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PERMANENT REPRESENTATIVES COMMITTEE

Eighteenth Ordinary Session

24- 26 June, 2009

Sirte, Libya

PRC/Rpt(XVIII)

REPORT

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

I. INTRODUCTION

1. The Eighteenth Ordinary Session of the Permanent Representatives' Committee (PRC) was held in Sirte, Libya, from 24 to 26 June 2009, under the Chairmanship of H.E. Mr. Ali Awidan, Secretary of the People's Bureau of the Great Socialist People's Libyan Arab Jamahiriya and Chairperson of the Committee.

2. In order to facilitate a thorough consideration of the items on its agenda, the PRC started its work at the Headquarters of the African Union in Addis Ababa, Ethiopia, where a number of agenda items were examined.

II. ATTENDANCE

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

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

4. The following AU Organs attended the meeting: African Commission on Human and People's Rights (ACHPR), the African Court of Human and People's Rights (AfCHPR), African Committee of Expert on the Rights and Welfare of the Child (ACERWC) and the Pan-African Parliament (PAP). Also in attendance were the following Regional Economic Communities: CENSAD, COMESA, ECOWAS and SADC.

III. OPENING CEREMONY

5. In his opening statement, the Secretary for African Affairs of the Great Socialist People's Libyan Arab Jamahiriya, H.E. Ali Abdelsalam Treki, welcomed the delegations to Sirte, the city where the historic Declaration of 9/9/99 was adopted, marking the birth of the African Union. He welcomed the steady growth of the Organization which has continued with the process of setting up its legislative, judicial and executive organs, and of transforming the AU Commission into the Executive Authority of the AU. He expressed appreciation for the role of the PRC in this process and urged this Organ, in its deliberations, to take into account previous AU decisions calling for the acceleration of the process to establish the United States of Africa. He reminded the PRC that Africa's efforts were appreciated by other continents and that the Continent must live up

to its commitments. Concluding, he wished the PRC resounding success in its deliberations.

6. Taking the floor in turn, the Chairperson of the AU Commission extended his warmest congratulations to Dr. Treki on his election as President of the next Session of the United Nations General Assembly, which opens in September 2009. He stressed the important role played by the PRC in the transformation of the OAU into the African Union, adding that it was necessary to strengthen cooperation between the PRC and the Commission at the dawn of a new transformation, in the spirit of Nazareth. He recalled that following the joint brainstorming session between the Commission and the PRC, the Commission had embarked on the improvement of administrative and financial management practices by laying emphasis on accountability and introducing reforms involving the adoption of appropriate tools for strengthening institutional and human capacities.

7. The Chairperson of the Commission further stated that the new Strategic Plan 2009-2012 targeted key actions aimed at ensuring prioritization and programme sustenance, coherence and sound management in the light of set goals. He welcomed the contribution of the PRC to the successful preparation of this plan which, if adopted and implemented, would lead to concrete improvement in the welfare of African peoples. He concluded by reiterating the Commission's commitment to assisting the PRC in carrying out its task.

IV. ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

8. The PRC adopted its agenda without amendment.

9. It also adopted the following organisation of work:

Morning: 10.00-13.00 hrs
Afternoon: 16.00-18.00 hrs

Agenda Item II : ADMINISTRATIVE AND FINANCIAL MATTERS

1. Consideration of the Reports of the Sub-Committees:

a) Advisory Sub-Committee on Administrative, Budgetary and Financial Matters – Doc. EX.CL/497(XV)a

10. The Chairperson of the Sub-Committee on Administrative, Financial and Budgetary Matters, the Ambassador of Equatorial Guinea, H.E. Ruben MAYE, presented the report of the Sub-Committee on Staff allowances. The report contained the following proposals submitted by the AU Commission:

1. Post Adjustment Multiplier

11. For the Post Adjustment Multiplier, the Commission proposes the following revised options:

Option 1:

50% of the difference between the AU rate and the average of the International Civil Service Commission's (ICSC) Post Adjustment rates for the period May – April 2009 (12 months). The financial implication for this option is **US\$ 1,174,330.00**

Option 2:

- i) 25% increase in the Post Adjustment multiplier for AU Duty Stations with current Post Adjustment rates of between 38% and 46%.
- ii) 15% increase in the Post Adjustment multiplier for AU Duty Stations with current Post Adjustment rates above 46%.

The financial implication for this option will be **US\$ 1,850,283.73**

2. Housing Allowance

In re-submitting for Housing allowance, the Commission proposes the following two options:

Option 1:

- 40% increase across the board of current rates.

The financial implication for this option will be **US\$ 2,259,452.98**

Option 2:

- 30% increase across the board of current rates.

The financial implication for this option will be **US\$ 1,694,589.74**

3. Education Allowance

The Commission proposes the following two options for Education Allowance:

Option 1:

50% increase on the current rate of US\$6,500.00 which will amount to US\$9,750.00 per child per annum for internationally-recruited staff; and a corresponding increase of the ceiling to US\$ 3,150.00 for locally-recruited staff. The financial implication for this option is ***US\$ 1,250,000.00***

Option 2:

40% increase on the current rate of US\$6,500.00 which will amount to US\$9,100.00 per child per annum for internationally-recruited staff; and a corresponding increase of the ceiling to US\$ 2,940.00 for locally-recruited staff. The financial implication for this option is ***US\$ 1,000,000.00***

SUMMARY OF TOTAL FINANCIAL IMPLICATIONS

- A.** Total financial implication of the three (3) higher cost/higher benefit options will be ***US\$ 5,359,736.71***
- B.** Total financial implication of the three (3) lower cost/lower benefit options will be ***US\$ 3,868,919.74***

After his presentation, discussions centred on the following points:

- i. The principle of increasing allowances of the Staff of the African Union is a critical issue for all categories of Staff, and required special attention;
- ii. Any increase should take into account Member States' capacity to pay, as they have always shown their commitment to improve the working conditions of the Staff;
- iii. The need to retain competent staff in order not to weaken the Commission;
- iv. The need to finalise and adopt the Staff Rules and Regulations of the AU;
- v. Arrears were not an alternative source to finance the allowances as they are not sustainable over time;
- vi. Member States should endeavour to provide staff with acceptable working conditions, given the increase in the cost of living;
- vii. Explanations should be given on the 45% post-adjustment rate applicable to the Headquarters, which is not proportional with regard to regional offices;

- viii. Given the difficult economic situation of African countries, the Commission should rationalize its expenditures accordingly, including excessive recruitment of consultants
- ix. The need to institute financial controls at the AU to guarantee the judicious use of resources placed at its disposal by its Member States.

12. The PRC endorsed the recommendation of the Advisory Committee on Administrative, Budgetary and Financial Matters as follows:

- i) Increase of post adjustment allowance based on 45% of the difference between the AU duty station rate and the International Civil Service Commission (ICSC) rate (averaged for May 2008 – April 2009). This is reflected in the following table:

No.	Duty Station	Current Rate (Percentage of Basic Salary)	Average of ICSC/AU Difference	New Rate (Current AU rate + 45% of difference between ICSC and AU rates)
1	Addis Ababa	40%	12.71	45.72%
2	Lagos	48%	21	57.45%
3	Yaounde	38%	23.3	48.48%
4	Nairobi	40%	3.9	45.72%
5	New York	46%	22.5	56.12%
6	Washington D.C.	46%	0.1	46.04%
7	Geneva	54%	22.4	64.08%
8	Niamey	54%	5.9	56.65%
9	Brussels	50%	9.4	54.23%
10	**Conakry	58%	-	58%
11	**Cairo	48%	-	48%
12	Banjul	40%	15.2	45.72%
13	Lilongwe	40%	8.7	45.72%
14	Ouagadougou	54%	2.6	55.17%
15	Algiers	48%	9	54%
16	Bamako	40%	25.7	51.56%
17	**Johannesburg	56.8	-	56.8%
18	Arusha	40%	3.9	45.72%
19	Tripoli	48%	-	48%

** Where the AU Post Adjustment multiplier rates are equal to or higher than the UN rates, the AU rates are maintained.

- ii) Increase of housing allowance by 20% across the board for all duty stations on the current rate;
- iii) Increase of education allowance by 20% for both internationally and locally recruited staff;
- iv) A three-yearly review of working conditions of staff instead of five-yearly review provided by the Maputo decision which is itself superseded by the January 2009 decision.

b) Sub-Committee on Structures – Doc. EX.CL/497(XV) b

13. At its 18th Ordinary Session, the PRC did not consider the Report of the Sub-Committee on Structures since the documents were not available in all the working languages of the African Union.

14. It was decided that consideration of this report would be postponed until a later date, after the Assembly session in Sirte.

c) Sub-Committee on Contributions - Doc. EX.CL/497(XV)c

15. The report on the situation of Contributions of Member States of the African Union was presented to the PRC by H.E. James Kalilangwe, Ambassador of the Republic of Malawi, and Chairperson of the Sub-Committee on Contributions.

16. In view of the evolving situation with regard to the contributions of Member States, the PRC requested a complete update that would enable it to have a comprehensive overview of the situation on contributions.

17. It would be recalled that the situation on contributions of Member States to the 2009 budget was presented to the PRC as at 14 May 2009. An update was therefore necessary to give an accurate picture of the situation up to the time of holding of the 15th Ordinary Session of the Executive Council.

18. The PRC accepted the recommendation of the Sub-Committee on Contributions not to place Sudan under sanction on the ground that the Government of Sudan had demonstrated its willingness to pay its contributions but had met obstacles in carrying out its transfer. It is up to the African Union to work with the Government of the Sudan to find a solution so that the payment can be effected.

SANCTIONS

19. The PRC also noted that the countries under sanction remain the same as previously reported. The countries are:

- i) Cape Verde
- ii) Democratic Republic of Congo
- iii) Eritrea
- iv) Sao Tomé and Príncipe
- v) Seychelles.

20. Seychelles has invited the Commission to send a team to discuss the modalities of paying its arrears.

21. The PRC expressed concern on the rationale for the Commission to use its resources to dispatch a team to a country under sanctions. It would be appropriate for the country to send a team to the Commission.

22. At the end of the deliberations, the PRC endorsed the following recommendations of the Sub-Committee on Contributions:

- i) Request Member States to pay their contributions on time;
- ii) Invite the Commission to cut down on its missions given the overall situation of the global financial crisis;
- iii) Request the Commission to hold discussions with the Republic of Seychelles during the Sirte Summit in order to reach a direct and exceptional compromise;
- iv) Request the Commission to extend this type of discussion with all the Member States under sanctions with the same prerogatives;
- v) Maintain the temporary and exceptional exemption granted to Sierra Leone and Burundi;
- vi) Commend all the Member States that are up to date in their contributions.
- vii) Request the AU Commission to carry out an exhaustive inventory of partner contributions so that Member States could acquaint themselves with the real situation thereof and the lines of action of programmes they finance as well as the amounts;
- viii) Review the scale of assessment, in accordance with the relevant decision of the Executive Council on the revision of the scale of assessment every three years.

Agenda Item III: IMPLEMENTATION REPORT

**1. Consideration of the Report of the Commission on Implementation of Previous Decisions of the Executive Council and the Assembly
– Doc. EX. CL/498 (XV)**

23. Presenting the Report, the representative of the Commission indicated that the report under consideration focused mainly on the status of implementation of the various decisions and declarations of the Assembly and the Executive Council, with special emphasis on the decisions adopted in January and February 2009.

24. He also pointed out that the report identified all the activities to be undertaken, namely: 161 activities relating to the 38 Decisions and 1 Declaration of the Executive Council, and 103 activities relating to 42 Decisions and 7 Declarations of the Assembly.

25. The representative of the Commission also remarked that the report provided information on the status of implementation of each decision, including:

- i) Activities undertaken by the Commission;
- ii) Difficulties and constraints encountered during the implementation;
- iii) Activities to be carried out;
- iv) Measures recommended for overcoming the difficulties and constraints encountered;
- v) Time required for eventual implementation; and
- vi) Observations dictated by the circumstances relating to certain decisions.

26. In conclusion, he stated that it was extremely important that the decisions initiated by Member States or AU Organs be adopted only after thorough evaluation of their financial implications and identification of the sources of funding and the required institutional capacities at the level of each Member State and the Organs involved in the implementation process.

27. The discussions that ensued focused essentially on the following points:

- i. Responsibility for the low level of implementation of previous decisions adopted by AU policy Organs should be shared by Member States and the AU Organs involved in the implementation;
- ii. It is necessary and indispensable to rationalize the number of decisions to be adopted at sessions of the policy organs;
- iii. The number of decisions to be adopted by each session of the Executive Council and the Assembly should be reduced;

- iv. One of the reasons for the low level of implementation of the decisions is the lack of capacity on the part of Member States, the Commission and other Organs;
- v. Monitoring implementation of decisions should involve other organs as well as the Commission; that is, organs such as sector ministerial conferences which could make recommendations to the Executive Council to that effect;
- vi. Each decision should be backed by an implementation timeframe, financial implications, funding sources and institutional capacity for implementation, to overcome the implementation problems encountered. The legal implications, especially the impact on AU policies should be included;
- vii. The low level of implementation of the various decisions affects the credibility of the African Union itself and is its main weakness;
- viii. The implementation report should specify each decision's implementation percentage rate, and in particular highlight the aspects falling within Member States' responsibility;
- ix. To this end, the PRC should be updated on the financial resources allocated for implementation of decisions;
- x. The PRC should assume ownership of this question of decision implementation, by incorporating it on permanent and regular basis in the agenda of each of its sessions. The question of implementation of past decisions should be put on the agenda of all meetings of STCs;
- xi. The level of implementation of the decisions on the review of the Protocol establishing the Pan-African Parliament (PAP), Afro-Arab Cooperation, human development and on Partnerships, respectively, should be indicated;
- xii. Information on the status of implementation of the decision on the situation in the Comorian Island of Mayotte should be updated to take into account the reactivation of the Ministerial Committee on the issue and the resumption of its activities under the Gabonese chair.
- xiii. the need to convene, after the Assembly, a meeting between the PRC and the Commission to consider and agree on the establishment of a mechanism to follow up on implementation of decisions was underscored;

- xiv. the period covered by the report is very limited in time and does not give an account of the implementation of certain decisions, particularly those adopted at previous Assembly sessions;
- xv. the need to evaluate all the decisions so as to revise or repeal those which have ceased to be relevant or have become obsolete.

28. Following the clarifications provided by the Commission and at the end of discussions, the PRC put forward the following recommendations for the attention of the Executive Council:

- i. Expresses its concern over the low level of implementation of previous decisions adopted by AU Policy Organs;
- ii. Reiterates its request for rationalization of the number of draft decisions submitted to AU Policy Organs for adoption;
- iii. Requests Member States, the Commission and the other relevant Organs to ensure that all the draft decisions to be submitted to the AU Policy Organs are accompanied with a sheet evaluating their financial and legal implications, sources of financing and the institutional capacities for implementation;
- iv. Requests the PRC to incorporate, on permanent and regular basis, in the agenda of its sessions an item on implementation of the decisions adopted by the Executive Council and the Assembly;
- v. Requests the PRC and the Commission to hold consultation, immediately after the Assembly session, to consider and agree on a mechanism to follow up on implementation of decisions.

Agenda Item IV : LEGAL AND INSTITUTIONAL MATTERS

1. Consideration of the Report of the Commission on the Status of the OAU/AU Treaties – Doc. EX. CL/499 (XV)

29. In presenting the report, the Representative of the Commission stated that the current report covered the period February to 27 May 2009. She recalled that the purpose of the report, which was presented at each session of the Executive Council, was to draw the attention of Member States to the current status of signature and ratification/accession to OAU/AU Treaties with a view to sensitising them on the need to take necessary measures to ensure that the said Treaties enter into force. She also stated that the report indicated the number of signatures and ratification of the various OAU/AU Treaties as well as those that have come into force.

30. The Representative of the Commission further informed the PRC that during the reporting period, twenty (20) signatures were appended to OAU Treaties and that ten (10) instruments had been deposited.

31. In addition, she observed that since the finalisation of the report, the Saharawi Arab Democratic Republic (SADR) deposited on 4 June 2009 the instruments of ratification for the Protocol on the Amendments to the Constitutive Act of the African Union and the Non-Aggression and Common Defence Pact. In addition, Côte d'Ivoire signed five (5) Treaties on 11 June 2009 among which were the African Charter on Democracy, Elections and Governance and the Protocol on the Statute of the African Court of Justice and Human Rights. On 17 June 2009, Libya deposited the instrument of ratification for the Protocol on the Statute of the African Court of Justice and Human Rights. On 18 June 2009, Sierra Leone signed the African Charter on Statistics and the Protocol on the African Investment Bank. On 19 June 2009, Libya deposited the instrument of ratification for the Protocol of the African Investment Bank.

32. The discussions that ensued focused on the following issues:

- i. One major obstacle to the signing and ratification of OAU / AU Treaties is the inconsistency in the different language versions of the said Treaties;
- ii. The need to harmonize the OAU/AU Treaties in the various working languages of the African Union;
- iii. The need to review some OAU/AU Treaties that are outdated and obsolete, in line with the relevant Executive Council decisions;
- iv. Member States' commitment should not be limited to the signing and ratification of Treaties, but should extend to implementation at the domestic level;
- v. The need to implement the decision of the Assembly adopted in February 2009 and requesting Member States to start the process of ratification of OAU/AU Treaties during one year of their adoption;
- vi. The need to ensure that all AU organs participate in sensitization of Member States and play an advocacy role for the signature and ratification of OAU/AU Treaties in addition to the Pan African Parliament;
- vii. The need to develop a mechanism at the level of the Commission to encourage Member States which have formulated reservations against specific provisions of some Treaties to remove them;
- viii. There was need to put in place a mechanism to examine reservations entered by Member States against the provisions of an OAU/AU Treaty to

ensure that these are not incompatible with the object and purpose of the Treaty.

33. In addressing the requests for clarifications, the Representative of the Commission made the following observations:

- i. The signature, ratification and implementation of OAU/AU Treaties are the main responsibilities of the Member States.
- ii. Some OAU Treaties have been revised within the framework of the implementation of the decision of the Executive Council on the review of OAU/AU Treaties whilst the process for others is ongoing. For example, the 2006 Charter for African Cultural Renaissance replaced the 1976 Cultural Charter for Africa; and the 2003 Revised African Convention on the Conservation of Nature and Natural Resources also replaces the 1968 Convention.
- iii. The alignment of Treaties into the Arabic language was, in the past, the primary responsibility of the Conference Services Directorate in view of the fact that the Office of Legal Counsel did not have an Arabic speaking legal expert. However, the recruitment of such an expert was finalized and the officer due to report before end of June.
- iv. The Commission will look into the modalities of setting up a mechanism relating to the overall issue of reservations formulated by Member States.

34. In the light of the above considerations, the PRC took note of the report and recommended the following:

- i. Appeal to Member States to expedite and accelerate the signing and ratification/accession to OAU/AU Treaties;
- ii. Reiterate its appeal to the members of the Pan-African Parliament, the Economic Social and Cultural Council (ECOSOCC), the African Commission on Human and People Rights as well as other Organs of the African Union to assist with advocacy and sensitization of Member States to expedite the process of ratification/accession to OAU/AU Treaties;
- iii. Request the Commission to take necessary measures to implement the relevant decisions of the Executive Council on the Review of OAU/AU Treaties.

2. Consideration of the Report of the Commission on the new African Union Flag – Doc. EX. CL/500 (XV)

35. In presenting the Report, the Representative of the Commission gave a brief account of the measures taken by the African Union Commission to implement

Decision Assembly/AU/Dec. 151 (VIII), adopted at the 8th Ordinary Session held in Addis Ababa from 29 to 30 January 2007. The measures consisted of:

- i. The launch of the competition for selection of the New African Union Flag on 08 February, 2007;
 - ii. A preliminary screening by an In-house Committee of the 105 entries that were received and the subsequent submission of the short list to a constituted Panel of experts drawn from the five geographical regions of the continent;
 - iii. The grading of the 105 entries by the Panel of Experts, according to pre-established criteria. The special entry submitted by the Leader of the Great Socialist Peoples' Libyan Arab Jamahiriya was not included in the grading because it was proposed by a Head of State;
 - iv. The result of the competition, as per the final report of the Panel of Experts, including the Proposal of the Leader of the Great Socialist Peoples' Libyan Arab Jamahiriya and five other proposals.
- 36.** In the course of his presentation, the Representative of the Commission showed paper samples of the six proposed flags to the PRC and in conclusion said that the Panel had expressed its readiness to meet again for additional work if necessary.
- 37.** In the debate that ensued, delegations made the following comments and observations:
- i. The Panel had shortlisted five Candidates plus the Proposal from the Libyan Leader but did not recommend any; giving the impression that work was still in progress and it was therefore necessary to defer the consideration of the report until the Panel concluded its work;
 - ii. The need to include Cape Verde in the proposed flag since the Island had been left out in the current flag;
 - iii. The sample flags made of paper shown to the PRC by the Commission were inadequate and there was need to produce miniature flags in appropriate material; to enable the organs take an informed decision;
 - iv. A recommendation should be made to the organs urging Member States to display the AU flag side by side their national Flags.
- 38.** In addressing the issues and observations made, the Representative of the Commission provided clarifications as follows:

- i. The Panel in putting forth proposals had discharged its mandate in accordance with the Decision of the Assembly and it was left for the Assembly to take a decision on the proposals;
 - ii. There already existed a recommendation to include all the Islands of the continent in the new AU Flag; consequently, the concern of Cape Verde had been taken on board;
 - iii. The Commission shall make available miniature flags for distribution to delegations during the consideration of the issue by Executive Council and the Assembly;
 - iv. The decision urging Member States to display the AU flag side by side the national Flag had already been taken and therefore it was needless to make a recommendation to that effect.
- 39.** Following the clarifications by the Commission, the PRC:
- (i) Took note of the Report;
 - (ii) Recommended that the issue of the selection of a new African Union Flag be presented to the Executive Council and to the Assembly for consideration;
 - (iii) Requested the Commission to produce miniature Flags in appropriate material for distribution to delegations, during the consideration of the issue by the Executive Council and the Assembly;
 - (iv) Recommended that the current flag be included in the competition.
- 3. Consideration of the Draft Strategic Plan 2009-2012
- Doc. EX.CL/501(XV)**

40. In presenting this document, the Representative of the Commission informed the PRC that all the comments made on the Strategic Plan at the retreat held in March 2009 in Nazareth, Ethiopia, had been incorporated into the document under consideration and that, subsequently, an editing committee had been set up to further fine-tune the document. The Commissioner for Social Affairs, who chaired this Committee then underscored that the Strategic Plan needed to be brief and readable, containing explanatory tables. She made a diagrammatical presentation of the revised Strategic Plan, drawing attention to the different parts of the documents and the pillars around which the programmes revolve.

- 41.** The PRC also made the following observations:
- i. The Commission should find alternative sources for funding the Strategic Plan;
 - ii. The PRC should regularly monitor the evaluation and follow-up of activities by the Commission;
 - iii. A mechanism and precise timetable should be worked out for the monitoring and evaluation of the implementation of the Strategic Plan;
 - iv. A link should be established and consistency maintained between the Strategic Plan and other programmes such as the Minimum Integration Programme and NEPAD;
 - v. The Peace and Security Council (PSC) was not given the prominence it deserves in the document.
- 42.** Following explanations by the Commission, the PRC made the following recommendations:
- (i) External sources of funding should be sought for the implementation of the Strategic Plan;
 - (ii) The PSC should feature in the Strategic Plan as an independent organ, as stipulated in the Protocol establishing the Peace and Security Council. It will thus be adequately budgeted for and in a better position to carry out its activities;
 - (iii) The PRC should be briefed, on a half-yearly basis, on the monitoring and evaluation of the implementation of the Strategic Plan.
- 43.** After these observations, the PRC recommended that the draft Strategic Plan be adopted by the Executive Council.

Agenda Item V : POLITICAL MATTERS

1. Consideration of the Report on the Situation of Refugees, Returnees and Internally Displaced Persons in Africa – Doc. - EX. CL/502 (XV)

a) Report of the Commission – Doc. EX. CL/502 (XV) a and EX. CL/502 (XV) b

44. In introducing the Report on the Situation of Refugees, Returnees and Internally Displaced Persons in Africa, the Representative of the Commission gave an account of the current situation of forced population displacements on the continent and the trend analysis of the situation in each region. He particularly mentioned the situation in the

Democratic Republic of Congo, Central African Republic and Somalia which continue to produce more population displacements and currently constitute the largest cases of recent refugee and IDP movements on the continent.

45. He thanked the Member States that provided the Commission with current statistics and information on refugees, IDPs and returnees in their countries and called upon those that were not able to provide this information to do so in the future. He concluded by noting that the table on statistics was inadvertently not annexed to the report as stated in the report and assured the PRC that this would be rectified.

b) Report on the activities of the PRC Sub-Committee on Refugees, Returnees and Internally Displaced Persons - Doc. EX.CL/502 (XV) b

46. The Chair of the PRC Sub-Committee on Refugees, Returnees and Internally Displaced Persons, H.E. Mr. Mull Katende, Ambassador of the Republic of Uganda, introduced the report of the activities of the Sub-Committee and highlighted the visits made to Angola and Algeria where the Sub-Committee expressed its solidarity with the concerned Governments and with the displaced persons in those countries. He particularly mentioned the formidable work being done by the Government of Angola to resettle the returning Angolans back into their communities. He indicated that other assessment missions planned for the Central African Republic, Chad and Rwanda were not undertaken as scheduled and would be undertaken during the second half of the year.

47. He also highlighted the work of the Sub-Committee in the preparation of the Special Summit on Refugees, Returnees and Internally Displaced Persons and indicated that the preparation for the Summit is on course. He concluded by reiterating the commitment of the Sub-Committee in monitoring, protecting and assisting as well as reducing the plight and suffering of refugees, returnees and internally displaced persons on the African Continent.

48. Both reports by the Commission and the Sub-Committee respectively were deliberated upon in tandem by the PRC. The following points were highlighted:

- i. Need to amend some aspects of the Commission's report particularly statistics and figures relating to the number of refugees, returnees and internally displaced persons in some Member States;
- ii. Need for the Commission's report to do a comparative study/analysis between preceding and present reports taking into account the trend of refugees, returnees and IDP flows;
- iii. The laudable efforts of Angola in the settlement of IDPs should be specified in order for Member States to draw the necessary lessons;

- iv. The proposal for AU Missions to make tokens available to IDPs in their camps could be a psychological boost. However, the implementation of this proposal could create difficulties and unduly raise the expectations of IDPs; and
- v. The assessment which the Activity Report of the Sub-Committee indicated as having been undertaken to South Africa did not take place because of a national commitment by the host country and was therefore postponed to a later date.

49. After some clarifications by the Commission, the PRC took note of the reports and made the following recommendations:

- (i) Member States should provide the Commission with up to date figures of refugees, returnees and internally displaced persons so as to reflect the true state of the humanitarian situation;
- (ii) Member States should provide all necessary support to AU Missions in order to achieve the desired objectives;
- (iii) The Commission was required to revise the report to reflect all the amendments that had been raised by delegations; and
- (iv) The Sub-Committee on the Special Emergency Assistance Fund for Drought and Famine in Africa should be revitalised in order to fulfill its mandate, including rendering financial support to the IDPs.

2. Consideration of the Report of the Commission on the Durban Review Conference (Geneva, Switzerland, 20-24 April 2009) The Conference evaluated progress towards the goals set by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance which held in Durban, South Africa, 2001 - Doc EX. CL/503 (XV)

50. In presenting the Report, the Representative of the Commission recalled that the World Conference Against Racism which held in September 2001 in Durban, South Africa, led to the adoption of the Durban Declaration and Programme of Action (DDPA). These two instruments were relevant in the fight against racism, racial discrimination, xenophobia and related intolerance.

51. The holding of a Review Conference following the Durban Conference, she said, was a manifestation of the will to evaluate the progress towards the implementation of DDPA and to propose measures aimed at improving the effectiveness of the fight against racism.

52. With regard to the preparation of the Conference, the Representative recalled that hesitations were noticed from Western countries, especially Europeans, and which

might be explained by among other factors the question of the reparations for historical injustices such as slavery or colonialism, the rise of racist ideologies and xenophobia on the European domestic political scenes, and to the negation of all current forms of racism.

53. She further informed the PRC that despite the difficult initial compromise obtained, the positions of several delegations had not changed, especially with regard to the following very controversial matters:

- The defamation of religions/freedom of expression;
- Slavery, slave trade, reparations and recourse mechanisms;
- The Middle East situation;
- Sexual orientation
- The Durban mechanisms.

54. On the outcomes of the Conference, the Representative indicated that the final document of the Durban Review Conference reaffirmed the Declaration and Programme of Action adopted in Durban in 2001. The conclusions underscored, among other things, the need to fight with greater determination and political will, all forms of racism in all walks of life and in all regions of the world, including those living under foreign occupation.

55. Finally, the representative of the Commission observed that the conclusions of the Durban Review Conference which mark progress in the fight against racism should be assessed in light of the text and spirit of the Durban Declaration and Plan of Action adopted in 2001. In this respect, she stated that the Commission could play a major role in the implementation of international instruments to combat racism and that it would be necessary to establish a specialized structure to deal with issues relating to racism.

56. The ensuing discussions dealt essentially with the following points:

- i. The AU should play a more active role in the implementation of international instruments against racism through its various organs such as the Commission, the African Commission on Human and Peoples' Rights, the Economic, Social and Cultural Council (ECOSOCC) and the Pan-African Parliament. The AU Commission should coordinate with the anti-racism unit in the Office of the High Commissioner for Human Rights and make use of existing AU mechanisms;
- ii. It is not necessary to establish a specialized structure in charge of racism related issues. However, there is need to enhance synergy and coordination of the various AU organs as well as collaboration with other international bodies dealing with this issue;

- iii. Slavery was a criminal activity carried out at the expense of the African continent to develop other regions of the world;
- iv. Africa should speak with one voice at international fora and work closely with its strategic allies to ensure that the continent's concerns and interests are taken on board including ensuring respect for identity and dignity of Africans;
- v. Racism was the driving force behind colonialism, with intolerance and xenophobia as its direct consequences;
- vi. The ongoing efforts deployed to obtain reparations for the historical injustices imposed on Africans, namely: slavery, colonialism and racism, should be sustained;
- vii. It is necessary to present a report on the work done by the Committee of Eminent Personalities on Reparations for Slavery. In so doing, account should be given of the use of the fund allocated for the Committee.

57. In response to the main issued raised, the Commission provided the following clarifications:

- i. As regards the Mechanism for monitoring the issue of racism at AU level, the focus is on strengthening interaction and synergy between the different AU organs and structures, as well as coordination at the level of the different African groups in Addis Ababa, Brussels, Geneva, New York and Washington DC on various issues of interest with a view to having a harmonized African position at different levels;
- ii. The issue of reparations for the wrongs suffered by Africa during the slave trade had already been considered at the level of the African Union by a Committee of Eminent Personalities from Africa and the Diaspora, led at the time by the late Moshood Abiola of Nigeria. The process could be pursued in order to identify possible ways and means of obtaining reparations for the prejudice suffered during the slavery. The process leading to obtaining these reparations is not only legal but also political. Provisions could be made in the 2010 budget for the continuation of the deliberations of this Committee, some of whose members have expressed their willingness to carry on this mission.

58. At the end of deliberations, the PRC made the following recommendations to the Executive Council:

- i. Take note of the Report;
- ii. Recall the numerous historical injustices suffered by Africa, particularly slavery;
- iii. Revive the Committee of Eminent Personalities to consider the issue of reparations for slavery and colonization. The possible use of legal means to pursue reparations should be explored;
- iv. The Commission should present a detailed account of the utilization of funds allocated to the Committee of Eminent Personalities and, if need be, propose modalities for financing the work of the Committee in the 2010 budget;
- v. Request the Commission to propose allocation of necessary resources in the budget of the Union for 2010 for the work of this Committee; also request the Commission to report on the use of funds allocated in the past to the Committee;
- vi. Request the Commission to initiate awareness-building and dialogue programmes on racism;
- vii. Request the Commission to strengthen interaction and synergy between the different AU organs and structures concerned, as well as ensuring effective coordination with the relevant African Groups with a view to adopting an African common position in different international fora/systems;
- viii. Request the Commission to report regularly on the implementation of this decision.

3. Consideration of the Report of the Sub-Committee on the Activities of the Multilateral Cooperation Sub-Committee – Doc. EX. CL/504 (XV)

59. Introducing this report, the Chairperson of the Sub-Committee on Multilateral Cooperation, H.E. Mr. Edouard Glele, Ambassador of Benin in Addis Ababa, informed the Permanent Representatives Committee (PRC) that the Sub-Committee had met several times to carry out the duty entrusted to it, particularly as concerns the Africa-India Action Plan, preparations for the Second Africa-South America Summit (ASA), the proposed Africa –Iran partnership, the Africa- Korea partnership and the global review of partnerships that the Executive Council had requested the Commission to undertake.

60. With regard to the Africa-India Action Plan, the Chairperson of the Sub-Committee stated that the Sub-Committee had considered the document prepared by the Commission and India and had constituted a five-member ad hoc Working Group

which had drawn its inspiration from three basic principles, notably the strengthening of the capacities of the Commission to follow up the various partnerships, the need to avoid unnecessary duplication of existing efforts at enhancing the capacities of the Commission, and the need to ensure equitable representation and geographical distribution of institutions and vocational centres that would be provided by India to Africa. It then submitted the finalized Action Plan for the approval of the PRC.

61. The Chairperson then stated that the Sub-Committee had made proposals on the preparations for the Second Africa-South America Summit and recommended that the documents proposed by the 8 Working Groups be considered by the PRC and adopted as Africa's common position. The Sub-Committee further recommended that no Working Group should become involved in a bilateral meeting with the South American party pending the adoption by the PRC of the documents in question.

62. As regards the proposed Africa-Iran partnership, the Chairperson of the Sub-Committee briefed the meeting on the invitation from Iran to the members of the Bureau of the Sub-Committee to undertake an official visit to that country with a view to establishing a partnership with them. However, the Sub-Committee, in response, indicated that the AU had decided not to engage in any new partnership until the conclusion of the global review of all existing partnerships.

63. With respect to the Africa-Korea partnership, the Sub-Committee pointed out that the said partnership had been in existence for some time since it was established in November 2006 but that it had failed to comply with the procedures laid down by the AU. It recommended that interaction should be pursued to enable this partnership to follow the normal procedures. The Chairperson of the Sub-Committee underscored the fact that Korea intended to organize the 2nd Africa-Korea Forum this year and had requested the Commission to contact it concerning the modalities and date of the Forum.

64. The Chairperson of the Sub-Committee recalled Executive Council Decision EX. CL/Dec.397 (XII) requesting the Commission to undertake a global review of Africa's Strategic Partnership with other parts of the world. After consideration of the report of the Working Group which underscored 2 types of partnership, particularly continent to continent or continent to group of countries, and continent to country partnership, the Sub-Committee felt that the Africa -EU partnership should be redefined for Africa to derive greater benefit therefrom. Concerning the Africa-South America partnership, it emerged that this is a nascent partnership and that no concrete progress had been made in that regard since the last Assembly. The Sub-Committee recommended that these partnerships be pursued taking into consideration the observations that have been made. It also highlighted certain shortcomings in the strategic partnerships and proposed a range of criteria to be used in forging partnerships. In conclusion, the Chairperson of the Sub-Committee requested that the Action Plan with India be adopted to enable the latter to begin the implementation of the Plan.

65. During the ensuing discussions the following observations were made:

- i. Given that partnership is a cross-cutting issue, the establishment of a unit within the office of the Chairperson is not a solution to the problems raised and which should rather be resolved through better coordination of all concerned structures within the Commission;
- ii. Member States did not receive the Commission document on the evaluation of partnerships;
- iii. A day of reflection could be devoted to the study conducted by the Commission on the evaluation of partnerships;
- iv. Member States do not react in time to proposals made by the Commission and the Sub-Committee;
- v. It would be advisable to once more appeal to Member States to react to the draft Plan of Action with India before a final answer can be given to the Indian partner;
- vi. India has the means for the implementation of the Plan of Action, and it would be useful to immediately adopt the said Plan;
- vii. The Sub-Committee should supplement the work on the Plan of Action by elaborating a road map and an implementation calendar;
- viii. The PRC had mandated the Working Groups to collaborate with South American experts and to report to the Sub-Committee and the PRC;
- ix. Africa should work according to its own programme rather than that of partners.

66. In reaction to the PRC remarks, the representative of the Commission made the following clarifications:

- i. The draft Plan of Action with India was sent to Member States since November 2008 for comments but the Commission is still to receive the reply;
- ii. The Indian Government has already allocated funds for projects featuring in the Plan;

- iii. The PRC was requested to give the Commission authorization to carry on with the Plan of Action since the latter spans 3 to 5 years and is subject to modifications during implementation;
- iv. Concerning the Africa - South America partnership, the PRC was informed that the Chairperson of the Commission paid an official visit to Caracas the previous week to hold discussions on the second Africa-South America Summit scheduled for September 2009;
- v. He added that Venezuela was ready to host the Summit, and President Chavez expected tangible results. In this respect, he appealed to Member States and Working Group heads to step up their efforts so that the work of their groups can be concluded, with the participation of all Member States, to avoid reopening the debate before partners;
- vi. He further stated that the Government of Venezuela intended to organize the third cultural festival with Africa, and that would imply exchanges between African and South American artists as well as meetings with university chancellors;
- vii. Finally, he assured the PRC that the report on the evaluation of partnerships conducted by the Commission would be distributed to Member States for consideration.

67. For his part, the Chairperson of the Sub-Committee on Multilateral Cooperation made the following clarifications:

- i. The Commission, the PRC and its Sub-Committees should be involved in the monitoring and implementation of partnerships, in keeping with the existing mechanism;
- ii. He urged the Working Groups on the Africa-South America partnership to submit the findings of their work as soon as possible, and proposed that the Commission should organize a meeting during which all working groups would present their findings;
- iii. Regarding the Africa-India partnership, he stated that the group had not been mandated, in line with its terms of reference, to draw up a road map and monitoring mechanism.

68. After discussions, the PRC took note of the report and made the following recommendations:

- i. The Africa-India Plan of Action should be adopted and finalized with the Indian party in view of possible implementation;
- ii. The study on the evaluation of partnerships should be made available to Member States as soon as possible so that a meeting can be organized after the Summit to discuss it;
- iii. The proposal to establish a unit in the Bureau of the Chairperson to manage partnerships should be submitted to the Structures Sub-Committee on Structures for consideration;
- iv. The Banjul decision on attendance to partnership meetings should be upheld;

VI ECONOMIC, SOCIAL AND CULTURAL MATTERS

1. Consideration of the Report of the Commission on the setting up of the Pan-African Media Observatory – Doc. EX. CL/505 (XV)

69. In her presentation, the representative of the Commission informed the PRC of the outcome of the “Media and Development” Forum jointly organized by the AU and EU Commissions in September 2008 in Ouagadougou, Burkina Faso. She also gave an account of the monitoring of this very high level meeting as well as of action taken by the AU Commission to draw up a plan for the implementation of the recommendations of the Forum. She gave a report on the main conclusions of the Forum contained in a joint road map for action to be taken on the media. The road map was sent to Member States and RECs for information and comments but there was no reaction. The primary recommendations of the road map, which was jointly signed at the end of the Forum by the Chairperson of the African Union Commission and the European Commissioner for Development and Humanitarian Aid, cover the preparation of a Pan-African Media Charter, the establishment of an African media portal and a Pan-African media observatory.

70. Discussions that ensued centered on the following observations:

- i. Is the observatory being set up to harmonize the laws governing the media since the said laws vary from one country to another?
- ii. What were the criteria used in selecting participants for the Forum?

- iii. There is need to determine the authority that will take the decision to establish the observatory and decide on its headquarters. Will it be the Conference of Ministers of Information?
- iv. Will it be an observatory or an institute? What will be the relation between it and the Supreme Council for Media and Audiovisual in Africa?
- v. Online consultation and decision-making is a new method that can have its limits.
- vi. Africa is required to take ownership of the process although it did not participate in the Forum.
- vii. The joint website address should be reviewed to reflect joint participation.
- viii. An assessment should be made on the failure of URTNA and the PANA before the usefulness of establishing a media observatory can be considered.
- ix. It is necessary to establish a continental legal framework to guarantee Africa's interests in the media.
- x. The financial implication of such a project should be determined.
- xi. This report should be considered as a progress report. Member States and RECs should be called upon to react to the proposals, and be given enough time to thoroughly examine the draft. The Commission could organize a brainstorming session to discuss it.

71. Addressing Member States' concerns, the Commission gave the assurance that no action will be taken without the approval of Member States since this project is a process that started with the signature of the road map enabling its launching. The Commission will plan the organization of the brainstorming session after which answers could be provided to the questions raised by the PRC.

72. After the discussions, the PRC made the following recommendation:

The draft should be submitted for thorough consideration by experts from Member States who are media specialists. They will forward the findings of their deliberations to the Conference of Ministers of Information whose recommendations will then be submitted to the Executive Council.

2. Consideration of the Progress Report of the Commission on the Implementation of the Joint Africa-EU Dialogue Strategy and its Action Plan – Doc. EX. CL/506 (XV)

73. In introducing this item, the Representative of the Commission informed PRC that the Report presented was that of the 12th Africa-EU Ministerial Troika meeting which took place in Luxembourg on 28 April 2009. The meeting discussed a number of key issues, including the global financial and economic crisis, implementation of the Africa-EU Joint Strategy and its first Action Plan, recent developments since the 11th Ministerial Troika meeting, as well as an exchange of views on the African integration process. A number of recommendations and decisions emanated from the meeting. Among the key issues he highlighted were:

- i. The series of recommendations regarding the economic and financial crisis;
- ii. The importance of the current climate change dialogue and the need for adequate resources for adaptation and mitigation measures;
- iii. Review of the progress on implementation of the Joint Strategy and recommendations on the way forward, including the need to address the financing problem, the need to prepare adequately for the financing workshop to be held in September 2009, the need for adequate involvement of RECs and the need for Member States to be effectively represented at meetings of the Joint Expert Groups.

74. In the ensuing debate, the PRC raised the following issues:

- i. The section on peace and security did not properly reflect the true situation on the ground including that of Chad and failed to raise some pertinent issues. The Commission should correct these and take steps to ensure more accurate reporting in the future;
- ii. The Draft Agenda of the Troika as considered by the PRC should not be left for the European side alone to decide;
- iii. The report raised the problem of piracy but failed to critically assess the root causes of the problem;
- iv. The new developments in the situation in Mauritania as well as the AU common position on climate change had not been adequately reflected in the report;
- v. The pace of implementation of the Joint Strategy/first Action Plan remained slow, due partly to the capacity problems on the African side and the lack of financial resources. These and other problems should be comprehensively

addressed with a view to achieving concrete results within the timeframe of the first Action Plan;

- vi. The African side engaged in meetings with the European counterparts without having made adequate preparations beforehand, leading to undesirable outcomes in some cases;
- vii. The partnership covers too many areas. In view of Africa's current capacity constraints, it would be desirable to identify priorities and focus on these for implementation.

75. After the debate, PRC recommended as follows:

- i. The African side should make adequate preparations to ensure the success of the financing workshop scheduled for September 2009;
- ii. Regional Economic Communities should be encouraged to be fully involved in the implementation process. In this regard, projects developed at RECs level as well as those of NEPAD should be considered for implementation within the framework of the Africa-EU Strategic partnership;
- iii. Africa should take the planned mid-term review as an opportunity for a critical evaluation of the partnership and insist on concrete action on implementation;
- iv. Africa should assume ownership of the partnership and take adequate steps with a view to improving the quality of participation in the Joint Expert Group meetings;
- v. The Commission and Member States should work together to ensure more effective preparation before joint meetings with the EU. In this regard, dates of scheduled meetings should be communicated well in advance and preparatory meetings held with a view to reaching a common position;
- vi. The AU Commission should take steps to finance Member States' participation in meetings of the Joint Expert Groups from the US\$ 1 million allocated by the EU.

3. Consideration of the Report of the Commission on the Implementation of the Millennium Development Goals (MDGs) – Doc. EX. CL/507 (XV)

76. Introducing the report, the Commissioner for Economic Affairs indicated that the progress report on the attainment of the MDGs for 2009 was jointly prepared by the African Union Commission (AUC), the United Nations Economic Commission for Africa (UN-ECA) and the African Development Bank (AfDB) in line with the commitment to prepare the report annually. It was further indicated that while Africa continues to make progress on a few goals, there is no convergence either in levels or rates of progress across the sub-regions of the continent.

77. It was pointed out that a critical challenge in the preparation of the report was insufficient data in tracking and reporting progress on a number of targets. It was also mentioned that some challenges could constrain the attainment of the MDGs in the continent such as the current global financial and economic crisis, the decline in demand for African commodity exports, capital flight and inability of some partners to honour their Official Development Assistance (ODA) to African countries.

78. The report concludes by recommending some measures that would ensure progress towards the attainment of the MDGs, which include the adoption of well-targeted and flexible social protection measures by Member States, the adaptation of their macroeconomic policies and the provision of up-to-date statistical data to AUC, UNECA and AfDB by Member States in order to effectively track progress towards the attainment of the targets, among others.

79. In the debate that ensued, some delegations made comments and observations as follows:

- (i) PRC should only take note of the report since it had been considered by the Joint AU/ECA Conference of Ministers of Finance, Planning and Economic Development.
- ii) Lack of up-to-date statistical data from some Member States was an impediment in coming up with the current trend. In this regard, the use of statistics for 2006 in preparing the report does not reflect the correct state of affairs because of developments that would have taken place over the intervening years.
- iii) The AU should imprint its political stamp on the work instead of allowing the ECA and AfDB to take over the process;
- iv) Non-attainment of the MDGs at the target date should not be seen as a failure because of the many challenges that have confronted some African countries over the years.
- v) Partners should be encouraged to honour their commitments to the continent including honouring their ODAs in order to facilitate the attainment of the MDGs.

80. Responding to the observations made, the Commission provided the following answers:

- i. There is an agreement that the AUC, ECA and AfDB should prepare on an annual basis the attainment of the goals of the MDGs by Member States.

- ii. The process of preparing the report was thorough and included the holding of a validation workshop.
- iii. Member States should be encouraged to provide statistical data in a timely manner and the Commission is also developing its own data base to ensure effective tracking of progress.
- iv. The Food for Work Programme was designed as a safety net programme aimed at ensuring that the most vulnerable people have access to food.

81. In conclusion, the PRC took note of the report.

4. Consideration of the Report of the Commission on the Preparations for the G8 Summit – Doc. EX. CL/508 (XV)

82. The Commissioner for Economic Affairs made a review of the state of preparedness for the G8 Summit which will take place from 8 -10 July 2009 in La- Quila, Italy. He informed the PRC that preparatory meetings had been held in Algiers, Venice and Midrand with the participation of the NEPAD G5 + 3. During the meetings, the two parties finalized the agenda of the Summit featuring the following main items:

- i) Africa's reaction to the impact of the global economic and financial crisis;
- ii) Climate change;
- iii) Peace and security;
- iv) E-government.

83. He stated that Africa's key messages at the G8 Summit will focus on the responses to the global crisis, peace and security and climate change. He reiterated that the leaders of the Group of 5, as well as the Chairpersons of the AU, NEPAD (HGSIC) and the Commission will represent Africa at the G8 Summit. In conclusion, he sensitized the PRC to items deserving their attention, including;

- i) Specifying, between the AU Commission and the NEPAD Secretariat, which body will oversee preparations for the G8 Summit;
- ii) Level of participation in Africa Partnership Forum (APF) meetings: this issue was solved since countries have to decide for themselves;
- iii) Necessity to adopt the Plan of Action for Africa. As a reminder, this issue took rise from the London APF meeting and contains a number of projects to be implemented under the Africa – Europe Dialogue Implementation Plan.

84. In their interventions, members of the PRC made the following observations:

- i) Concerning preparations for the Summit, it is preferable to use the existing structure than to resort to a new mechanism;
- ii) The AU Commission should take the leadership, while the NEPAD Secretariat will play a central role in the implementation;
- iii) It is advisable to mention activities and the implementation of commitments arising from previous G8 Meetings;
- iv) The final document should be submitted to Member States before 3 July so that Africa can effectively take part in the G8 La-Quila Summit;
- v) Concerning climate change, the Commission should make sure the outcomes of the Algiers and Nairobi meetings are incorporated in the African common position;
- vi) Africa should claim compensation from any party infringing on ecological balance.

85. The Commission provided the following explanations and clarifications concerning these remarks:

- i) The Commission is actively following up on the commitments made at previous G8 meetings; such as the debt cancellation which was an outcome of the 2005 G8 Summit;
- ii) The key messages have been forwarded to Italy which currently holds the presidency of G8;
- iii) The results of the G20 Summit and Africa's proposals were incorporated in the final document;
- iv) Although the issue of international financial institutions was addressed within the G20 framework, it will also be discussed at the G8 Summit with a view to giving more voting power to Africa;
- v) The developed countries continue to develop measures to stimulate their economies but pay little attention to boosting demand in Africa;
- vi) It is necessary to increase the capital of the African Development Bank (AfDB);
- vii) The Commission will undertake to update the document on climate change;

86. Following discussions on this issue, the Permanent Representatives Committee (PRC) made the following recommendations:

- i) The Commission must ensure follow up on the implementation of commitments of previous G8 Summits and inform Member States on a regular basis;
- ii) The African position should make its voice clearly heard at La-Quila;
- iii) In accordance with the Constitutive Act and following the integration of NEPAD into the AU, the AU Commission will assume leadership in the G8 process;
- iv) An exhaustive report must be prepared by the Commission and distributed to Member States as soon as possible in order to ensure the effective participation of Africa at the La-Quila G8 Summit.

5. Consideration of the Reports on the Integration of NEPAD into the Structures and Processes of the African Union – Doc. EX. CL/509 (XV)

a) Report of the First Meeting of the PRC Sub-Committee on NEPAD (EX.CL/509 (XV)a)

87. This item was presented by the Chairperson of the Sub-Committee, H.E. Mr. Lungile C. Pepani, Ambassador of South Africa to the Federal Democratic Republic of Ethiopia and the African Union. He pointed out that the work of the Sub-Committee was guided by the various Assembly decisions and resolutions on the integration of NEPAD into the AU structures and processes as well as conclusions of the Algiers Brainstorming session and the Dakar Review Conference, among others. He, hence, stressed that the parameters were clear and that the thrust of the work undertaken by the Sub-Committee was an analysis and review of the recommendations contained in the Study Report of the Consultants.

88. He highlighted the key recommendations of the Consultants' Study Report which include the following:

- i. Creation of the NEPAD Planning and Coordinating Authority (NPCA) as a technical body of the African Union development vision, policies and strategies into continental and regional projects through coordinating key stakeholders, building partnerships with key institutions and mobilizing resources;
- ii. Review and reconfiguration of the AUC Departments to focus on formulation, monitoring and evaluation of the African Union socio-economic development policy and strategic frameworks and support to NPCA operations;

- iii. Creation of the NPCA by Protocol adopted by the African Union Assembly;
- iv. Reconstitution of the Heads of State and Government Implementation Committee (HSGIC) as the Heads of State and Government Committee on Socio-Economic Development (HSGCD), to be treated as a Standing Committee of the AU Assembly;
- v. Establishment of a Board for the NPCA to oversee its operation, ensure accountability and support the work of the HSGCD;
- vi. Establishment of NEPAD Secretariat to support the functioning of the HSGCD and the NPCA Governing Board; and
- vii. Organigram of the proposed NEPAD programme governance structure.

89. The Chairperson presented the outcome of the Sub-Committee's deliberations on each of the above recommendations proposed by the Study Report, explaining the justification for the acceptance or rejection of each one of them. In some cases, the consultants went beyond their mandate while in others, the proposed recommendations contravened earlier Assembly Decisions on the subject.

b) Consideration of the Progress Report of the Commission on the Integration of NEPAD into the Structures and Processes of the African Union (EX.CL/509 (XV))

90. In presenting this item, the Commissioner for Economic Affairs explained that the Progress Report aimed at presenting a comprehensive assessment of the progress made in the integration of NEPAD into the AU structures and processes. Particular emphasis was put on the key findings and recommendations of the Consultants' Study Report on the integration of NEPAD, issues requiring guidance were raised, and progress made in the harmonization of programmes and activities of the AU Commission and those of NEPAD were discussed. He affirmed that the Commission's understanding was that NEPAD should be integrated into the AU Commission, and not just broadly into the African Union. He emphasized the need for a common understanding on this matter which he considered fundamental to the integration process.

91. Regarding the Study Report, he indicated that an inception report was presented to the NEPAD Coordinating Unit following which comments were provided to the consultants and these were subsequently integrated into the Report. The Consultants then undertook a series of consultations with a wide range of stakeholders, including Member States, Regional Economic Communities, the AU Commission, the NEPAD Secretariat, UN Agencies, the African Development Bank, civil society and private sector actors as well as non-African stakeholders. Further consultations were held with

the NEPAD Coordinating Unit, PRC, and the AU Commission. Hence, the process has been very much consultative.

92. The Commissioner further highlighted some of the key recommendations of the Study Report as well as the Commission's views on each of these recommendations, including those on the legal framework, role and value addition of the NEPAD entity vis-à-vis the AU Commission, the HSGIC, formal linkages between the NEPAD Entity and the AU Commission, the establishment of a Board to oversee the NEPAD Entity's operations, and financing.

93. During the debate on the above two presentations, delegations commended both the Commission and the PRC Sub-Committee for the comprehensive assessment of the Consultants' Study Report. Among the key issues raised were the following:

- i. It was inappropriate to send two separate Reports on the same subject to the Decision making Organs of the African Union. The points of convergence and those of divergence needed to be identified and put together in a consolidated report for consideration by the Executive Council;
- ii. There appeared to be different interpretations of the Decision to integrate NEPAD into the AU structures and processes. There was need for a common understanding on this fundamental issue;
- iii. The Regional Economic Communities, as the building blocks of Africa's integration, had a valuable role to play in the process. Hence, they should be adequately consulted for necessary inputs;
- iv. The sustainability of the integration of NEPAD would be largely dependent on the extent to which relevant stakeholders' views are taken into account. Hence, consideration should be given to widening the consultation process;
- v. The need to avoid parallel reporting in order to promote coherence in the implementation of NEPAD activities and programmes was stressed;
- vi. The new NEPAD entity should not be an Authority in light of the Assembly Decision to transform the AU Commission into the AU Authority;
- vii. Emphasis was put on the need for clarity on the following specific matters mentioned in the Report:
 - a. The role of the PRC in the NEPAD budgetary process;

- b. Inadequate alignment between the strategic plans of the AUC and that of NEPAD;
- c. The principle of rotation of membership for the HSGIC member countries; and

94. The PRC agreed that the integration of NEPAD into the AU structures and processes was an important matter. Hence, despite its urgency, adequate time was required for a thorough evaluation of the various proposals and the necessary consultations to move the process forward. In light of the foregoing, the PRC recommended as follows:

- i. Request that the deadline for submission of the Study Report be extended to January/February 2010 Summit;
- ii. The consultant should work on the profile and mandate of the entity to be submitted to the next Ordinary Summit;
- iii. The points of convergence and divergence between the two reports should be identified and steps taken to merge the two reports.

6. Consideration of the Progress Report of the Commission on the Implementation of the July 2008 Declaration on Sharm El-Sheikh Commitments for Accelerating the Achievement of Water and Sanitation Goals in Africa – Doc. EX. CL/510 (XV)

95. The PRC considered two Progress Reports of the Commission on the Implementation of the Sharm El-Sheikh Commitments for Accelerating the Achievement of Water and Sanitation Goals in Africa. During the discussions, the PRC made the following observations:

- i. The report should review the status of the qualitative and quantitative implementation of the Sharm El-Sheikh Declaration;
- ii. The Commission should give this subject special treatment given its importance;
- iii. The issue should be referred to the Ministers in charge of Water and Sanitation for appropriate recommendations to the Executive Council.

96. In response to the concerns expressed, the Commission explained that it was a progress report on the implementation status of the July 2008 decision, and that the data on water and sanitation had been provided in a report submitted to the January 2009 Session. In conclusion, the Commission indicated that the report would be

submitted to the Conference of African Ministers in charge of Water scheduled for 2009 ending.

97. At the end of the debate, the PRC made the following recommendations:

- i. Take note of the Progress Report on the Implementation of the July 2008 Sharm El-Sheikh Declaration;
- ii. Propose the organization of a meeting of Ministers in charge of Water and sanitation to enable the latter to formulate appropriate recommendations for the Executive Council at its subsequent sessions.

7. Consideration of the Progress Report of the Commission on the African Union Women's Trust Fund – Doc. EX. CL/511 (XV)

98. In presenting this agenda item, the Representative of the Commission recalled that in January 2009 she had presented a comprehensive report on the implementation of Assembly Decision AU/DEC.134-164(VIII) to set up an African Union Women's Trust Fund, in which the difficulties encountered in the implementation of the decision had been highlighted. She added that despite all efforts by the Commission, it was not possible for the African Development Bank (ADB) to finalize the Study on the Fund on time to enable the Launch to take place in July 2009 as scheduled. In the face of these difficulties, the Commission was requesting for:

- i) An extension of the time for the launch of the Fund from July 2009 to January 2010 to allow ADB adequate time to finalize the Study and submit it to the Commission;
- ii) A shift of the validation workshop from 28-29 May 2009 to a date after the July 2009 Summit; preferably back to back with the meeting of Ministers responsible for Gender Affairs, scheduled for October 2009;
- iii) The inclusion of the Study on the agenda of the Conference of Ministers responsible for Gender Affairs.

99. In the ensuing debate, delegations that took the floor made the following observations:

- a) The oral presentation by the Representative of the Commission conveyed facts and recommendations that were not contained in the written report availed to Member states;

- b) The written report being a reference document ought to have been updated in line with what was reported verbally;
- c) The Trust Fund was a major tool in the fight against poverty in the continent and its delay was a matter of concern given the high expectations placed on the project by the African people in general and women in particular;
- d) The Fund was very critical and vital to African women and assurance was needed from the Commission that its launch would not be further postponed;
- e) There was a need to set up an enlarged experts group that would consider all the ramifications of setting up the Fund, including the Rules that would govern the operationalization of the Fund;
- f) There is need to undertake a gender assessment that would be accurate and free from controversial terminology;
- g) The PRC ought to have been availed of a copy of the draft report submitted by the expert group;
- h) The issue of alternative sources of funding should be addressed in the study;
- i) After the discussion of the Study by the Ministers responsible for Gender Affairs, it would still have to be considered by the PRC, the Executive Council and the Assembly and not simply go from the Ministerial Meeting to the Executive Council;
- j) The source of funding should be indicated;
- k) The Fund should be managed in accordance with the Financial Rules and Regulations of the African Union.

100. The Representative of the Commission provided the following clarifications:

- i) There would be no further postponement of the launch after January 2010 because the ADB had already produced a draft Study which the Commission looked at before returning it to ADB for finalization;

- ii) On the procedure to follow, the Study would go through the validation workshop and then to an enlarged committee and to the Ministerial Meeting before its submission to the PRC and subsequent consideration by the Executive Council;
- iii) The draft report could not be circulated to the Member States because it had to be looked at by the Commission before it was made available to the PRC;
- iv) On the divergence between the verbal and the written Reports: the written report was submitted in order to meet a set deadline. The draft study from ADB was received after the written report had been submitted. The report would be updated accordingly as requested by the PRC;
- v) The study would encompass women empowerment;
- vi) The study would also address the issue of alternative sources of funding.

101. At the end of the discussion, the PRC:

- i) Took note of the report and the difficulties encountered in the implementation of the decision on the African Union Women's Trust Fund;
- ii) Recommended to the Executive Council the extension of the time for the launch of the Trust Fund from July 2009 to January 2010;
- iii) Requested the Commission to accelerate the implementation of the decision so that the fund is launched without further delay.

VII. ITEMS PROPOSED BY MEMBER STATES

1. Proclamation of 2010 as the International Year of the Youth (*Item proposed by the Republic of Tunisia*) – Doc. EX. CL/512(XV) Add. 1

102. In his presentation, the Representative of the Republic of Tunisia explained that the proposal to proclaim 2010 as the International Year of the Youth under the auspices of the United Nations had been made by President Ben Ali of Tunisia and that the initiative sought to involve the youth instead of acting on their behalf as is done traditionally. The objective of the proposal was the adoption of an International Charter which would serve as a solid foundation linking world youth to universal values.

103. In the discussion that followed, delegations raised questions and sought clarification on issues such as:

- (i) Whether the proposal was for an “African Year” or an “International Year”;
- (ii) The position and role of the Commission on the issue;
- (iii) The financial implication of adopting the proposal;

104. Responding to the concerns raised, the Representative of Tunisia explained that the proposal had to do with an “International Year” and that there was no financial implication for the Commission since the Proclamation had to be done by the United Nations.

105. At the end of the discussion, the PRC recommended that the proposal to declare 2010 as the International Year of the Youth be submitted to the Executive Council for consideration.

2. Establishment of the African Defense Council
(Item proposed by the Great Socialist People’s Libyan Arab Jamahiriya)
– Doc. EX. CL/512 (XV)Add. 2

106. Introducing this item, the representative the Great Socialist Peoples’ Libyan Arab Jamahiriya explained that the establishment of the African Defense Council is in line with the relevant provisions of the Constitutive Act, the Protocol Relating to the Establishment of the Peace and Security Council and the African Union Non-Aggression and Common Defense Pact.

107. He further stated that through these legal instruments, Member States expressed the importance they attach to the common defense of the continent and the need to have a framework for repelling any attack against a Member State.

108. In conclusion, the representative of the Great Socialist Peoples’ Libyan Arab Jamahiriya underscored the importance of establishing an African Common Defense Council as an organ of the Union. The duties of the Council will be laid down in a Protocol and adopted during its establishment.

109. The PRC took note of the item and recommended it for consideration by the Executive Council.

3. Accession of the African Union Commission to the United Nations Convention to Combat Desertification: for a rapid accession to better serve African interests *(item proposed by the Republic of Chad)*
– Doc. EX. CL/512 (XV) Add. 3

110. Introducing this proposal, the Representative of the Republic of Chad suggested that the AU Commission should accede to the United Nations Convention to Combat Desertification (UNCCD) in order to preserve the interests of Africa in combating land

degradation, desertification, drought and the negative effects of climate change. He provided the background to the UNCCD, the political and legal rationale of membership to this international instrument as well as the obligations of the AU Commission if it was to be Party to the UNCCD.

111. While some delegations commended the proposal, it was suggested that in line with a previous decision of Council, such a proposal should be accompanied by the financial implication as well as its legal framework. Responding, the Ambassador of the Republic of Chad expressed regret that the financial implication was mistakenly not attached to the proposal and that it will be done in the presentation to the Executive Council. However, he indicated that Euro 10,000 is the proposed cost of implementing the proposal.

112. In conclusion, the PRC took note of the proposal and recommended it to the Executive Council for consideration.

4. Establishment of the African Agency for the Protection of Territorial and Economic Waters of African Countries
(Item proposed by the Great Socialist People's Libyan Arab Jamahiriya) – Doc. EX. CL/512 (XV) Add. 4

113. This item was presented by a Representative of the Great socialist People's Libyan Arab Jamahiriya who explained that the rationale for proposing the establishment of such an agency was to ensure that Africa was able to take control of its marine resources which continued to be exploited by external agents, including multinational firms. This situation had led to significant loss of Africa's wealth. He emphasized that marine wealth was vital for the survival of many coastal communities in Africa and the protection of such resources was hence essential for the future of the continent.

114. The PRC recommended that the item be submitted to the Executive Council for consideration.

115. With relation to the issue of the items proposed by Member States in general, the PRC recommended the following:

- i. Items proposed by Member States should be accompanied by financial implications in accordance with an earlier decision on the matter;
- ii. Member States must be advised by the AUC on the alignment of proposals with existing policies and institutions/organs of the AU so that conflicts/duplication do not arise;
- iii. Without prejudice to their fundamental rights, in proposing items for consideration by the Executive Council and the Assembly, Member States

should take into account the current capacity constraints of the AU Commission in the implementation of activities and programmes.

VIII. CONSIDERATION OF THE DRAFT AGENDA OF THE 15TH ORDINARY SESSION OF THE EXECUTIVE COUNCIL

116. The PRC considered the draft agenda of the Executive Council and adopted it with two amendments.

IX. ANY OTHER BUSINESS

Statement by the President of the Pan-African Parliament

117. In his address, the newly elected President of the Pan-African Parliament reminded the PRC that the election of the President and new Bureau of PAP was in conformity with the Executive Council decision 459 of February 2009 and that the process would continue with the election of regional caucuses in September 2009. He affirmed that the intention of the new Bureau of PAP was to turn over a new leaf and work towards the accomplishment of the objectives of the Parliament. He further highlighted the mission of the Parliament, namely, to strictly abide by the decisions of the Executive Council and Assembly, streamline the administrative and financial procedures and improve the relations between PAP and other organs of the AU with a view to ensuring coherence. He informed the PRC that the rules of procedure of the Parliament were being revised and that the Assembly decision on the budget would be fully implemented. Regarding the vision of PAP, he stressed that emphasis would be placed on the transformation of the organ to assume legislative powers in areas such as free movement, social affairs, environment, agriculture and infrastructure. He concluded by stressing the importance of consolidating the achievements of the various organs of the Union to ensure the accomplishment of the integration objectives of the continent.

IX. ADOPTION OF THE PRC REPORT

118. The PRC adopted its Report with amendments.

X. CLOSING

119. In his closing remark, the Secretary of the People's Bureau of the Great Socialist People's Libyan Arab Jamahiriya and Chairperson of the PRC, H.E. Mr. Ali Awidan, thanked his colleagues for their invaluable contributions to the success of the meeting. He further assured PAP of the continued cooperation of the PRC. He also expressed his appreciation to the Commission for its role in the meeting and for the quality of the Report and the working documents and promised that the PRC will continue to give attention to the welfare and condition of service of the staff of the Commission.

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