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**PERMANENT REPRESENTATIVES' COMMITTEE
TWENTIETH ORDINARY SESSION
19 - 20 JULY 2010
KAMPALA, UGANDA**

PRC/Rpt(XX)

REPORT

2010
MAKE PEACE HAPPEN

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

I. INTRODUCTION

1. The Twentieth Ordinary Session of the Permanent Representatives' Committee (PRC) was held from 19 to 20 July 2010 in Kampala, Uganda, under the Chairmanship of H.E. Mbuya Isaac G. Munlo, Ambassador and Permanent Representative of the Republic of Malawi to Ethiopia, the African Union and the Economic Commission for Africa. However, as is the practice, the PRC had earlier held preparatory meetings as from 14 June through 16 July 2010, to consider the items on the draft agenda of the Executive Council, in preparation for the 17th Ordinary Session of the Executive Council and in accordance with Rule 9 (2) and 9 (3) of the Rules of Procedure of the latter. Some of the meetings were chaired on rotational basis by the other Members of the Bureau of the PRC; namely, H.E. Mr. Baudelaire NDONG ELLA, Ambassador of the Republic of Gabon 1st Vice Chairperson; H.E. Mr. Mull Katende, Ambassador of the Republic of Uganda, 2nd Vice Chairperson; and H.E. Dr. Edward Gbloco Howard-Clinton, 3rd Vice Chairman, Ambassador of the Republic of Liberia.

a) OPENING CEREMONY

i) Statement by H.E. Mr. Mbuya Isaac G. Munlo, Ambassador and Permanent Representative of the Republic of Malawi, Chairperson of the Permanent Representative Committee (PRC)

2. The Chairperson of the PRC, in his opening remarks, welcomed all participants and thanked the Government and people of Uganda for the warm welcome and the generous hospitality and excellent facilities made available to the delegations, the AU Commission and all other participants. He observed that the PRC had considered most of the reports in Addis Ababa and thanked the delegations for their commitment and urged them to keep the momentum going so that the remaining work could be completed on schedule. He called on the meeting to observe a minute of silence in memory of victims of the July 11 terrorist attacks in Kampala.

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

3. In his statement, the Chairperson of the African Union Commission, Dr Jean Ping paid tribute to the victims of the recent bomb attacks in Kampala. While noting that the 15th Summit of the Union was taking place within the context of World Economic crisis, he informed the audience that the attention of the world was caught by the recent successful organization of the World Cup in Africa for the first time.

4. He congratulated former President of South Africa, Mr. Nelson Madiba Mandela on the occasion of his 92nd birthday. He stressed the need for Africa to continue to speak with one voice on issues at the global level in all world fora.
5. He noted that the PRC has worked closely with the Commission in the preparation of the meetings of the Executive Council to enable it make informed decisions.
6. The Chairperson particularly appreciated the endorsement of the draft Staff Regulations and Rules by the PRC and informed the meeting that the Commission has recently put in place modern tools and reforms that would enable it use its scarce resources in a rational manner which would improve its overall performance.
7. He welcomed the approach adopted by the PRC in carrying out most of its work in Addis Ababa, Ethiopia and promised that the Commission would do everything in its power to ensure successful holding of the forthcoming Afro Arab Summit and the Africa-EU Summit in Tripoli, Libya towards the end of the year.

iii) Statement by the Foreign Affairs Minister of Uganda

8. The Minister for Foreign Affairs of the Republic of Uganda during his opening statement welcomed all the participants to the meeting. He thanked all the delegations for expressing sympathy following the recent bomb attack in Kampala, and appreciated the sense of responsibility which the PRC exhibited in starting the discussion of most of the Summit documents in Addis Ababa.
9. He noted that most of the challenges facing Africa such as integration and the fight against poverty can only be successfully dealt with through collective action. He stated that the Executive council counts on PRC to come up with recommendations on various reports for decision making under the expectations that the Kampala Summit would witness strategic outcomes.
10. He declared the meeting open, while highlighting a number of pre-summit activities and meetings and those held on the margins of the summit, and reiterating the Ugandan government's commitment to meeting the expectations during the Summit.

b) ATTENDANCE

11. In attendance were the following Member States. Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Comoros, Congo, Democratic Republic of Congo, Cote d'Ivoire, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, The Gambia, Ghana, Guinea Bissau, Equatorial Guinea, Kenya, Lesotho, Liberia, Libya, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria,

Rwanda, SADR, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, and Zimbabwe.

c) ADOPTION OF THE AGENDA

12. On the basis of Rules 9.2 and 9.3 of the Rules of Procedure of the Executive Council, the PRC agreed that, for the sake of preparing and facilitating the work of the Executive Council, it would go through all the supporting documents submitted on each agenda item with a view to coming up with a categorization of items that would be placed under Parts A and B respectively. The PRC consequently decided not to have its own agenda while preparing for the Executive Council and to await the consideration of all agenda items proposed by the Commission before recommending which items would go under Part A or Part B.

13. The PRC also decided that it would look at the Draft Decisions prepared by the Commission to ensure that their recommendations were fully and faithfully reflected in these Draft Decisions, before being passed on to the Drafting Committee of the Executive Council. This decision was subsequently reconsidered by the PRC which agreed to entrust that responsibility to the Drafting Committee of the Assembly.

14. The PRC in addition decided to consider the reports of its Sub-Committees whose recommendations would form part of the report to be submitted to the Executive Council.

15. Subsequently, the PRC considered all the items on the draft Agenda of the Executive Council and agreed to defer to the January/February 2011 Session the following five Reports because they were not included in the approved Calendar of Meetings for 2010:

- i) Report on the First Conference of Ministers responsible for Meteorology in Africa, Nairobi, Kenya, 12-16 April 2010;
- ii) Report of the second Ministerial Conference on Disaster Risk Reduction, Nairobi, Kenya, 14-16 April 2010;
- iii) Report of the Ministerial Conference on Animal Resources, Entebbe, Uganda, 10-15 May 2010;
- iv) Report of the Commission on the Ministerial Conference on the Follow-Up of TICAD IV, Arusha, Tanzania, 2-3 May 2010;
- v) Report of the Commission on the High Level Conference on Agri-Business and Agro-Industries held in Abuja, Nigeria, 8-10 March 2010.

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

**II. CONSIDERATION OF THE ACTIVITY REPORT OF THE COMMISSION –
Doc. EX.CL/579(XVII)**

17. The report was presented by the Deputy Chairperson of the Commission.

18. The following observations and issues were highlighted.

- i) A succinct report on the presentation should accompany the report to facilitate a holistic and structured view thereof;
- ii) Election observation by delegates of the AU should be carried out in accordance with African standards which take into account the specific characteristics of the Continent;
- iii) The Commission should henceforth organise its activity report around integration issues in Africa;
- iv) The Commission should send reminders to Member States on the question of alternative sources of financing for the African Union, given the fact that the persistent asymmetry between partner resources and Member States resources in terms of programmes financing constitute a factor of dependence;
- v) Some areas of partnership (EU and Afro-Arab Cooperation) have not been included in the field of competence of the Sub-Committee on Multilateral Cooperation. Member States find it difficult to be updated on the activities relating to cooperation with EU;
- vi) The report does not provide any indication on the evaluation of partnerships, and the appraisal of the cooperation with EU is mixed;
- vii) Africa-EU partnership should be structured on substantive issues (Climate Change, Migration phenomenon, Infrastructure, etc.) and should not

concentrate on formal considerations. The next Africa-EU Summit to be held in Libya should have this concern included in its agenda;

- viii) The cooperation with our various partners should be conducted in accordance with a consensual methodology which takes the interest of the Continent into account;
- ix) The report should be updated with the outcomes of the various elections recently held in the Continent;
- x) The pillar “Shared Values” should be further explained so as to give it a precise content.

19. In its response, the Commission underscored the relevance of the observations made which, it said, would provide opportunity to enrich the report. The Commission then went on to provide the following clarification:

- i) Through the conduct of elections observation, the Commission aims to arrive at a definition of specific standards for elections observation;
- ii) The content of “Shared Values” also includes cultural and social elements;
- iii) The partnership with EU often suffers from imbalance in representation at consultation meetings given the fact that EU delegations are often at a lower level in terms of hierarchy in relation to Member States’ delegations;
- iv) Appraisal of partnership is a substantive work and this is already being addressed in the context of trade and investments;
- v) The report will be updated and all the requisite corrections incorporated in the final version.

20. The PRC recommended to the Executive Council as follows:

- i) Request the Commission in collaboration with Member States to expedite efforts to finalize the work on alternative sources of funding;
- ii) Request the Commission, in future, to report on the state of integration and development on the Continent in addition to the performance of the Commission focusing more on results rather than activities.

III. CONSIDERATION OF THE REPORTS OF THE SUB-COMMITTEES OF THE PRC

(1) Report of the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters

(a) On the Review and Finalisation of the Draft AU Staff Regulations and Rules – Doc. PRC/2(XX)a

21. The report and its annex was presented by H.E. Mr. Thomas Kwesi Quartey, Ambassador of the Republic of Ghana and 1st Vice-Chairperson of the PRC Sub-Committee on Administrative, Financial and Budgetary matters in the absence of the substantive Chairperson of the Sub-Committee, the Ambassador of Equatorial Guinea. He highlighted the main features of the report, in particular issues on which the Sub-Committee could not reach consensus and which had been bracketed and recommended them for consideration by the PRC. The issues in question relate to Rule 43.2 (b) and (c) on the payment of grants for the death or permanent disability of staff member while in active service and Rule 60.3 on staff member under suspension against whom a criminal proceeding outside the Union had been instituted.

22. Following the presentation of the report, there was a lengthy debate on the methodology to use in discussing the report.

23. At the end of the debate on methodology, the PRC agreed that the issues that had been bracketed by the Sub-Committee would be considered first and then delegations that had specific issues of concern could raise them for discussion. With this understanding, the PRC went ahead to consider the bracketed issues as follows:

(I) Rule 43.2 (b) and (c):

24. With regard to the provisions of Rule 43.2 (b) and (c), comments and observations were made as follows:

- i) The Commission should explore other ways of humanitarian intervention outside the budget;
- ii) What was the rationale for determining the period of three months for humanitarian grant in the event of death of a staff member (under sub paragraph b) and two months in the event of permanent disability (under sub paragraph c);

- iii) The period of three months was inadequate and ought to be extended to cover at least the end of the school year of the dependent children of the staff member;
- iv) The proposal would not create any huge financial implication to the organization in view of the few cases of death registered yearly;
- v) The proposal would serve as an incentive to staff servicing the organization and would render the compensation/remuneration package attractive to those intending to join the organization and as well help to reduce the exodus of staff from the AU to other organizations;
- vi) The provision of Rule 43.2 (a) would be a duplication with the compensation obtained by way of a Life Insurance Policy currently enjoyed by staff members. It would be better for the Commission to negotiate a more favourable and comprehensive Life Insurance cover that would also include funeral cost;
- vii) There is need to show generosity in difficult circumstances such as death and the organization should be humane by adopting policies such as those being proposed under Rule 43.2 (b) and (c);
- viii) Whatever is advanced to beneficiaries under Rule 43.2 (b) and (c) should be deducted upon the payment of the insurance compensation;
- ix) The period of three months should be aligned for both sub paragraph 43.2 (b) and (c);
- x) The principle of solidarity should be applied and responsibility shared between both the Organization and AU staff.

25. The representative of the Commission provided answers and clarification as follows:

- i) The organization has a group life insurance with ALICO (American Life Insurance Company);
- ii) The Insurance Companies do not meet immediate needs of the bereaved families hence the need to care for the deceased families in such difficult and desperate times;

- iii) The proposals as reviewed and agreed on by the Sub Committee were based on the practice in some international organizations and the Member States;
- iv) Solidarity is shown by staff on voluntary basis when staff colleagues pass on.

(II) Rule 60.3

26. As regards Rule 60(60.3) of the Draft Staff Rules, the PRC agreed by consensus to delete the brackets and adopt paragraph 60.3 of Rule 60 as proposed. It was however recommended that paragraph 60.3 of the French text be revisited for alignment with the English version.

27. After consideration and adoption of the two bracketed provisions, some delegations requested clarification on certain provisions of the Draft Staff Regulations and Rules. In this regard, the delegation which took the floor made the following observations and comments:

- i) Why was the age for children reduced to three (3) years instead of five (5) for the purpose of payment of education allowance as stipulated in Rule 22 (22.3) (a) (i) of the Draft Staff Rules?
- ii) Rule 19 (19.2) of the Draft Staff Rules on Post Adjustment Allowance should be reviewed to reflect the consensus reached in the Sub-Committee;
- iii) Some of the Annexes to the Draft Staff Rules mentioned in Rule 78 should be submitted for adoption by the Policy Organs of the Union in accordance with existing procedures as soon as they become part of the Staff Regulations and Rules of the African Union;
- iv) With respect to Rule 78 of the Draft Staff Rules, there is need to make a distinction between existing documents and those to be submitted to AU Organs for consideration and adoption;
- v) Rule 36 of the Draft Staff Rules is silent on evaluation of members of the Commission who, in principle, should be assessed by the Chairperson of the Commission on the basis of performance contract;

- vi) It is needful to formulate a Code of Conduct for AU staff with emphasis on training on work place and outside work place ethics;
- vii) The presence of the Director of Administration in the Disciplinary Committee as provided for in Rule 57 of the Draft Staff Rules could be prejudicial;
- viii) Clarification should be provided on Rules 39(3)(b), 48(1) and 48(3) of the Draft Staff Rules on Home Leave during official mission, the Rules applicable to transportation of the personal effects of a staff member on initial recruitment and on separation;
- ix) Acts or comportments that constitute serious offenses on the part of a staff member should be clearly defined by the Staff Regulations and Rules so as to protect the staff members from arbitrary measures that could result from a too wide an interpretation of the Staff Regulations and Rules;
- x) The Commission should submit, on annual basis, to the Executive Council a report on the status of implementation of the Staff Regulations and Rules upon their adoption.

28. In reply to the issues raised, the representatives of the Commission provided the following clarification:

- i) The Draft Staff Regulations and Rules have been inspired by the principles and practices applicable across the world in other inter-governmental organizations such as the United Nations and the European Union;
- ii) The provisions of Rule 78 on Annexes will be reviewed to take due cognizance of the observations made by various delegations;
- iii) The participation of the Director of Administration in the Disciplinary Committee as a member without voting rights is important;
- iv) Rule 58 of the present Draft Staff Regulations and Rules of the African Union provides for acts and comportments that constitute professional offenses, and the sanctions applicable in the event of such offenses are set out in Rule 61;

- v) The recommendation relating to submission of an annual report on the status of implementation of the Staff Regulations and Rules to the Executive Council is pertinent;
- vi) The age reduction was motivated by the need to adopt rules that are applicable to pre-school education which have changed since the adoption of the former Staff Regulations and Rules;
- vii) The baggage weight allowance for each staff member for the purpose of transportation of his/her personal effects on initial recruitment or on separation are defined taking into account the cost equivalent of airfreight and sea transport;
- viii) The rate of calculation of per diem payable to staff members on official mission takes into account the fact that the African Union does not benefit from a special tariff system with hotels as is the case with the United Nations.

29. At the end of consideration the Draft Staff Regulations and Rules, the PRC recommended to the Executive Council as follows:

- i) Adopt the Draft Staff Regulations and Rules;
- ii) Request the Commission to submit to the Executive Council, on annual basis, a report on the status of implementation of the Staff Regulations and Rules;
- iii) Request the Commission to prepare and submit to the Policy Organs the Annexes that need prior adoption by the said Organs.

(b) First Quarterly Report of the Commission on the 2010 Budget Execution – Doc. PRC/2(XX)b

30. The report was presented by the Chairperson of the Sub Committee.

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

- i) There is need for timely release of funds to facilitate the implementation of programmes;
- ii) There is further need for the PRC and the Commission to work together to find solutions to the late release of funds by Partners;

- iii) There is also a need for the budget to be adopted during the July Summits so as to facilitate early implementation of programmes

32. In concluding the discussion, the PRC endorsed the report of the Sub-Committee and recommended it to the Executive Council as follows:

- i) The submission of the Quarterly Report should be accompanied by a revenue and expenditure statement for the current year, to be presented in tabular format;
- ii) The budget for the 2012 Financial Year and onwards would be considered and approved in July. Further the Commission should ensure full compliance with Article 39 of the Financial Rules and Regulations until the adoption of the 2011 Budget;
- iii) The Commission should ensure that all organs submit their quarterly reports and that the Commission shall prepare an Executive Summary Report;
- iv) The PRC should work together with the Commission in order to improve the flow of partner funds to the African Union;
- v) The budget process should be phased in such a way as to start with the AU Commission's budget. Once the Commission's budget is finalized dates should be set for Representatives of other Organs to come to the AU Commission to present their budgets, with a view to minimizing the cost incurred by other Organs during budget hearings;
- vi) Annual Policy statement should be entitled "Annual Budget Framework Strategy".

(2) Report of the Sub-Committee on Structures – Doc. PRC/3(XX)

33. The report was presented by the Chairperson of the Sub- Committee.

34. Following the presentation, the representative of the Commission confirmed that the report was work in progress; to be continued after the Kampala Summit.

35. In concluding the discussion, the PRC took note of the report to the Executive Council as work in progress, to be continued after the Kampala Summit.

(3) Report of the Sub-Committee on Multilateral Cooperation – Doc. PRC/4(XX)

36. The report was presented by the Ambassador of the Republic of Benin, Chairperson of the Sub-Committee. The report covered the joint activities undertaken by the Sub-Committee and the Commission on Africa's Strategic Partnerships, namely; Africa-India Forum Summit, including the Pan-African e-Network Project; Africa-South America (ASA) Summit; Africa-Turkey Partnership Summit; and Africa – EU Dialogue. Annexed to the report was the report of the Commission on Cooperation on some countries and some international organizations, namely, Partnerships with China, South Korea and Japan; AUC-USA relations; AUC-Australia, AUC and the Commonwealth, AUC and the General Secretariat of the Organisation of American States (OAS); and AUC and the General Secretariat of the Organization of Islamic Conference (OIC).

37. The following comments and observations were made:

- i) During the presentation, information not available in the written document were provided;
- ii) The title of the report refers to an account of the activities of the Sub-Committee on Multilateral Cooperation. However, the content goes beyond this title given that it includes the partnership activities undertaken by the Sub-Committee and the cooperation activities carried out by the Commission with certain Member States. This merger generates confusion as to the objective of the report.
- iii) The Sub-Committee on Multilateral Cooperation did not carry out prior consideration of the annexed report of the Commission;
- iv) It is needful to differentiate between the two reports, and adopt only the report of the Sub-Committee;
- v) With respect to establishment of training institutions and centres by India, the regions that have not already done so, should consult and agree on the countries in which such institution should be located;
- vi) The Commission is entering into increased number of partnerships whereas an Executive Council Decision had frozen partnership and prescribed an evaluation of existing partnership prior to any other new partnership agreement;
- vii) Do the changes to the configuration of EU Organs not make the structure of the Troïka outdated?

- viii) The AU/EU Joint Strategy and related Plan of Action are about to be outmoded;
- ix) Paragraph 34 of the report should be aligned with the conclusions of the 14th Troïka and incorporated into the recommendations;
- x) The partnership relations with South America deserve to be clarified and any ambiguities removed;
- xi) The report does not mention the three (3) options proposed for the presidential task force nor its composition;
- xii) What will be the precise mandate of the secretariat group?
- xiii) States should define the *modus operandi* of these two organs – the presidential working group and the working group;

38. In reply, the Commission provided the following responses to the observations and issues raised:

- i) The Commission did not develop new partnerships. It rather implemented previously concluded partnerships with certain countries and organizations. The Commission has submitted the report on these activities to the PRC in order to brief Member States on what it is engaged in;
- ii) Establishment of a multilateral cooperation follow up mechanism pursuant to the Executive Council Decision, falls on the Sub-Committee on Structures and on the Commission;
- iii) The Policy Organs of the AU should issue specific guidelines on management of the cooperation with South America and India;
- iv) The three (3) options on the presidential working group should be put in writing and forwarded to Member States;
- v) The format of the Troïka can be maintained without problems, despite the changes to the configuration of EU Organs;
- vi) The report of 14th Meeting of the Troïka has already been made available to Member States.

39. In conclusion, the PRC put forward the following recommendations for the attention of the Executive Council:

- (i) Adopt the report of the Sub-Committee and endorse the recommendations contained therein with respect to all the Partnerships;
- (ii) With specific regard to the Africa South America (ASA) processes and concerning the Presidential Working Group, to choose from the following 3 options:

Option 1: Accept the establishment of the Presidential Working Group as adopted at the 2nd ASA Summit and clarify its status, functions, structure, etc.

Option 2: Accept the establishment of the Presidential Working Group as adopted at the 2nd ASA Summit, which should function through their designated representatives.

Option 3: Scale down of the Presidential Working Group, by replacing it with a Ministerial Committee in view of the inherent difficulties in covering meetings of a Presidential nature.

- (iii) A rotational Pro-Tempore Secretariat as opposed to a permanent Secretariat proposed by Venezuela;
- (iv) Request the Commission to separate the Report of the Sub-Committee on Multilateral Cooperation from the Report of the Commission and incorporate its Report in the Activity Report of the Chairperson of the Commission.

(4) Report of the Sub-Committee on Conferences and Programmes – Doc. PRC/5(XX)

40. The report was presented by a representative of the Federal Republic of Nigeria on behalf of the Chairperson of the Sub-Committee.

41. Following the presentation, the PRC raised concerns, made comments and observations, and sought clarification as follows:

- i) The Sub-Committee on Conferences and Programmes focused on Meetings and Conferences while the Programme component of its mandate was neglected;
- ii) Consequently the Sub-committee should be split into two; one sub-committee on Programme and Coordination and the other focuses on conferences;

- iii) There should be a mechanism to know whether meetings had been cleared or not;
- iv) Ways should be found to accommodate meetings held outside the confines of the approved Calendar of Meetings;
- v) The Commission should establish contact with the Embassies before dispatching invitations to the Ministers or Government;
- vi) There is need to limit the number of AU staff participating in meetings held outside the Headquarters in order to cut down on cost and to enable the Commission participate effectively in the PRC meetings as and when required;
- vii) The Sub Committee should live up to its mandate and be able to track the meetings held and those not held and then determine reasons for such cases and how to deal with them;
- viii) There should be proper planning of meetings taking into consideration the programmes in line with the accompanying budgetary requirements.

42. In addressing the concerns, the representative of the Sub Committee clarified as follows:

- i) The inadequate attention paid to programmes, was due to lack of proper coordination and interaction between the Sub-Committee and the Strategic Planning Directorate;
- ii) Some of the programmes proposed by the Commission lacked funding;
- iii) The guidance of the PRC was needed for meetings held outside the approved Calendar of Meetings;
- iv) There is need to review the number of Ministerial meetings approved for the Departments;
- v) It was not necessary to split the Sub-Committee as efforts would be made to focus equally on the two important aspects of its mandate.

43. Further clarification were made by the representatives of the Commission as follows:

- i) There is need to harmonize efforts of the Sub-Committee on Administrative and Budgetary Matters with those of the Sub-Committee on Conferences and Programmes;

- ii) The Departments do not necessarily have to submit reports to every Summit. The Sub Committee on Conferences and Programmes together with the Commission should work out ways by which certain reports could be deferred to other Summits to assist in reducing the Agenda items lined up for discussion during the Summits;
- iii) There is need for the Commission to adopt an approach that focuses on what it plans to achieve rather than the number of meetings to be held;
- iv) There is need to review the budget cycle so that the budget is approved before January to enable a timely commencement of budget execution and programme implementation.

44. In the course of discussing this item, the PRC considered the case of five reports that had been put aside because the Meetings had not been approved in the calendar of meetings for 2010. The Deputy Chairperson explained that some of these meetings were not in fact meetings of the Commission but rather meetings to which the Commission was invited.

45. In concluding the discussions, the PRC took note of the report of the Sub-Committee on Conferences and programmes and recommended to the Executive Council to:

- i) Request the Commission to propose a concrete and realistic mechanism aimed at ensuring that budget allocations for meetings and programmes were put in place on time;
- ii) Further request the Sub Committee to work closely with the Commission on the Programme Component so that all issues on programme planning and implementation are adequately addressed;
- iii) Request the Sub-Committee to undertake an evaluation of the meetings and programmes approved for each Calendar year;
- iv) Request the Commission to undertake a proper planning of meetings;
- v) Differ the consideration of the five (5) reports mentioned under paragraph 15 above to the January/February 2011 Session,
- vi) Request the Commission to forward invitations to capitals of AU Member States through their Embassies;
- vii) Further request the Commission to come up with a mechanism to track the implementation of the outcomes of meetings approved each year.

(5) Report of the Sub-Committee on Refugees, Returnees and Internally Displaced Persons in Africa – Doc. PRC/6(XX)

46. The report of the Sub-Committee was presented by the Ambassador of the Republic of Uganda and that of the Commission by a representative of the Commission.

47. The following observations and issues were raised:

- i) What is the impact of the recommendations made by the PRC on the situation of refugees at each of its sessions?
- ii) Conflicts are at the root of the refugee phenomenon;
- iii) Internally displaced persons should not be confused with refugees;
- iv) Economic and political migrants should be treated as a special category;
- v) None of the two reports took cognizance of the situation of the transit countries such as those in North Africa region which are suffering from the presence of a large number of migrants transiting to Europe;
- vi) The Commission's financial assistance to the Member States hosting refugees should be beefed up with assistance towards strengthening institutional effectiveness in the management of the refugee phenomenon at national level;
- vii) The weakness of institutional organization results in reoccurrence of the phenomenon and confines one to a symptomatic treatment of this phenomenon;
- viii) National structures for refugees should be evaluated both in terms of their functioning and their relations with HCR;
- ix) Some of the figures contained in the reports should be corrected in collaboration with the relevant Member States;
- x) The reports do not mention the efforts deployed by Member States in providing assistance to refugees;
- xi) Certain Member States hosting refugees in their territories are the targets of vicious media campaign;
- xii) The report should spell out the financial implications of the activities to be carried out for implementation of the Plan of Action emanating from the Kampala Convention;

xiii) The Plan of Action should be considered at the next Summit to be held in Kampala.

48. The Chair of the Sub-Committee and a representative of the Commission clarified that the organization of the Special Summit on Refugees in Kampala was precisely intended to define the modalities of implementing the recommendations.

49. In conclusion, the PRC took note of the reports and recommended to the Executive Council as follows:

- i) The Refugee problem should be managed jointly by the Social Affairs Department, the Political Affairs Department and the PRC, and subsequent decisions adopted by the Policy Organs of the African Union;
- ii) Encourage Member States to strengthen their institutional capacities for management of refugees;
- iii) National legislations should take ownership of the content of the Kampala Convention;
- iv) Member States should respond to the questionnaires addressed to them to enable the Commission to have a full perception of their refugees management endeavours.

(6) Report of the Sub-Committee on Contributions – Doc. PRC/7(XX)

50. The report was presented by the Ambassador of the Republic of Burundi, Chair of the Sub-Committee.

51. During the ensuing debate, members of the PRC made observations and sought clarification as follows:

- i) The report contained some inaccuracies in the figures of outstanding contributions and there was need to update the report;
- ii) Recommendations 9(i) and 9(iii) were beyond the mandate of the Sub-Committee;
- iii) Meetings of the Sub-Committee had been poorly attended, going by the attendance list;
- iv) Paragraph I b (ii) of the Portuguese text should be aligned with the English version;

- v) It was not necessary to reflect Guinea in the list of absentees since the country was under sanction.

52. In response, the presenter clarified as follows:

- i) Poor attendance at Sub-Committee meetings was indeed a cause for concern;
- ii) The recommendation to review the way the programme budget was prepared (recommendation 9(i)) was aimed at improving coherence and better prediction of resource inflows to avoid shortfalls and, hence, difficulties in programme execution;
- iii) The recommendation to evaluate the impact of the various programmes on the continent (paragraph 9(iii)) was meant to help in identifying and prioritizing programmes with maximum impact on integration and socio-economic development;
- iv) The lack of coherence in the figures presented could be explained by possible payments by Member States subsequent to the preparation of the report and this will be updated to reflect the current situation;

53. The Commission complemented this response by indicating that the very low figures relating to development partners' disbursement were inaccurate and that only funds committed by Spain were not forthcoming and this was mainly due to concerns it had expressed regarding the mechanisms for disbursement and management of funds.

54. In conclusion, the PRC endorsed the report of the Sub-Committee and made the following recommendations to the Executive Council:

- i) The Commission should refrain from including programmes, whose fund are not secured, in its budget proposal;
- ii) The temporary exemption granted to Sierra Leone and Burundi be extended as long as these countries respect their payment schedules;
- iii) Seychelles should remain under sanctions, as it had not shown significant improvement in efforts to reduce its arrears;
- iv) Call on the Commission to check the figures on outstanding contributions for 2010 to ensure their accuracy and update them where necessary;

- v) Urge members of the Sub-Committee to fully participate in its meetings;
- vi) Commend the Member States that have fully paid up their contributions for the current year.

(7) Report of the Policy Committee on the Special Emergency Assistance Fund – Doc. PRC/8(XX)

55. The Report was presented by a representative of the People' Democratic Republic of Algeria, on behalf of Chairperson of the Policy Committee.

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

- i) Since the establishment of the Special Emergency Assistance Fund, several other funds, with similar objectives, had been set up. The possibility of merging them should be considered;
- ii) Some of the areas covered by the Fund have a development, not just a humanitarian dimension. Hence, there is need for a comprehensive review of the mandate, objectives and institutional arrangements governing the Fund;
- iii) The possibility of moving it to the Department of Agriculture and Rural Economy, where issues of disaster risk management are dealt with, should be considered;
- iv) Some delegations maintained the view that the Fund had a humanitarian, not developmental goal and hence, should be kept as such;
- v) A number of recommendations made at the Policy Committee level need to be reflected in the report. These include the use of statutory contributions to enhance the Fund and the possibility of approaching partners to support the Fund;
- vi) Whether the existed a legal framework or mechanism for the Fund as well as its modus operandi and control mechanisms;

- vii) Despite having been in existence since 1984, little is known about the Fund. There is therefore need to embark on measures geared towards its popularization;
- viii) There is need to present detailed financial statements of the Fund, rather than just a narrative report;
- ix) While some delegations expressed the view that the Policy Committee should work closely with the Sub-Committee on Refugees, others were of the view that the mandates of the two Sub-Committees were different and should therefore continue to operate separately.

57. The representatives of the Commission made the following clarification:

- i) The Fund is coordinated and managed by the Afro-Arab Unit of the Department of Political Affairs. The African Development Bank only keeps the account;
- ii) The Fund has statutes, rules of procedure, as well as guidelines;
- iii) The Policy Committee had considered a number of scenarios with regard to improving the financial situation of the Fund. It was agreed that the Fund should continue to be financed by Member States, not partners;
- iv) A review of the objectives of the Fund should focus on the overall picture of development and how the Fund fits into an overall strategy to fight hunger, attain food security and achieve development;
- v) There is need to move away from disaster management to risk management.

58. In conclusion, PRC endorsed the report of the Policy Committee and made the following recommendations to the Executive Council:

- i) Take note of the report and the total sum of about USD 40 million raised by Member States, associations and individuals since the creation of the Fund in 1984;
- ii) Commend the Member States, organizations, associations and individuals that have made voluntary contributions to the Fund;

- iii) Note the activities of the Sub-Committee and the timely assistance of the Fund to Burundi, Uganda and Niger;
- iv) Endorse the recommendation to reduce the amount of support for disaster management from \$500,000 to \$200,000 and for food aid from \$200,000 to \$100,000 in view of the worsening financial situation of the Fund;
- v) Appeal to all Member States to make voluntary contributions to sustain the Fund;
- vi) Request the Sub-Committee to re-examine the objectives, statutes, funding sources and institutional base of the Fund as well as ensure proper publicity.

(8) Report of the Sub-Committee on NEPAD – Doc. PRC/9(XX)

59. The report was presented by the Ambassador and Permanent Representative of the Republic of South Africa, Chairperson of the Sub-Committee.

60. Subsequent to the presentation, comments and observations were made, questions were raised and clarification sought as follows:

- i) What became of the study on the integration of NEPAD into the AU Structures and Processes which was conducted by a consultant last year?
- ii) What is the objective of the planned mission by the Sub-Committee to the NEPAD Agency in September 2010, as recommended in paragraph 23 (bullet 1)?
- iii) The recommendations listed in paragraph 23 did not address the issue of programmes;
- iv) How would funds raised by NEPAD Agency from partners be accounted for within the AU processes?

61. In response, the Chairperson of the Sub-Committee clarified as follows:

- i) The programs of NEPAD had been extensively discussed by the Sub-Committee;
- ii) The objective of the Sub-Committee's planned mission would be to, among others, assess progress made in the harmonization of the activities of

NEPAD with those of the Commission and progress made so far since the integration process;

- iii) The study had been completed and its recommendations, together with those of the Sub-Committee, led to the January 2010 Assembly Decision on the integration of NEPAD into the AU structures and processes;
- iv) Partner funds would be used to complement allocations made from Member State contributions. These should be reflected in the normal AU budgeting processes.

62. The following complementary information was provided by the Commission:

- i) On the process of integration of NEPAD into AU structures and processes, a study was carried out and recommendations made. It benefited from inputs by the Sub-Committee and PRC after which appropriate decisions were taken by the Assembly;
- ii) NEPAD Heads of State and Government Orientation Committee is now in place, and clear mandates have been given to the NEPAD Agency which has commenced implementation;
- iii) The NEPAD Agency budget has been integrated into the AU Budget and USD3 million has been allocated for the current year.

63. Following the debate, PRC endorsed the report of the Sub-Committee and made the following recommendations to the Executive Council :

- i) The Sub-Committee should undertake a mission to the NEPAD Agency at a date to be determined after due consultations;
- ii) The Chair of the Sub-Committee and the Commissioner for Economic Affairs should look into the possible budgetary sources available to finance the mission to the NPCA;
- iii) The AU-NEPAD G8-Africa Mutual Accountability Report should be circulated to Member States;
- iv) In future and when necessary, the NPCA CEO should be invited to meetings of the Sub-Committee so as to provide necessary clarifications on specific issues;

- v) The AUC should circulate the AU-NEPAD African Action Plan to all Member States;
- vi) There should be popularization of the integration process in order to correct the misunderstanding that NEPAD is dead;
- vii) In future meetings of the Sub-Committee, comprehensive reports on activities should be presented as working documents; and
- viii) The AUC should submit to the members of the Sub-Committee the proposed structure of the NPCA.

IV. CONSIDERATION OF THE DRAFT STAFF REGULATIONS AND RULES - Doc. EX.CL./580(XVII)

64. In the course of discussing the report of the Sub Committee on Administrative, Budgetary and Financial matters [as reflected under section III,(i) (a)], the PRC also considered the draft Staff Regulations and Rules, and recommended it for approval by the Executive Council.

V. CONSIDERATION OF THE REPORT OF THE COMMISSION ON THE IMPLEMENTATION OF PREVIOUS DECISIONS OF THE EXECUTIVE COUNCIL AND THE ASSEMBLY - Doc. EX.CL./581(XVII)

65. The report was presented by a representative of the Commission. In presenting the report, it was highlighted that the report took into account the salient features of the activities carried out based on the previous decisions with focus on the decisions taken during the period June 2009 and January 2010.

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

- i) What were the reasons for the low rate of implementation or for non-implementation of some decisions?
- ii) The report fell short of providing the percentage of implementation of Decisions and adequate information on the constraints faced in implementation;
- iii) There is a need to reduce the number of Decisions taken by the Summit;

- iv) The percentage of implementation of Decisions has not been indicated;
- v) There is need to improve on the reporting format;
- vi) There is need to develop guidelines that would govern the way decisions are prepared and adopted;
- vii) There is need to assign time frame in the implementation of decisions;

67. In addressing the concerns, the Commission explained that the low rate of implementation and, in some cases, the absence of implementation could be attributable to the following:

- i) The absence of criteria or guidelines governing the receipt, the preparation and adoption of decisions;
- ii) The high number of decisions (on average fifty (50) decisions are taken by the Executive Council and thirty (30) by the Assembly per Session). There is therefore need to reduce the number of decisions;
- iii) The short time frame for reporting (6 months is too short a time frame for follow up and reporting. A time frame of one year would be more realistic;
- iv) The language used in the drafting of decisions is vague, inconsistent or ambiguous, and could easily lead to several interpretations;
- v) Some decisions are unnecessarily long, full of preambles and not action oriented.

68. In concluding the discussions, the PRC recommended to the Executive Council as follows:

- i) **REQUEST** the Commission, in collaboration with the Permanent Representatives' Committee (PRC) to develop guidelines on the preparation and adoption of decisions;
- ii) **ALSO REQUEST** the Commission to improve on the format of the report on the implementation of decisions;
- iii) **FURTHER REQUEST** the Commission to take necessary actions to elaborate the guidelines, including the timeframe for reporting and to make

appropriate recommendations to the Executive Council, through the PRC at its next Ordinary Session in January/February 2011;

- iv) **REDUCE** the number of decisions to be submitted for consideration by the Executive Council and the Assembly.

VI. CONSIDERATION OF REPORTS ON MINISTERIAL CONFERENCES

69. During the presentation of the various reports, the PRC made a general recommendation that the Commission should always ensure that reports are presented by either the Commissioners or the Directors of Department.

(1) Report of the Joint Afro-Arab Ministerial Meeting on Agriculture and Food Security, Egypt, 14-16 February 2010 – Doc. EX.CL/582(XVII)

70. The report was presented by a representative of the Commission. Subsequent to the presentation, comments and observations were made and clarifications sought as follows:

- i) The relationship between the plan to be established and CAADP (Comprehensive African Agricultural Development Program) should be highlighted;
- ii) The names of the Countries and Organizations that attended the Conference should be mentioned;
- iii) The financial implications and funding mechanism for the activities of the joint action plan facilitation unit should be indicated.

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

- i) CAADP remains the main framework for agricultural development. Other initiatives only act as support to CAADP;
- ii) The creation of a joint action plan facilitating Unit is a proposal which does not have any immediate financial implications. Information on the structure and mandate of the Unit will be contained in a detailed proposal to be submitted for consideration and approval by the Second Afro-Arab Summit to be held in October 2010.

72. In conclusion, PRC recommended that this item be placed in Part A of the Executive Council agenda.

(2) Report on the Fourteenth Session of the Standing Commission for Afro-Arab Cooperation, Cairo, Egypt, 4 March 2010 – Doc. EX.CL/583(XVII)

73. The report was presented by a representative of the Commission. Subsequent to the presentation, comments and observations were made and clarifications sought as follows:

- i) The communiqué referred to in paragraph 26 of the report should be attached;
- ii) More information on the proposed Sub-Committees should be provided.

74. The representative of the Commission in response to the above concerns, clarified that the Sub-Committee, mandated to prepare working documents on thematic issues of the Summit, comprised 8 experts, 4 from the African side and 4 from the Arab side.

75. In conclusion, PRC recommended that this item be placed under Part A of the Agenda of the Executive Council.

(3) Report of the Fourth Ordinary Session of the African Ministerial Conference on Science and Technology (AMCOST IV), Egypt, 8-11 March 2010 – Doc. EX.CL/584(XVII)

76. The report was presented by a representative of the Commission. Subsequent to the presentation, comments and observations were made as follows:

- i) The restructuring of the ICT Division in the Human Resource, Science and Technology Department (HRST) as proposed could have structural and financial implications;
- ii) The issue of restructuring the ICT Division needs to go through the Sub-Committee on Structures;

77. In concluding the discussion, the PRC recommended that the report be put under Part B agenda of the Executive Council.

(4) Report of the Second Conference of African Ministers in charge of Border Issues, Addis Ababa, Ethiopia, 22-25 March 2010 – Doc. EX.CL/585(XVII)

78. The report was presented by a representative of the Commission. Subsequent to the presentation, comments and observations were made and clarification sought as follows:

- i) The Commission should request Germany, through the EU, for a copy the Agreement reached at the Berlin Conference of 1884 as well as full details of the proceedings of that Conference;
- ii) Dependence on partners to fund sensitive issues such as border matters was a cause for concern;
- iii) The proposal to institute an “African Day of Borders” needs to be brought to the attention of Ministers.

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

- i) Initiatives were geared towards compiling information that would help in the proper demarcation of borders and help foster the integration process;
- ii) The main source of funding at present is Germany (through GTZ).The Commission continues to engage Member States Partners with respect to funding.

80. In conclusion, the PRC recommended that the report be placed under Part A of the agenda of the Executive Council.

(5) Report of the Third Joint AU Conference of African Ministers of Economy and Finance and ECA Conference of African Ministers of Finance, Planning and Economic Development, Lilongwe, Malawi, 25-30 March 2010 – Doc. EX.CL/586(XVII)

81. The report and its annexes were presented by a representative of the Commission. Subsequent to the presentation, comments and observation were made and questions raised as follows:

- i) Sudan should be mentioned in the attendance list;
- ii) Were the Ministers of Environment associated in the decision on Climate Change and Food Security? Were there Consultations?

82. The representative of the Commission clarified as follows:

- i) Sudan will be included in the attendance list;
- ii) There were consultations with other sectorial Ministers before the issuance of the Draft Declaration;
- iii) The draft assessment report should be circulated to Member States;

- iv) The assessment report should be annexed to the report of the Ministerial meeting;
- v) Why did the Ministers exclude the percentage allocation of 15% for Health, 10% for agriculture and 20% for education from the Evaluation Report?
- vi) The assessment report would be circulated as an annex to the Ministerial Report;
- vii) Regarding the removal of the percentage allocation to health, agriculture and education, the Ministers felt that it was not necessary to reflect it as the majority of the Member States were already allocating more than the agreed share from their budgets.

83. In concluding the discussion, the PRC noted that the African Common Position on MDGs had been endorsed by the Conference of Ministers of Finance and Planning in Lilongwe, Malawi in March 2010 and recommended to the Executive Council the following:

- i) Request the Commission to work with Member States, RECs and other Stakeholders with a view to streamlining and harmonizing statistics in Africa;
- ii) Request Member States that have not yet done so to sign and ratify the African Charter on statistics;
- iii) Endorse the African Common Position on MDGs to be submitted to the UN General Assembly in September 2010;
- iv) The report should be placed under part A of the Agenda of the Executive Council.

(6) Report of the Third Ordinary Session of the Conference of Ministers in charge of Youth (COMY III), Victoria Falls, Zimbabwe, 12-16 April 2010 – Doc. EX.CL/588(XVII)

84. The report was presented by a representative of the Commission. Subsequent to the presentation, comments and observations were made and clarification sought as follows:

- i) The proposal to ensure youth participation in COMY meetings as delegates and during Heads of State and Government meetings should not be accommodated. While recognizing the need to involve the youth in such events, the general view was that Member States should be left to decide

on the composition of their respective delegations which generally comprise young persons as well;

- ii) An appeal should be made to Member States to ratify the African Youth Charter as well as to provide a feedback on the Feasibility Study on the Trust Fund for Youth Development;
- iii) The report was silent on the important issue of an AU Youth Volunteer Corps even though it was agreed that this should feature in the list of issues to be taken to the Kampala Summit;
- iv) On the proposal to have “*Accelerating youth empowerment for sustainable development*” as theme of the 2011 Summit, it was suggested that a full review of various proposals be done by the Commission and the PRC. There was concern that two (2) themes a year left little time for implementation of related Declarations and Outcomes.

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

- i) Comments and observations of Member States on the Feasibility Study were needed in order to finalize it;
- ii) A large part of youth activities enjoyed partner support. However, there is need for more stable and predictable sources of financing, hence the need to establish the proposed Trust fund.

86. In conclusion, PRC recommended to the Executive Council, the following:

- i) Request Member States to sign and ratify the African Youth Charter;
- ii) Request the Commission in collaboration with the PRC to review the proposed theme in tandem with other proposals;
- iii) The item be placed under Part A of the Executive Council.

(7) Report of the Meeting of Ministers in charge of Forced Displacement, Addis Ababa, Ethiopia, 1-5 June 2010 – Doc. EX.CL/591(XVII)

87. This report was presented by a representative of the Commission.

88. Following the presentation and during the ensuing debate, the PRC reached consensus that the phenomenon of internally displaced persons was cause for concern and should be adequately addressed. There were however divergences in regard to the inclusion of the report in Part A or B of the agenda of the Executive Council. The reasons advanced for either option were articulated as follows:

For inclusion in Part B:

- i) Implementation of the Plan of Action annexed to the report has financial implications given that the plan proposes that Member States' contribution to the Fund for Refugees and Internally Displaced Persons be raised from 2% to 4% with effect from January 2011. For reasons of these budgetary implications, the report should be included in Part B of the agenda of the Executive Council;
- ii) This financial implication is compounded by the fact that the Convention on Refugees and Internally Displaced Persons is yet to be ratified by a large number of Member States.

For inclusion in Part A:

- i) There were no differences on the substance of the report. The proposed increase of the rate of contribution towards the Refugees and Internally Displaced Persons Fund is a purely technical issue which the PRC can handle after the Summit. The consensus over the report necessarily compels its inclusion in Part A of the agenda of the Executive Council.

89. The following issues were also raised:

- i) The financial implications increase Member States' contributions burden;
- ii) A Convention adopted but not yet in force cannot validly serve as basis for a Plan of Action.

90. After deliberation, the PRC recommended the inclusion of this item in Part B of the agenda of the Executive Council.

(8) Consideration of the Report on the Activities of the NEPAD Planning and Coordinating Agency (NPCA)

91. The Report was presented by the Chief Executive Officer of the NEPAD Planning and Coordinating Agency (NPCA).

92. During the ensuing debate, PRC made the following comments and observations and sought clarification as follows:

- i) Commended the Chief Executive Officer of NPCA for the quality of the report and the work undertaken since the February 2010 AU Summit Decision on Integration of NEPAD into AU Structures and Processes;

- ii) Commended the Chairperson of the AUC for his leadership in actualizing the integration of NEPAD into the AU Structures and Processes;
- iii) Now that the integration process was completed, to what extent was NPCA ready to engage with Member States in the implementation of its programmes?
- iv) The need for NPCA to closely coordinate its activities with the AUC, RECs and Member States was emphasized;
- v) NPCA should explore the possibility of covering issues related to environment and human settlements;
- vi) The role of NPCA in enhancing the socio-economic development of the continent was stressed;
- vii) NPCA should play a key role in the various partnerships which Africa is engaged in with the rest of the world;
- viii) Need to emphasise delivery of concrete results;
- ix) The Chief Executive Officer of NPCA and the Chairperson of the AUC were commended for their leadership in actualizing the integration of NEPAD into the AUC;
- x) The need to link the activities of NPCA with the Strategic Plan of the AU was highlighted;
- xi) To what extent does NEPAD make interventions at national level?
- xii) There is need for the report to highlight challenges and constraints.

93. In response, the Chief Executive Officer of NPCA provided the following clarification:

- i) The focus of NEPAD's activities is mainly at regional and continental levels, but also at national level on the invitation of Members States;
- ii) The activities of NPCA are based on the Strategic Plan of the AU;

- iii) Resource constraints were highlighted as major challenges facing NPCA. In this regard, appropriate steps were being taken with a view to mobilizing resources;
- iv) The need to reduce dependence on partner funding was emphasized.

94. At the end of the debate, the PRC made the following recommendations to the Executive Council for consideration:

- i) Commend the Chairperson of the AU Commission and the Chief Executive Officer of NPCA for the steady progress made in implementing the Assembly Decision on NPCA of February 2010 and encourage them to pursue their efforts in ensuring the implementation of identified programmes and projects in line with the mandate of NPCA;
- ii) Refer all administrative, budgetary and financial matters to the relevant PRC Sub-Committees for consideration and appropriate recommendations;
- iii) Reaffirm the status and mandate of the NPCA as decided by the Assembly in February 2010 and encourage the NPCA to continue to work under the overall authority of the Chairperson of the AU Commission in implementing its new mandate in close collaboration with the AUC, the RECs and other relevant stakeholders and development partners;
- iv) Request the Commission, the RECs and the Member States to assist in popularizing NEPAD across the Continent.

(9) Report of the Special Session of the African Union Conference of Ministers of Health, 15 May 2010, Geneva, Switzerland – Doc. EX.CL/592(XVII)

95. The report was presented by a representative of the Commission. Subsequent to the presentation, the PRC observed that additional documentation on the subject would be useful in providing guidance.

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

- i) Additional documents such as a summary of recommendations, thematic papers, executive summary of the report on the status of the African child and background paper on the Theme of the Summit would be made available;

- ii) There is need to appeal to Heads of State and Government to come up with concrete actionable programmes during their debate. A possible minimal financial impact would relate to the revised reporting mechanism.

97. In conclusion, PRC recommended that the item be placed under Part A of the Executive Council agenda while agreeing that it would not have any significant financial implications.

VII. CONSIDERATION OF THE REPORTS OF THE SUB-COMMITTEES OF THE EXECUTIVE COUNCIL

- 1. Consideration of the Report of the Ministerial Committee on the Scale of Assessment – Doc. Ex.CL/595 (XVII)**
- 2. Consideration of the Report of the Ministerial Committee on Candidatures – Doc. EX.CL/596(XVII)**

98. The PRC did not consider these reports since they involve Ministerial Committees which report directly to the Executive Council.

VIII. CONSIDERATION OF THE REPORTS OF OTHER AU ORGANS AND INSTITUTIONS

- (1) Consideration of the Report of the Pan-African Parliament (PAP) – Doc. EX.CL/598(XVII)**

99. The Report was presented by the President of Pan-African Parliament President.

100. The following observations and remarks were made following the presentation:

- i) The new PAP Bureau was congratulated for the efforts it deployed to align its administrative and financial management to the relevant rules;
- ii) The spirit of collaboration between PAP and other AU organs was mentioned and appreciated;
- iii) The question was asked why the difference in the per diem rate and other entitlements applied to staff of the Commission and those of the parliament when they are on joint election observer missions;
- iv) The amendment of the Protocol establishing the Pan-African Parliament should be done in accordance with the relevant decision of the Assembly;

- v) It is necessary to strengthen PAP by endowing it with necessary means and some legislative powers;
- vi) How does PAP intend to resolve the problems relating to the inadequacy of administrative and financial means mentioned in the Report?
- vii) The current composition of PAP which includes certain co-opted members does not allow it to be endowed with legislative powers.

101. In response the President of PAP took note of the comments and observations and remarked that they would help to improve the next reports both in substance and form.

102. After the President's response, the Commission made clarifications on certain questions relating to the difference in the rate of per diem, air travel class, the process of amending the Protocol establishing PAP and the mandate of PAP.

103. Following the debate, the PRC recommended the following to the Executive Council:

- i) Take note of the efforts deployed towards the implementation of the decision of the Assembly relating to the amendment of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament;
- ii) Encourage PAP to continue its cooperation with national parliaments with the aim of ratifying the conventions and treaties adopted by the AU;
- iii) Encourage also the collaboration between PAP, the Commission and the PRC in view of the implementation of relevant decisions of the Assembly and the Executive Council.

(2) Consideration of the Report of the President of the General Assembly of ECOSOCC – Doc. EX.CL/599(XVII)

104. The report was presented by a representative of ECOSOCC.

105. In the absence of any comments or observations on the report, the PRC recommended it to the Executive Council for consideration.

(3) Consideration of the Report of the African Commission on Human and Peoples' Rights (ACHPR) - EX.CL/600(XVII)

106. The report was presented by the Chairperson of the African Commission on Human and Peoples Rights (ACHPR).

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

- i) Need to ensure all financial and administrative matters raised in the reports of the other Organs of the Union shall be submitted by those organs to the PRC Sub- Committee on Administrative Budgetary and Financial Matters;
- ii) The ACHPR should submit their reports early enough to enable the PRC adequate time to review them;
- iii) Need to provide supportive documents which would provide necessary details for clarity purposes;
- iv) Need to disseminate effectively the communiqué arising from the ACHPR for the appreciation of the Member States and follow up;
- v) What is the relationship between the ACHPR and the other AU Organs?
- vi) What was the outcome on the Cotonou Conference of the Working Group on Death Penalty?
- vii) Need for the ACHPR to promote African values and properly scrutinize practices alien to the African people and its culture.

108. In addressing the concerns, the Commission provided clarification as follows:

- i) The issues raised in the report would be brought to the attention of the relevant PRC Sub-Committee for review;
- ii) The ACHPR would endeavour to disseminate communiqué effectively and take note of feed backs;
- iii) On the Death Penalty, there is need to keep the pressure on to ensure it is abolished in Africa;

- iv) On the relation with stakeholders, the ACHPR had maintained strong relationship with States Parties and NGOs and other partners.

109. In concluding the discussions, the PRC recommended to the Executive Council to:

- i) Take note of the 28th Activity Report of the African Commission on Human and People's Rights (ACHPR) and the comments and observations made on this report;
- ii) Refer the issues relating to administrative, budgetary and financial matters to the relevant PRC Sub Committee for consideration and appropriate recommendations to the Executive Council, in accordance with the established proceedings;
- iii) Request the ACHPR to strictly abide by the rules regarding the deadline for the submission of its report;
- iv) Welcome the progress made in the implementation of the Assembly Decision regarding the harmonization of the procedure of the African Commission on Human and People's Rights (ACHPR) and those of the African Court on Human and People's Rights (AfCHPR), and CALL UPON all the Organs to closely cooperate, with a view to ensuring the consolidation and consistency of the AU position on all relevant issues of common interest to the continent;
- v) Request those Member States that have not complied to regularly send their annual reports to the Commission;
- vi) Authorize the publication of the 28th Activity Report of the ACHPR and its annexes (I-VI).

(4) Consideration of the Report of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) – Doc. EX.CL/602(XVII)

110. The report was presented by a representative of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC).

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

- i) Refer all issues relating to structures and financial matters to the appropriate PRC Sub-Committee for further review;
- ii) Member States had indicated interest to host the ACERWC.

112. In concluding the discussion, the PRC recommended to the Executive Council to:

- i) Take note of the report of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), and the comments and observations made on it;
- ii) Refer all administrative, budgetary and financial matters to the PRC Sub Committee on Administrative and Financial matters for consideration and appropriate recommendations;
- iii) Call upon Member States that have not yet done so to sign and ratify the African Charter on the Rights and Welfare of the Child and CALL also on all Member States to timely report on the implementation of the Charter to the ACERWC;
- iv) Encourage all interested Member States to express their interest to host the Secretariat of ACERWC.

(5) Consideration of the Report of the AU Advisory Board on Corruption – Doc. EX.CL/603(XVII)

113. The Report was presented by the Vice-Chair of the Board.

114. Following the Report delegations made the following remarks and observations:

- i) Corruption is a plague which has negative consequences on the development of the Continent;
- ii) Member States should intensify the fight against corruption;
- iii) The name “Advisory Board on Corruption” should be changed to give it autonomy in the exercise of its missions and to enable it to realise its objectives;
- iv) The Report of the Board was positively received;

- v) The Board should clearly indicate its financial needs based on a program of work;
- vi) The need to endow the Board with a commensurate budget to enable it accomplish its mission of preventing and fighting corruption in Africa;
- vii) The change of the nomenclature is not necessarily at this stage because it would require an amendment of the AU Convention on Preventing and Combating Corruption, in conformity with the rules provided in the Convention.

115. In reply to the observations and remarks, the Vice Chair of the Board indicated that Member States should strengthen their cooperation to eradicate corruption which is a trans-border crime. He added that in the context of the application of Article 20 of the Convention relating to the communication of reports by national agencies of state parties, the Board as of date received only reports from two state parties, namely, the Republic of Congo and Malawi. Lastly, she exhorted Member States to also submit their reports as they do to the United Nations under the United Nations Convention Against Corruption.

116. In conclusion, the PRC recommended to the Executive Council to:

- i) Take note of the Report and the comments and observations made by the different delegations;
- ii) Call on the Advisory Board on Corruption to work closely with National Anti-Corruption Bodies in carrying out its advisory role in the States Parties and AU Organs on anti-corruption policies and strategies;
- iii) Urge States Parties to strengthen existing National Anti-Corruption Bodies and where they do not exist to establish them with a view to fighting against all forms of corruption in the continent;
- iv) Encourage Member States that have not yet signed and ratified the Convention to do so.

**(6) Consideration of the Report and the Rules of Procedure of the AUCIL
– Doc. EX.CL/604(XVII)**

117. The report was presented by the Chairperson of AUCIL.

118. After the presentation, the delegations which took the floor made the following comments and observations:

- i) The AUCIL should conduct studies under International Law, on the reparations for the losses suffered by Africa as a result of centuries of slavery;
- ii) All administrative, financial and structural issues should first be submitted to relevant Sub-Committees of PRC;
- iii) Harmonization of Member States' ratification procedures is a delicate issue touching on the sovereignty of States;
- iv) The problem of immunity posed at continental level falls within the competence of Heads of State and Government;
- v) The AUCIL should have an agenda on Africa's issues;
- vi) The AUCIL should work in collaboration with the African Group in New York on the question of regulatory mechanism for the principle of universal jurisdiction at international level.

119. In response to the observations and comments, the Chairperson of AUCIL provided clarification on the duration of the mandate of members of the AUCIL and on the procedure for formulating the themes under consideration by AUCIL.

120. In concluding the discussions, the PRC recommended to the Executive Council to:

- i) Take note of the Report of the African Union Commission on International Law and comments and observations made on it;
- ii) Refer administrative, budgetary, financial and structural issues raised in the Report to the relevant PRC Sub-Committee for consideration and appropriate recommendations;
- iii) Take note of the progress made in the preparation of the Rules of Procedure of the AUCIL;
- iv) Request all Member States and AU Organs to render all necessary support to AUCIL to enable it fulfil its mandate;

- v) Request the AUCIL to engage in research and appropriate studies on the jurisdiction basis for reparations for slavery inflicted on the African Continent;
- vi) Agree that the members of AUCIL be authorized to effectively complete their mandate as from date they started their work.

IX. CONSIDERATION OF LEGAL AND INSTITUTIONAL MATTERS

(1) Consideration of the Report of the Commission on the Status of OAU/AU Treaties – Doc. EX.CL/605(XVII)

121. The report was presented by a representative of the Commission.
122. The delegations which took the floor raised the following issues, among others:
- i) The Commission's initiative in opening the Treaties for signature by Heads of State and Government instituted in January 2010 deserved to be sustained;
 - ii) The Commission should contact each Member States individually specially through Notes Verbale and other means drawing their attention to the important Treaties which they are yet to sign or ratify;
 - iii) What can be considered as the outcomes of the campaigns to promote the signing and ratification of OAU/AU Instruments undertaken by the Commission?
123. In response to the above observations, the representative of the Commission indicated as follows:
- i) The ceremony for the signing of OAU/AU Treaties is on the Agenda of the next Session of the Assembly due to take place in Kampala, Uganda in July 2010. This ceremony has now been institutionalized as a Signing Week for OAU/AU Treaties every December. The Commission did not deem it necessary to again include this matter in the recommendations to be submitted to the Policy Organs of AU. It is also to be noted that the signing ceremony on the occasion of African Union Assemblies and the signing week in December every year has had a positive impact on the momentum of signing and ratification of the Treaties by Member States;
 - ii) The Commission will undertake individual initiatives vis-à-vis each Member State to update the latter on regular basis on its status in regard to each OAU/AU Treaty and, if necessary, make recommendations on the need to sign or ratify a particular Treaty.

124. After deliberation, the PRC recommended that this report be placed in Part A of the agenda of the Executive Council.

(2) Consideration of the Progress Report of the Commission on the Abuse of the Principle of Universal Jurisdiction (Decision Assembly/AU/Dec. 271 (XIV)) – Doc. EX.CL/606(XVII)

125. The report was presented by a representative of the Commission.

126. Following the presentation, the delegates made observations and comments as follows:

- i) Why was the question of universal jurisdiction not placed on the agenda of the meeting between the AU Commission and the European Commission held in Addis Ababa on 8 June 2010?
- ii) All the issues of concern to the AU and its Member States should be addressed in the context of the dialogue with the relevant partners particularly the European Union;
- iii) The need to implement new strategies in regard to the relevant partnerships with a view to achieving expected results;
- iv) The importance of finalizing the report on widening the jurisdiction of the African Court of Justice and Human Rights to confer on it the jurisdiction to hear cases of crimes under International Law.

127. In response to the above issues, the representative of the Commission stated that the question of universal jurisdiction had been addressed at the general debate during the meeting between the two Commissions.

128. After debate, the PRC recommended that this report be placed in Part B of the draft agenda of the Executive Council.

(3) Consideration of the Progress Report of the Commission on the Implementation of Decision Assembly/AU/Dec. 270(XIV) on the Second Ministerial Meeting on the Rome Statute of the International Criminal Court (ICC) – Doc. EX.CL/607(XVII)

129. The report was presented by a representative of the Commission. After the presentation, comments and observations were made as follows:

- i) The decisions of the AU Policy Organs are binding on Member States who must maintain a balance between their obligations vis-a-vis the Union and their obligations as parties to the Rome Statute;
- ii) Arising from the Kampala Review Conference, could the ICC exercise jurisdiction with respect to the crime of aggression on non States Parties?
- iii) Paragraph 10 of the Decision Assembly/AU/Dec.245 (XIII) adopted in Sirte, Libya in July 2009 on non cooperation with the ICC is limited to the issue relating to the execution of the arrest warrant issued by ICC against President Bashir of the Sudan;
- iv) Member States should not confuse the ICC with the Prosecutor of the ICC who has been making unacceptable statements on the case of President Bashir and other situations in Africa and violating the sovereignty of African States and the rules of international law relating to the immunities of State Officials;
- v) The question of the ICC is very delicate and sensitive. However, it should not cause divisions among AU Member States;
- vi) Are the measures taken by some Member States consistent with the decisions of the Assembly?
- vii) Why the issue of the opening of the Liaison Office of the International Criminal Court (ICC) to the African Union is not reflected in the recommendations of the Report;
- viii) The opening of an ICC Liaison Office to the AU is a very important issue for African States Parties to the Rome Statute of the ICC who constitute 30 of the 53 Member States of the African Union;
- ix) Opening of an ICC Liaison Office to the AU is not timely and will violate the Decision of the Assembly of July 2009 on the non cooperation with the ICC;
- x) The decision on the opening of a Liaison Office of the ICC to the AU in Addis Ababa is under the competence of the Assembly which should be seized with this matter;

- xi) The problem raised is not a legal but political one and requires a political response of the AU Policy Organs by either the Executive Council or the Assembly;
- xii) A consensus should be reached on the divergent views held by the two blocs (Member States, States Parties to the Rome Statute of the ICC and non States Parties) will respect to the opening of an ICC Liaison Office to the AU;
- xiii) What are the obstacles to the signing of a Memorandum of Understanding (MOU) between the AU and the ICC?
- xiv) The Commission and the host country should undertake consultations on the issue and make recommendations thereon;
- xv) Was there a recommendation on the opening of a Liaison Office of the ICC emanating from the meeting of Ministers of Justice of November 2009?

130. In response, the representative of the Commission provided the following clarifications:

- i) All Member States that are also States Parties to the Rome Statute of the ICC should find the necessary balance in their obligations to the AU (Constitutive Act) and to ICC (Rome Statute);
- ii) There is an imperative need for all African States Parties to the Rome Statute of the ICC to ensure that they adhere and articulate commonly agreed positions in line with their obligations under the Constitutive Act of the African Union;
- iii) Any Member State that fails to comply with the decisions and policies of the Union may be subjected to sanctions in accordance with Article 23 (2) of the Constitutive Act;
- iv) The actual exercise of the jurisdiction of the ICC with respect to the crime of aggression is subject to a decision to be taken after 1 January 2017 and by a two-thirds majority of States Parties to the Rome Statute;
- v) The opening of an Office by ICC in Addis Ababa was a matter between the ICC and the host country. The requirements of the host country were that an

agreement with the AU is necessary in order to open a Liaison Office with the AU;

- vi) Although negotiations for a Relationship Agreement with the ICC had commenced in 2006, they had not been concluded for a number of reasons;
- vii) An agreement with ICC under the present circumstances was not feasible. Therefore, the Commission is unable to recommend the opening of an ICC Liaison to the AU.

131. In concluding the discussions, the PRC made the following recommendations to the Executive Council:

- i) The report be placed under Part B of the agenda of the Executive Council;
- ii) The Commission and the host country should undertake consultations on the issue of the opening of an ICC liaison office to the AU and make appropriate recommendations;
- iii) Provide guidance on the obligations of African States Parties vis-à-vis the ICC and the AU;
- iv) Note that the position submitted in Kampala Review Conference by the Group of African States Parties did not conform fully with that adopted by the Assembly.

(4) Consideration of the Progress Report of the Commission on the Implementation of the Assembly Decision on the Transformation of the AU Commission into an AU Authority.– Doc. EX.CL/608(XVII)

132. The report was presented by a representative of the Commission. After the presentation, comments and observations were made as follows:

- i) The proposal concerning the holding of a meeting of Ministers of Justice/Attorneys-General to review all the legal instruments relating to the transformation of the AU Commission into the AU Authority prior to submission to the Executive Council and the Assembly is relevant;
- ii) What will be the financial implications and sources of funding for additional meetings of Experts and Ministers of Justice/Attorneys General?

- iii) If the problem of funding should continue, the future meetings could be held in 2011 after the adoption of the 2011 budget;
- iv) The Representative of the Great Socialist People's Libyan Arab Jamahiriya requested that the reservation of his country on the conclusions of the meeting of Government Experts on the transformation of AUC to AU Authority, held in Addis Ababa, Ethiopia from 17 to 21 May 2010, be reflected in the Progress Report of the Commission;
- v) Funding issues should not prevent submission of all the draft legal instruments on the Authority in January 2011 because all actions being taken were continuation of implementation of the Decision Assembly/AU/Dec.263 (XIII) of the Assembly whose final report should be submitted to the Summit in January/February 2011;
- vi) Is one meeting sufficient to consider the remaining draft legal instruments?

133. In response, the representative of the Commission provided the following clarifications:

- i) The scheduled meetings will have financial implications which could be financed through virement or supplementary budget;
- ii) The reservation of the Great Socialist People's Libyan Arab Jamahiriya will be reflected in the Progress Report as requested;
- iii) The Draft Protocol on amendment to the Constitutive Act and the Draft Statute of the Authority considered by the two meetings held in Tripoli and in Addis Ababa respectively were the most complex draft instruments. The other instruments contained mostly consequential amendments.

134. At the end of the debate, the PRC recommended to the Executive Council as follows:

- i) Take note of the Progress Report and consider it as work on progress;
- ii) Note that the holding of additional meetings of experts to finalise all the legal instruments, followed by a meeting of Ministers of Justice/Attorneys General would have financial implications;

- iii) Request the Commission to convene the meetings as soon as practicable using virement or supplementary budget;
- iv) Place the report under part A of the agenda of the Executive Council.

(5) Consideration of the report of the Commission on the situation in the Middle East and Palestine – Doc. EX.CL/609(XVII)

135. The report was presented by a representative of the Commission. Subsequently, comments and observations were made, and clarifications sought as follows:

- i) The report reflects proper monitoring of the situation. It is however necessary to include recent events and highlight Africa's presence;
- ii) It is also needful to come up with recommendations for the attention of the Executive Council on lifting the blockade, the urgent need to exert collective pressure on Israel, condemnation of the attack on the humanitarian flotilla and convening an extraordinary session on the situation in the Middle East and Palestine;
- iii) The Commission should prepare a report on the situation in Saharawi Arab Democratic Republic which is also experiencing huge humanitarian challenges;
- iv) The African Commission on Human and Peoples' Rights did not react to the situation of SADR;
- v) The SADR issue should be discussed during consideration of the report of the Commission.

136. In response to the above issues, the representative of the Commission indicated that the report would be updated as requested. He added that the dispatch of an emissary to the region in the past had come up against security difficulties. Lastly, he assured the PRC that the recommendations would be incorporated in the report for appropriate action.

137. After deliberation, the PRC recommended that the report be placed in Part A of the agenda of the Executive Council.

X. CONSIDERATION OF OTHER REPORTS OF THE COMMISSION

(1) Consideration of the Report of the Commission on the Establishment of an Institutional Architecture in the Framework of the Programme of Infrastructure Development in Africa (PIDA) – Doc. EX.CL/610(XVII)

138. The report was introduced by a representative of the Commission:

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

- i) The words institutional “framework”, “architecture” and “mechanism” are used inter- changeably. There is need to stick to “institutional mechanism” which gives a clearer picture;
- ii) There was no mention of a coordination mechanism at various levels of Member States, RECs, and Partners and the report was silent on the involvement of the private sector;
- iii) The report should be considered as work in progress;
- iv) The relationship between PIDA and NPCA had not been addressed;
- v) The report has not taken into consideration infrastructure initiatives undertaken by some RECs and there were some isolated cases of success across the continent whose experiences could be shared with the rest of the continent;
- vi) The Human Resource requirements as well as the financial implications of the proposed structure have not been addressed.

140. In addressing the concerns, the Commissioner clarified as follows:

- i) The comments and observations made by the PRC were pertinent and would be taken on board;
- ii) There was no coordination mechanism yet at the level of Member States, RECs and Partners;

- iii) The structure required was not one involving manpower but a mechanism to coordinate what was currently being done at the level of Member States and the RECs;
- iv) There is need for a study on a coordinating mechanism on infrastructure development at continental level;
- v) There is need to harmonize the activities of the AUC and the NPCA with regard to infrastructure development at continental level.

141. In concluding the discussions, the PRC recommended to the Executive Council the following:

- i) Request the Commission to undertake a study on the establishment of an institutional architecture in support of PIDA as well as the Financial implication;
- ii) The report be placed under part A of the agenda of the Executive Council.

(2) Consideration of the Report of the Commission on the Climate Change Negotiations – Doc. EX.CL/611(XVII)

142. The report was presented by a representative of the Commission.

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

- i) It was essential that appropriate coordination meetings be held prior to the Cancun meeting to ensure that Africa speaks with one voice;
- ii) While it was the view of some delegations that coordination at political and technical levels should be handled by a single country to ensure greater effectiveness and cohesion, others expressed the view that it was not necessary;
- iii) PRC should be given the opportunity to debate the subject of climate change and make recommendations as appropriate;
- iv) The financial commitments made by rich countries towards climate change adaptation and mitigation;

- v) Africa's prospects for Cancun and beyond and the progress made towards the adoption of a common position.

144. In response to the above issues, the representatives of the Commission provided clarification as follows:

- i) On financial commitments, pledges stood at \$30 billion up to 2012 and \$100 billion by 2020. However, there was no guarantee that pledges made would be fulfilled;
- ii) The need for realism highlighted in paragraph 10 relates to the possibility that no binding agreement would be reached, hence the need to scale down expectations;
- iii) The Chairperson of CAHOSCC had proposed the convening of regular coordination meetings in the run up to Cancun as a means of ensuring that Africa spoke with one voice;
- iv) Africa was yet to take a common position for Cancun. Consultations will continue to be undertaken to ensure that all views are taken on board in reaching an African position. What is realistic will be dictated by the situation on the ground, which continued to evolve.

145. At the end of the deliberations, PRC recommended to the Executive Council the following:

- i) Commend H.E. Ato Meles Zenawi, Prime Minister of the Federal Democratic Republic of Ethiopia for his leadership of the CAHOSCC;
- ii) Request the Commission in collaboration with Member States to streamline the coordinating mechanism at Experts and Ministerial Levels;
- iii) Urge Member States to support Africa's common position on Climate Change.

(3) Consideration of the Report of the Commission on the Implementation of the Year of Peace and Security in Africa – Doc. EX.CL/612(XVII)

146. The report was presented by a representative of the Commission.

147. Following the presentation of the report, comments and observations were made as follows:

- i) What were the criteria used in the nomination of Members of the Advisory Council, the Peace Ambassadors and the Flame of Peace?
- ii) Activities to be jointly carried out between the Commission and Member States, such as the Flame of Peace, should be done with the full involvement and prior consultation of the Member States;
- iii) Whether Member States could benefit from the financing of one million Euro provided by GTZ to support the implementation of the Year of Peace Programme?

148. In response to the concerns expressed, the representative of the Commission clarified as follows:

- i) Members of the Advisory Council and the Peace Ambassadors should either be Peace Prize winners or famous footballers or other eminent personalities;
- ii) Activities undertaken by the Commission with respect to the Flame of Peace are usually in response to invitations extended by Member States.

149. In concluding the discussion, the PRC recommended to the Executive Council as follows:

- i) The report be placed under Part A of the Agenda of the Executive Council;
- ii) Call upon Member States to fully participate in the activities organized in the implementation of the Year of Peace and Security in Africa.

(4) Consideration of the Report of the Commission on the Continental Launch of the Women's Decade (2010-2020) – Doc. EX.CL/613(XVII)

150. The report was introduced by a representative of the Commission. Subsequent to the presentation, comments and observations were made and clarification sought as follows:

- i) How would the funding for projects over ten years be secured?
- ii) The proposed establishment of committees needs to be realistic in terms of operationalisation and coordination;

- iii) The 30-member Committee at continental level will require funds to operate and therefore the proposal has financial implications to be discussed under part B;
- iv) The proposed programmes, especially on HIV/AIDS need to be harmonized with those of the First Ladies Organization;
- v) The AUC should have organized a meeting of Member States to agree on the composition and role of the committees proposed in the report;
- vi) The report should be accompanied by a draft decision detailing the financial implications of the proposals contained in the report;
- vii) How is the African Fund for Women being operated in terms of pledges and expenditure?
- viii) In what ways do environmental issues specifically affect women?
- ix) What criteria were used for the composition of the Ministerial Committee?

151. In addressing the concerns expressed, the representative of the Commission clarified as follows:

- i) The Fund for African Women was launched in January 2010 but will start operating in 2011 and provision will be made in the budget for the Fund;
- ii) Proposals for the establishment of the Committee did not emanate from the Commission but from the Ministers during the planning meeting in New York;
- iii) The Committee of Thirty could have financial implications however the pre-Summit meeting usually organized by the Directorate could be used as a venue to convene the meeting of the Committee. In addition the programme is also well supported by international partners;
- iv) The First Ladies meet on the margins of the Summit while the Commission's programme on HIV/AIDS is organized with UNICEF;
- v) Women, particularly those in the rural areas are affected by environmental issues by nature of their activities.

152. In conclusion, PRC recommended that the item be placed under part B of the agenda of the Executive Council.

(5) Consideration of the Report of the Chairperson on the Implementation of the AU Solemn Declaration on Gender Equality in Africa (SDGEA) – Doc. EX.CL/614(XVII)

153. The report was presented by a representative of the Commission.

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

- i) Report should have outlined the achievements of individual countries rather than the analysis of gender parity of the AUC;
- ii) There is a need to include other organs of the AU in the assessment;
- iii) Regional dimension should have been included in the report to indicate the direction in which different RECS were progressing;
- iv) There is need to update the report to take into consideration the new developments in some Member States;
- v) Some country reports did not reflect realities on the ground. The delegation of the Republic of Congo observed that the statement in the report on the use of child soldiers was inaccurate and requested that it should be deleted.

155. The representative of the Commission responded as follows:

- i) The current report covered the period up to the end of 2009 and that the new developments would be reflected in the next report;
- ii) The report of the Commission was informed by the Country reports.

156. At the end of the deliberations, the PRC recommended that the report be placed under Part A of the agenda of the Executive Council. It also recommended as follows:

- i) Call on all Member States that had not yet done so to submit their reports with all relevant information on the measures taken to ensure gender equality to ratify the Protocol on the Rights of Women;
- ii) Further call on Member States to sign and ratify the Protocol on the Rights of Women.

XI. ITEMS PROPOSED BY MEMBER STATES

(1) A partnership for the elimination of mother-child transmission of HIV in Africa (Item proposed by the Republic of Senegal)- Doc. EX.CL/615(XVII) Add.1

157. The item presented by the representative of the Republic of Senegal. Subsequent to the presentation, comments and observation were made and clarification sought as follows:

- i) Paragraph 13 of the document should form part of a draft Declaration to be submitted to the Executive Council and the Summit;
- ii) The proposal should take into consideration, the recommendations made during the meeting of Ministers of Health in Geneva, Switzerland on 15 May 2010;
- iii) Since the theme of the Summit was on Maternal and Child Health, what would be the added value of the proposal from Senegal?
- iv) The type of Partnership being envisaged in the elimination of mother-child transmission of HIV was not clear;
- v) The proposal ought to be action oriented on what should be done;
- vi) The relevant Department in the Commission should clarify on how the proposal would add value to what the Department is currently doing;
- vii) What were the likely financial implications of a draft decision that may emerge from the proposal?
- viii) The Strategic Partners to be engaged in the crusade should be cited.

158. The representative of the Republic of Senegal provided clarification as follows:

- i) Paragraph 13 would form part of the draft Declaration;
- ii) Recommendations from the meeting of Ministers of Health which took place in Geneva on 15 May 2010 would be incorporated in the draft Declaration;
- iii) On added value, the proposal by Senegal focuses specifically on mother-child transmission which is different from the actions taken in general terms on HIV by the concerned Department in the Commission. Besides, Africa accounts for the highest number of children affected by mother-child transmission of HIV;

- iv) The Partners envisaged are WHO, Europe, the USA, etc;
- v) The proposal goes to complement the theme of the Summit and is not a duplication;
- vi) There is no financial implication as such because it is an appeal to Member States to intensify the fight against mother-child transmission of HIV.

159. The intervention of the representative of the Republic of Senegal was complemented by a representative of the Commission who confirmed that the Commission has been working on a Comprehensive approach as reflected in the report of the Abuja meeting.

160. In conclusion, the PRC recommended that the proposal be submitted to the Executive Council for consideration.

(2) Accession of African countries to the United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) (Item proposed by the Republic of Senegal)- Doc. EX.CL/615(XVII) Add.2

161. This item was introduced by the Ambassador of the Republic of Senegal. In the ensuing discussions, comments and observations were made as follows:

- i) Further information on countries that had signed and ratified the Convention especially western Countries, should be provided;
- ii) The document did not provide adequate detail on the subject matter for informed decision making. The related Protocol and other relevant documents should be provided for more clarity;
- iii) The AU Commission should be given a role in compiling the necessary background information and advising on responsibilities of Member States. The role of decision- making organs of the AU needed to be clarified;
- iv) There was need to examine the underlying factors explaining the reluctance of many countries to sign and ratify the Convention;
- v) Some delegations expressed concern over the possibility that accession to the Convention could restrict access by their police forces to vital weapons;
- vi) The fact that some States Parties did not respect the provisions of the Convention was a worrisome development;

- vii) Accession to the Convention should be spearheaded by countries that produce and use the weapons in question;
- viii) Africa had the moral obligation to address the problem even if it was not responsible for the manufacture of such dangerous weapons. Moral, political and civilizational messages should be made by Africa.

162. In response to the observations, the Ambassador of the Republic of Senegal clarified as follows:

- i) The names of all 108 States Parties could be found on the UN website from which the five constitutive Protocols could be accessed;
- ii) Senegal's advocacy for accession was based on humanitarian grounds;
- iii) The traumatic consequences of wars encountered by many African countries cannot be overemphasized;
- iv) There was need for Africa to be adequately represented at the level of State Parties in order to be able to influence decision making on the subject.

163. In conclusion, the PRC, while commending the Republic of Senegal for the initiative, recognized the divergent views expressed on the role Africa should play in the accession to the Convention and recommended the proposal, for consideration by the Executive Council.

(3) The Institution of 3rd April as Africa Renaissance Day (*Item proposed by the Republic of Senegal*)- Doc. EX.CL/615(XVII) Add.3

164. This item was introduced by a representative of the Republic of Senegal.

165. Following his presentation, members of the PRC made the following observations and comments:

- i) Commemoration of Africa Renaissance Day was a welcome initiative in view of its significance to the culture and history of Africa;
- ii) There was need to ensure that special days are appropriately commemorated by declaring public holidays and embarking on special events in Member States;
- iii) There is need for some form of alignment and harmonization with other special days recognized by the AU. A special committee could be assigned to look into this matter and propose recommendations on ways of implementing decisions on special days;

- iv) The possibility of placing a moratorium on proposals by Member States to commemorate special days should be considered as there were too many of them;
- v) Clarification was sought on the significance of 3rd April as the proposed date to commemorate the Day;
- vi) While some delegations expressed the view that 25th May, in view of its historical significance to the continent, should be considered as an alternative to 3rd April as Africa Renaissance Day, others were of the view that such a move could erode the significance of that date.

166. The Commission welcomed the proposal by Senegal but suggested that 25th May should be the appropriate date to commemorate African cultural renaissance. The Commission further reminded PRC of the launch of the Campaign for Cultural Renaissance and urged Member States to ratify the Charter on African Cultural Renaissance.

167. In response to observations and comments made, the representative of Senegal clarified as follows:

- i) In 2006, President Wade undertook consultations on the proposal which was supported by his peers. Since then, he embarked on the building of the Renaissance Monument which was completed and inaugurated on 3 April 2010, hence the proposal for that day to be Africa Renaissance Day;
- ii) The proposal had no financial implications. Member States were only requested to commemorate the day to give visibility to African renaissance.

168. In conclusion, the PRC reached consensus on the idea of commemorating African renaissance. However, it could not reach consensus on the date proposed by Senegal and recommended that the matter be referred to the Executive Council for consideration and the pronouncement on the date.

(4) Socio-Economic Transformation and Infrastructure Development in Africa : Energy, Railway and Road and ICT Sectors (*Item proposed by the Republic of Uganda*)- Doc. EX.CL/615(XVII) Add.4

169. The report was introduced by the Ambassador of the Republic of Uganda.

170. After the presentation, the following comments and observations were made:

- i) The thorny issue remained that of financing. The report repeats the financing options on which Member States had expressed reservation;

- ii) How can the financing of this programme be ensured?
- iii) What has become of African fund for infrastructure set up in 2007 and what is the status of cooperation with EU in this area?
- iv) Furthermore, the report should be enriched with the existing financing opportunities and take on board all the already operational financing formulas in the Continent (financing consortium, BOT, etc.);
- v) The nuclear energy option as advocated by the report calls for financing, qualified personnel for the construction of the reactors, and also for qualified engineers, all of which are not easy for African countries to realize.
- vi) The radioactive wastes resulting from nuclear activities would pose management and storage problems;
- vii) With regard to nuclear energy, the report should mention that this already exist in Africa and be referred to the Nuclear Energy Commission to be launched in July 2010;
- viii) Bio-energies have been omitted and should also have been mentioned;
- ix) Renewable energies (wind and solar) do not feature in the report as alternative sources of energy;
- x) The dimension of interconnectivity of the various regions should be taken into account;
- xi) The energy issue in Africa cannot ignore the issue of energy efficiency which is lacking in most African countries. India and Brazil could be excellent partners in the domain of efficient energy management;
- xii) The report should necessarily take on board all the existing initiatives particularly PIDA and the AU/NEPAD Plan of Action;
- xiii) The role of the RECs is not highlighted in the report. The RECs could implement some of the recommendations of the report;
- xiv) Under Recommendations the following two should be included: one on speeding up the process of implementation of the recommendations

previous adopted by the Assembly of the Union; and the other, on cooperation with non-African entities;

- xv) What are Uganda's expectations from the consideration of item proposed in terms of decisions to be taken (Declaration, Resolution, Decisions?).

171. The Commission was invited to evaluate the content of the report in the light of its own activities programme. It came up with the following observations:

- i) The report has been able to harmonise the Declaration adopted at the February 2009 and February 2010 Sessions of the Assembly on Transport and ICTs, respectively;
- ii) Report contains all the issues on which the Department of Infrastructure and Energy is in perfect synergy with the RECs, NEPAD and many other partners;
- iii) The temporal horizon of the report is set at 2015 while that of the Commission is 2013;
- iv) Implementation of PIDA requires the use of partnership;
- v) Hydro-electricity deserves greater attention to enable Africa to develop its own potential in this area;
- vi) The Commission has entered into partnership with Brazil for production of bio-energy;
- vii) The ongoing partnership between the African Union and European Union should facilitate the development of the energy capacities of AU Member States.

172. The Ambassador of the Republic of Uganda gave the following responses to the issues raised:

- i) Optimal development of hydro-electricity and renewable energies (wind and solar), according to the numerical estimations would not enable Africa to fill its energy gap; hence the need to resort to nuclear energy;
- ii) Collaboration with the International Atomic Energy Agency could help resolve the problems arising from the initial difficulties in launching the process of producing nuclear energy for civilian purposes;
- iii) Africa cannot do without assistance in the building of its infrastructure;

- iv) The Republic of Uganda proposes that all the recommendations contained in the report be transformed into decisions by the Policy Organs (Executive Council and Assembly).

173. In conclusion, PRC recommended the report to the Executive Council for consideration.

**(5) Establishment of an African Framework for Constitutional Justice
(Item proposed by the People's Democratic Republic of Algeria) –
Doc. EX.CL/615(XVII) Add.5**

174. This item was introduced by the Ambassador of the People's Democratic Republic of Algeria. Following the presentation, comments and observations were made and clarification sought as follows:

- i) The objective, the links with the Constitutive Act of the AU and with the work of Organs such as the African Commission on International Law should be clarified;
- ii) The proposal to develop a mechanism for consultation, cooperation and sharing of experiences in the area of constitutional justice will be helpful in coming up with African common positions on the subject matter;
- iii) It is linked to shared values, an area in which not much progress has been made so far;
- iv) Some delegations felt that constitutional justice was not the competence of Foreign Ministers and therefore should be referred to Ministers of Justice for appropriate technical advice;
- v) The Commission, the African Court of Human and Peoples' Rights and other bodies with competence on the subject matter should discuss it and make recommendations to enrich the document.

175. The Ambassador of the People's Democratic Republic of Algeria provided clarification as follows:

- i) The proposal is linked to the notion of shared values which is essential for the development of the continent;
- ii) Heads of State have the competence to deal with all matters, including legal and constitutional and therefore should be able to discuss the matter and decide as appropriate;
- iii) The proposal is not for the creation of a new Organ, but the promotion of consultations and the sharing of experiences among bodies dealing with

constitutional matters. This will help in enhancing Africa's capacity to develop a coherent vision and speak with one voice at international fora;

- iv) Africa should be able to define constitutional order based on its own vision and realities and not be driven by visions developed by others.

176. In conclusion, PRC recommended the proposal to the Executive Council for consideration.

(6) The Third African Conference on the Application of Space Sciences and Technologies for Sustainable Development (*Item proposed by the People's Democratic Republic of Algeria*) – Doc. EX.CL/615(XVII) Add.6

177. The document was introduced by the Ambassador of the Peoples' Democratic Republic of Algeria.

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

- i) Will this initiative suffer the same fate as RASCOM project and many other similar short-lived initiatives?
- ii) The document did not mention AU's previous experiences on the subject;
- iii) The implementation of the project would involve heavy investments on the part of Member States and a reconfiguration of their data reception systems.

179. In his response, the Ambassador of Algeria provided the following clarifications:

- i) The space technology project initiated by Algeria was different from the RASCOM project, the cost of which was prohibitive for Member States;
- ii) It was a viable project since it depended on space technology capacities already existing in the States;
- iii) The existing capacities were of two types : the capacity to build satellites, alone or with partners and image reception capacity;
- iv) The project therefore boils down to building synergies for enhanced cooperation between Member States as well as with non-African States;
- v) The cooperation would be beneficial to all the Member States.

180. Following these clarifications, the PRC recommended that the Report be submitted to the Executive Council for consideration.

(7) Integration into AU Structures, of the African Regional Standardization Organization (ARSO) (Item proposed by the Republic of Kenya) – Doc. EX.CL/615(XVII) Add.7

181. The report was presented by the representative of the Republic of Kenya.

182. Subsequent to the presentation, the PRC made comments and observations and sought clarification as follows:

- i) There was need to standardize African products to meet required standards;
- ii) There was also need to commission a study on the existing African Organisations of similar nature as ARSO with a view to getting a total picture as to how they operate;
- iii) The proposal should be referred to the PRC Sub-Committee on Trade and Economic Matters;
- iv) The rationale behind the recommendation to integrate ARSO into the structures of the AU?

183. In responding to the concerns raised, the representative of the Republic of Kenya acknowledged that more information was needed to enrich the proposal and reassured the PRC that the comments and observations made would be incorporated in the revised document.

184. In conclusion, the PRC recommended to the Executive Council that the report be referred to the Sub-Committee on Economic and Trade matters for consideration.

(8) A medium term policy framework and strategy for a food secure Africa, and commemoration of “Africa Food and Nutrition Security day (Item proposed by the Republic of Malawi) – Doc. EX.CL/615(XVII) Add.8

185. The document was presented by a representative of the Republic of Malawi.

186. After the presentation, discussions focused on issues of clarification:

- i) How does the strategic framework in question harmonize with the Comprehensive Africa Agriculture Development Programme (CAADP)?
- ii) According to what criteria should the Africa Food and Nutrition Security Day be selected, since such a Day has to be dissociated from 16 September

celebrated internationally under the auspices of the Food and Agriculture Organization (FAO)?

- iii) The revised version of the document did not recapitulate all the information contained in the previous version.

187. The Representative of Malawi provided the following clarification:

- i) 30 October was supposed to have been retained as the Africa Food and Nutrition Security Day;
- ii) Malawi was holding discussions with the Commission to examine the coherence of the proposed strategic framework with the CAADP. In any case, the strategic framework was in consonance with the policy developed by CAADP programme;
- iii) A consolidated document would recapitulate the information omitted in the revised version.

188. The PRC recommended for the attention of the Executive Council that 30 October be retained for celebration of Africa Food and Nutrition Security Day and should feature in Malawi's revised document which was also recommended for consideration by Council.

(9) Promotion of Cooperation, Dialogue and Respect for Diversity in the Field of Human Rights (*Item proposed by the Arab Republic of Egypt*) – Doc. EX.CL/615(XVII) Add.9

189. The document was presented by a Representative of the Arab Republic of Egypt.

190. There was no discussion after the presentation.

191. The Chairperson of the PRC recalled that the item urged Member States to coordinate their efforts in the area of implementation of human rights. He added that AU Permanent Missions in New York and Geneva could follow up on the issue with the relevant organs of the United Nations.

192. The PRC then recommended that the Report be submitted for consideration by the Executive Council.

- (10) **Reconsideration of Decision Assembly/AU/Dec. 263(XIII) on the Transformation of the African Union Commission into the African Union Authority (*Item proposed by the Great Socialist People's Libyan Arab Jamahiriya.* – Doc. EX.CL/615(XVII) Add.10**
- (11) **Convening of mid-year sessions of the Assembly of the African Union (July Sessions) (*Item proposed by Great Socialist People's Libyan Arab Jamahiriya.*) – Doc. EX.CL/615(XVII) Add.11**

193. The above two items were presented concurrently by the Secretary of the People's Bureau of the Great Socialist People's Libyan Arab Jamahiriya to the AU.

194. In the presentation, the Secretary of the People's Bureau of the Great Socialist People's Libyan Arab Jamahiriya pointed out that political issues fell within the competence of the Executive Council according to Article 13 of the Constitutive Act of the African Union. However, he added, other issues of technical nature should be considered by sectoral ministerial meetings, and their recommendations submitted directly to the Assembly of the Union without having to go through the Executive Council.

195. In conclusion, the Secretary of the People's Bureau of the Great Socialist People's Libyan Arab Jamahiriya indicated that the items proposed by his country were being presented to the PRC for information and should be considered by the Assembly.

196. The delegations which took the floor raised the following issues, among others:

- i) The Executive Council and the PRC were not the Organs competent to reconsider decisions adopted by the Assembly which was the only Organ empowered to review its own decisions in accordance with its Rules of Procedure;
- ii) The Assembly had already taken a decision on the item proposed by the Great Socialist People's Libyan Arab Jamahiriya on the transformation of the African Union Commission into the African Union Authority, and the item has political and legal implications which would need in-depth consideration by the Assembly;
- iii) Implementation of Decision Assembly/AU/Dec.263 had already started and should continue;
- iv) The items proposed by Member States did not meet some of the conditions stipulated under Rule 8(d) and Rule 9(g) of the Rules of Procedure of the Assembly of the Union and the Executive Council, respectively, particularly requesting Member States to communicate *inter alia*, to the Chairperson of the Commission the supporting document(s) and draft decision(s) relating to

the proposed items at least thirty (30) days before the opening of the meeting;

- v) Member States should strictly comply with the provisions of Rule 8(d) and Rule 9(g) of the Rules of Procedure of the Assembly of the Union and the Executive Council, respectively, regarding inclusion of items on the Agenda of the Assembly;
- vi) The item relating to the convening of the July session of the Assembly of the African Union has already been considered by the Executive Council in Sharm El Sheikh in July 2008.

197. At the end of the debate, the PRC recommended that the two issues be referred to the Executive Council for consideration, noting that:

- i) Decision Assembly /AU/Dec.263 (XIII) emanated from the Assembly; it is therefore up to the Assembly to review its previous decision in accordance with the established procedures;
- ii) Action had already been initiated by the Commission and the Member States to implement Decision Assembly /AU/Dec.263 (XIII) and a progress report was being submitted on the status of implementation;
- iii) The issue of convening of mid-year sessions of the Assembly of the African Union (July Sessions) had already been tabled by the Great Socialist People's Libyan Arab Jamahiriya for the 11th Ordinary Session of the Assembly, held in June/July 2008 in Sharm El Sheikh, Egypt. At that Summit, the Executive Council had taken Decision EX.CL/Dec.450 (XIII) recommending to the Assembly that "the status quo be maintained" and that this Decision was subsequently endorsed by the Assembly.

198. As a general recommendation regarding all the items proposed by Member States and having noted that many of these Member States had not fully complied with all the requirements under the Rules of Procedure (that is, (i) 60 days to inscribe an item on the agenda; (ii) 30 days to submit both the supporting documents and related Draft Decisions), the PRC stressed the need for Member States and the Commission to stick to the Rules regarding the submission of items, in accordance with Rule 8 (d) and Rule 9 (g) of the Rules of Procedure of the Assembly and the Executive Council, respectively as well as the provisions of all legal instruments governing the African Union.

XII. ELECTIONS

- 1. Election of the Members of the African Commission on Human and Peoples' Rights (ACHPR) – Doc. EX.CL/616(XVII)**
- 2. Election of the Members of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) – Doc. EX.CL/617(XVII)**
- 3. Election of the Judges of the African Court on Human and Peoples' Rights (AfCHPR) – Doc. EX.CL/618(XVII)**

199. The PRC did not consider these items since they fall within the prerogative of the Executive Council.

XIII. ANY OTHER BUSINESS

200. The outgoing Ambassador, Permanent Representative of the Republic of Kenya, in bidding farewell to members of the PRC, expressed appreciation to all of them for their support and cooperation during his tenure of office and thanked them for their friendship.

201. On behalf of the PRC, the Chairperson expressed the appreciation for the team spirit and commitment demonstrated by the Ambassador of Kenya in the various activities of common interest to the AU and the excellent contribution made in its work. He wished him well in his future endeavours.

202. In the course of the proceedings, the Commission walked the PRC through the newly acquired electronic voting system intended to ensure accuracy, transparency and effective time management, so that they could in turn brief the Executive Council. The PRC made comments and observations with regard to some aspects of the functioning of the system. The Commission provided clarification where necessary. The PRC commended the Commission for the initiative and requested that another presentation of the system be made to the Ministers in Kampala prior to the elections.

203. The Permanent Representative of the DRC informed the PRC of the proposal of his country for a message of congratulations that the Executive Council could send to the Republic of South Africa for the successful organization of the 19th edition of the FIFA World Cup, which held for the first time in Africa. The PRC approved the proposal and submitted it to the Executive Council for adoption in the form of a motion.

XIV. DATE AND VENUE OF THE 18TH ORDINARY SESSION OF THE EXECUTIVE COUNCIL

204. The PRC did not consider this item because it fell under the prerogative Executive Council.

205. However, the Permanent Representative of Gabon informed the PRC that Gabon would announce its offer to host the June/July 2014 Summit during the Executive Council and Assembly sessions. The PRC took note of this information.

XV. ADOPTION OF THE DECISIONS OF THE 17TH ORDINARY SESSION OF THE EXECUTIVE COUNCIL

206. The PRC did not consider this item since it falls within the prerogative of the Executive Council.

XVI. CONSIDERATION OF THE DRAFT DECISIONS AND DECLARATIONS OF THE 15TH ORDINARY SESSION OF THE ASSEMBLY

207. The PRC did not consider this item since it falls within the prerogative of the Executive Council.

XVII. CONSIDERATION OF THE DRAFT AGENDA OF THE 15TH ORDINARY SESSION OF THE ASSEMBLY

208. This item was introduced by a representative of the Commission.

209. The PRC examined the draft agenda of the Assembly and proposed the following amendments:

- i) Item VIII (1) should read “Consideration of the Recommendations of the Executive Council on the Report of the Commission on the Implementation of Previous Decisions of the Executive Council and the Assembly;
- ii) Item VIII (8) should read “Consideration of the Progress Report of the Commission on the Implementation of Assembly Decision on the Transformation of the AU Commission into an AU Authority. Items VIII (10) and VIII (11) should be deleted and covered in the Report on the Implementation of Previous Decisions.

210. The following two items should be added to the agenda:

- i) Consideration of the Report of the Commission on the Preparations for the 3rd Africa-EU Summit to be held in Libya on 29-30 November 2010;

- ii) Consideration of the Report of the Commission on the Preparations for the next Afro-Arab Summit to be held in Libya in October 2010.

211. The issue of a review of the current budget cycle was raised and the inherent difficulties extensively discussed. Some delegations suggested that the matter be included as an item on the draft agenda of the Assembly. The PRC, while recognizing the pertinence of the issue, however, recommended that the matter be submitted to the Assembly through the competent organs and the appropriate procedures, i.e. the Advisory Sub-Committee on Administrative Budgetary and Financial matters, PRC and the Executive Council.

212. Item IX (8) should be amended to read “A medium term policy framework and strategy for a food secure Africa, and commemoration of “Africa Food and Nutrition Security Day” (*Item proposed by the Republic of Malawi*) – Doc. EX.CL/616(XVII) Add.8

213. PRC sought information from the Commission on the following issues:

- i) The guests invited to make statements at the opening session of the Assembly;
- ii) The criteria used in selecting those guests;
- iii) Availability of background paper on the Theme of the Summit;
- iv) Possibility of rescheduling mini-summits to guarantee quorums;
- v) Reasons for extending the duration of the Assembly session to three days despite the very busy schedules of Heads of State and Government.

214. In response to the issues raised, the Commission clarified as follows:

- i) Those to make interventions during the opening ceremony of the Assembly are the President of the Host Country, the Chairperson of the Commission, the Secretary General of the United Nations, the Secretary General of the League of Arab States, the President of the PLO and President of Palestinian Authority; and the Guest of Honour, President of Mexico. The Opening Statement would be made by the Chairperson of the Union. The choice of the President of Mexico to address the Assembly is explained by the fact that Mexico will be hosting the next Climate Change Conference later this year. The principle of rotation was also a factor in the selection process and subject to consultations between the Chair of the Union and the Chair of the Commission;
- ii) The background paper on the theme of the Summit was ready in English and would be dispatched to all Member States once translation into other languages was completed;

- iii) Efforts would be made to minimize the holding of various mini-summits in parallel;
- iv) Some mini-summits were scheduled for the eve of the Summit (24 July) because their outcomes were expected to be presented to the Assembly;
- v) Three days would be needed to effectively cover all items on the agenda of the Assembly. This is because the whole of the morning session of the first day will be dedicated to the opening ceremony and the debate on the theme would take the whole afternoon. The second day would just be adequate to cover all remaining agenda items, while the third day would be reserved for the adoption of Decisions and Declarations which could not be finalized in all working languages before the exhaustion of the debates on all relevant agenda items.

215. The Commissioner for Social Affairs briefed the PRC on the new format of the debate of the theme of the Summit, the main innovation being the use of a moderator. In this regard, it was proposed that a seasoned African journalist be retained.

216. Members of the PRC while lauding the initiative by the Commission however sought clarification on the criteria for the selection of the moderator and the added value of the latter.

217. The Commissioner explained that the role of the moderator was to create an interactive environment that would bring the best out of the discussants.

218. Following the above clarification, the PRC recommended that:

- i) Three mini-summits (NEPAD, APRM and Climate Change) should be scheduled for 24 July and the Meeting of the Committee of Ten on UN Reform should take place during deliberations on the theme of the Summit on 25 July;
- ii) The background paper on the theme of the Summit, list of Guests due to address the Assembly and schedule of parallel meetings and side events should be sent out as soon as possible for further transmission to capitals;
- iii) Commended the Commission for its innovative approach to the organization of the debate on the theme.

XVIII. CLOSING CEREMONY

219. At the close of the deliberations, the PRC adopted its report which it recommended to the Executive Council for consideration.

220. In his closing remarks, the Chairperson of the PRC thanked all delegations, the Commission, interpreters and translators for their cooperation and contribution to the success of the deliberations of the PRC. He then declared the 20th Ordinary Session of the PRC as closed.

“We are determined to deal once and for all with the scourge of conflicts and violence on our continent, acknowledging our shortcomings and errors, committing our resources and our best people, and missing no opportunity to push forward the agenda of conflict prevention, peacemaking, peacekeeping and post-conflict reconstruction. We, as leaders, simply cannot bequeath the burden of conflicts to the next generation of Africans.” (Paragraph 9 of the Tripoli Declaration of 31 August 2009).

2010

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

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