY OTHER BUSINESS**

**133.** Nothing was discussed under this Agenda Item.

**SECTION IX: CLOSING**

**134.** On behalf of the PRC, the Representative of Ethiopia congratulated the Outgoing Chairperson of the Committee and lauded his outstanding leadership during his tenure.

**135.** On behalf of the Commission, the Commissioner for Economic Affairs thanked the Outgoing Chairperson of the PRC for his brilliant performance and expressed appreciation for his immense contribution.

**136.** In response, the Outgoing Chairperson of the PRC thanked members for their support and cooperation during his tenure. Furthermore, he expressed appreciation to the Commission, the Southern Region and, the Regional Deans for their invaluable support. He pledged his commitment to support the incoming Bureau in his new capacity as Rapporteur and on this note declared the 31st Ordinary Session closed.

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