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PERMANENT REPRESENTATIVES' COMMITTEE

Seventeenth Ordinary Session

26 – 27 January 2009

Addis Ababa, ETHIOPIA

PRC/Rpt (XVII)

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

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THE PERMANENT REPRESENTATIVES' COMMITTEE (PRC)**

I. INTRODUCTION

1. The Seventeenth Ordinary Session of the Permanent Representatives' Committee (PRC) was held at the Headquarters of the African Union in Addis Ababa, Ethiopia, from 26 to 27 January 2009, under the Chairmanship of Dr. Mohammed Maundi, Ambassador of the United Republic of Tanzania and Chairperson of the Committee.

2. In order to facilitate a thorough consideration of its heavy agenda, the PRC held several working sessions prior to its Ordinary Session, during which a number of agenda items were examined.

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, Ethiopia, Equatorial Guinea, Gabon, The Gambia, Ghana, Guinea (attended the meeting on 27 November 2008), Kenya, Lesotho, Libya, Liberia, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sahrawi Arab Democratic Republic, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe.

II. OPENING CEREMONY

4. In his opening remarks, the Chairperson of the Commission, H.E. Jean Ping, pointed out that the work of the PRC was essential to the success of the Assembly. In this regard, its work should be guided by what he called "the spirit of Nazareth" characterized by frankness, mutual respect, openness and transparency. He hailed the seriousness with which the PRC carried out its work, which culminated in part to the measures taken to improve the working conditions of the Staff. He reaffirmed the commitment of the Commission to be transparent in the management of human and financial resources so as to increase efficiency.

5. He recalled, in this regard that the Commission had taken measures to put in place appropriate working tools based on the four pillars which form the bedrock of the 2009-2012 Strategic Plan. He indicated that the upcoming Assembly of the Union would be of critical importance for the future of the Continent in view of the decisions it may be called upon to take, especially decisions relating to the Union Government, the Audit of Union organs, the launch of physical integration of the continent through concrete infrastructural projects, the situation in Palestine and other conflicts in Africa.

He expressed the hope that Member States would show ever greater determination and political will to move forward the continent's integration. He raised the issue of financing the Union and underscored the need for the Union to find alternative sources of financing which would preserve its independence and reduce its dependence on aid from development partners. To conclude his remarks, he wished the PRC full success in its deliberations and reiterated the commitment of the Commission to work ever more closely with the Committee.

6. The Chair of the PRC, H.E. Dr. Mohamed Maundi, Ambassador of the United Republic of Tanzania, stated that the purpose of the PRC meeting was to prepare for the 14th Ordinary Session of the Executive Council. He added that the agenda under discussion contained 27 items organized under six categories that are important for the sustainable development and growth of the continent. He recalled that the PRC had already considered a substantial part of the agenda and that there would be no need to reopen a debate on those items. He then underlined the particular importance of some items and highlighted the global economic challenges facing the continent before declaring formally open the 17th Ordinary Session of the PRC.

III. ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

7. The PRC had considered its agenda on 12 November 2008 and subsequently made some amendments to it (agenda attached).

8. The PRC adopted the following working hours.

Morning: 09.00-13.00 hrs
Afternoon: 15.00-19.00 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/453(XIV) a

9. The Ambassador of Botswana and Chairperson of the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters introduced the report by informing PRC that this report dealt with various issues which had been examined during the different meetings of the Sub-Committee. He recalled the agenda of these meetings and submitted the following recommendations, for consideration by PRC and presentation to the Executive Council:

Recommendations on the Mid-Term Review Report

10. After considering the mid-term review report, the Sub-committee made the following recommendations:

- a) The Commission should in the future, always provide clear, concise and tenable explanations for any excess expenditure, particularly on staff costs and other operational budget lines. Similarly, all cases of low absorption, particularly of programme funds should be explained and justified as well.
- b) The Commission should not continue with the practice of spending funds and then requesting for virements afterwards. The Commission should consult and obtain clearance from the PRC on all unplanned expenditures before carrying out the activities.
- c) A minimum acceptable expenditure target be set for all budget lines to help resolve the problem of low absorption capacity.
- d) The Commission should report to the sub-committee regularly on challenges faced on receiving funds from co-operating Partners for pledges made towards the programme budget. It is recommended that the sub-committee be authorized to engage with co-operating partners in the event that pledges are not honoured.
- e) The Commission should, as soon as possible, submit a report to the Sub-Committee on the balance of funds from previous years' budgets and how these are utilized. The Commission should ensure that information on budget balances for the previous year form an integral part of all Mid-Term Review Reports.
- f) Mid-Term review reports should be more comprehensive and should include information on all projects and programmes, even those not directly funded by Member States.
- g) All Departments and Regional Offices should submit quarterly financial returns to the Headquarters for preparation of the consolidated report for the Sub-Committee.
- h) The Staff Association was asked to submit to the Sub-Committee its request on the management and utilisation of the staff welfare vote in writing for consideration.
- i) All Member States were urged to fulfill their financial obligations to the organization by paying their contributions and on time.

Recommendations on the request for salary adjustments and proposal for upward revision of the compensation package

11. Concerning the request for salary adjustments and the proposal for upward revision of the compensation package, the following recommendations were made:

- a) Revise basic salaries of all staff of the Commission in the following manner:
 - i) Staff in the GS category: ***upward revision by 25%***
 - ii) Staff in the Professional category: ***upward revision by 20%***
 - iii) Elected officials: ***upward revision by 15%***
- b) The revision should take effect from **1st January 2009**.
- c) Adopt and implement payment of the non-resident allowance as for internationally recruited GS staff at the rate of 3000 per year for staff with dependents and 2400 for staff without dependants.
- d) The financial implications for now and in the foreseeable future be met from surplus funds of previous budgets as well as through rationalizing future budgets to ensure that operational estimates are made on more realistic basis and to avoid the need for additional contributions on the part of Member States.
- e) The Commission should ensure that pay is linked to performance.
- f) The five-yearly review of salaries is too long and therefore needs to be reviewed.
- g) The proposed revision of compensation package for staff should be examined after the January 2009 Summit and the financial implications could be included in the 2010 budget.

Recommendations on the External Auditors Reports

12. After considering the report of the external auditors, the Sub-Committee made the following recommendations:

- a) An independent auditing firm should be appointed as soon as possible to conduct a forensic audit of the AMIS accounts and submit a report to the Sub-Committee.

- b) The Sub-Committee would like to meet the Chairperson and members of his Commission to reiterate concerns about findings in this and other audit reports.
- c) An Audit Sub-Committee of PRC should be established as proposed by the External Auditors.
- d) The capacity of the Internal Audit Department should be strengthened and vacant positions filled as soon as possible.
- e) The Pan-African Parliament has an obligation to comply with the same financial rules and regulations as well as other legal instruments of the Union.
- f) PAP should revert to paying the daily subsistence allowance (per diem) at the same rates as the Commission.
- g) The payment of honorariums to External Auditors should be adopted and applied.

Recommendations on requests for virement

13. After considering the requests for virement, the Sub-Committee made the following recommendations:

- a. Virement should be made only up to the amount available;
- b. budget lines with deficit should be adjusted to the 2009 budget and departments affected should have less budgets on the affected budget lines with the same amounts;
- c. the Commission should be submitting the virement requests on critical needs early before overspending;
- d. the Commission needs to fully implement the Financial Rules and Regulations that direct the financial management of the Union;
- e. the request for Virement for the year 2008 should be approved so as to clear any deficits showing in some budget codes.

Recommendations on the closure of prior budgets

14. Concerning the closure of prior budgets, the Sub-committee made the following recommendations:

- a. The Commission should submit a report on the closure of budgets for the periods 2004 to 2007.

b. The Commission should also submit a report on the closure of the previous year budgets every time it is presenting the Mid-Term Review Report.

15. After this presentation the PRC adopted the abovementioned recommendations and decided to submit them to the Executive Council for consideration.

b) Sub-Committee on Structures - Doc. EX.CL/453(XIV)b

16. Opening the discussions on the Report of the Sub-Committee on Structural Reforms (**EX.CL/369 (XII)-b**) on 27 November 2008, the Chairperson referred to the debate of the PRC on the same in . January 2008. At that time, it was agreed that the report be further discussed taking into consideration the relevant administrative issues arising out of the Audit of the Union.

17. After a thorough review of the various proposals of the Sub-Committee and further explanations by the Commission, the PRC recommended as follows:

Bureau of the Chairperson

1) **Office of the Secretary to the Commission:** Establishment of a Unit to support the activities of the Permanent Representatives' Committee:

1 Head of Division	P5
2 Senior Policy Officers	P3
1 Bilingual Secretary	GSA4

2) **Office of the Chairperson:**

1 Interpreter/Translator	P4
1 Clerk	GSA3

Protocol Services Division

1 Senior Protocol Officer	P3
2 Protocol Assistants	GSA5

It also recommended that the current position of Deputy Chief of Protocol be upgraded from P3 to P4.

AUC Website Unit

1 Web Administrator	P3
1 Web Master (Arabic)	P2
1 Web Master (English)	P2
1 Web Master (French)	P2
1 Web Master (Kiswahili)	P2
1 Web Master (Portuguese)	P2

1 Web Master (Spanish) P2

Management Information Services

1 VSAT/Earth Station Administrator P3
3 IT Officers P1

Buildings, Equipment and Transportation Services

1 Head of Division P5
1 Equipment and Transport Officer P2
1 Electrician GSA4
2 Telephone Operators GSA2

Stores Unit

1 Assets Management Officer P1
1 Stock Controller GSA5
2 Stores Clerks GSA4

Inter-African Bureau for Animal Resources (IBAR)

1 Senior Policy Officer (Economics, Trade and Marketing) P3
1 Data Management, Information and Communication Officer P2
1 Translator P3
1 Snr. Human Resources/Administration Officer P3
1 Accounts Assistant GSA5
1 Mail Runner GSB6

Pan-African Tsetse and Trypanosomiasis Eradication Campaign (PATTEC)

1 Co-coordinator P5
1 Senior Policy Officer P3
1 Driver/Messenger GSB7

Department of Social Affairs

1 Child Rights Officer P2

African Union Permanent Delegation to the UN (Geneva)

1 Administration and Finance Assistant GSA5

African Union Permanent Delegation to EU/ACP (Brussels)

1 Administration and Finance Assistant GSA5

**African Union- Scientific, Technical and Research (STRC)
Office (Lagos)**

1 Administration and Finance Assistant GSA5

African Commission on Human and Peoples Rights (ACHPR)

18. The PRC requested that the ACHPR should provide necessary information, particularly with regards to the utilization of their 2008 approved budget of over US\$6,000,000.00. It should be on the basis of the clarifications on the execution of the budget for 2008 vis-à-vis the financial implications of the new additions to the structure to enable the PRC make an informed recommendation on the structure of the ACHPR.

19. Finally, the PRC made the following recommendations for all requests for structural changes:

- i) Such requests should be supported by relevant Decisions of Assembly, Executive Council and recommendations of the PRC and based on absolute necessity;
- ii) They should comply with the general principles of cost-effectiveness, international standards and benchmarks, as outlined in the report of the 14th Ordinary Session of the PRC (Document PRC/RPT(XIV) as endorsed by Executive Council Decision EX.CL/Dec.350(XI) on adjustments to Maputo Structure Part C-Volume II- Doc.EX.CL/331(XI) taken in Accra in June 2008;
- iii) For all new additions to the structure, recruitment should be made in a gradual and phased manner with in a period of 5 years in order to better plan, control and manage the financial implications;
- iv) The need to observe the respective quotas of Member States for all recruitment was re-emphasized.

20. At its ordinary session held on 26 January 2009, the PRC revisited the structure of the ACHPR and invited the Commission to provide necessary clarifications in this regard. It was recalled that the ACHPR had been requested to furnish information on how the US\$6 million allocated to it under the 2008 financial year budget, was utilized.

21. Some delegations maintained that the US\$6 million had been set aside for the recruitment of staff, while others held the view that that provision was part of the overall annual budget of the ACHPR including the allocation for recruitment. Given this divergence of views, the Director of Finance was given the floor. It emerged from her intervention that the US\$6 million was inclusive of US\$450,000 provision to cover staff recruitment.

- a) The PRC resumed its deliberations on Structures on 27 January, 2009 to discuss the ACHPR structure. Following the submission of the required information regarding the execution of the 2008 budget allocation of US\$ 6 million by the ACHPR, the PRC approved the following positions recommended by the PRC Sub-Committee on Structures:

OFFICE OF THE EXECUTIVE SECRETARY

1 Deputy Secretary	P5
1 Bilingual Secretary	GSA5
1 Driver	GSB7

PROMOTION OFFICERS

1 Senior Legal Officer	P3
3 Legal Officers	P2

PROTECTION OFFICERS

1 Senior Legal Officer	P3
3 Legal Officers	P2
1 Communications and Dbase Expert	P1

SPECIAL MECHANISM

1 Senior Legal Officer	P3
2 Legal Officers	P2

TRANSLATION/INTERPRETATION UNIT

3 Interpreter/Translators	P4
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ADMINISTRATION AND HUMAN RESOURCES/GENERAL SUPPORT STAFF

Admin. & Human Resource Officer	P3
Administrative Assistant	GSA5
HR Assistant	GSA5
Bilingual Secretary	GSA5
1 Secretary	GSA4
1 Receptionist	GSA2
2 Driver/Mail Runners	GSB6
2 Messengers	GSB6

FINANCE AND ACCOUNTING

1 Accounts Assistant	GSA5
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LIBRARY AND DOCUMENTATION (Archives, Indexing & Distribution)

1 Documentation Assistant GSA5

PUBLIC RELATIONS AND INFORMATION

1 Public Relations/Information Officer P3
1 Protocol Assistant GSA5
ICT
1 ICT Officer P2
Total 33 posts

b) The approval of the above additions to the structure of the ACHPR was however recommended on condition that recruitment shall be made in a gradual and phased manner, a period of 5 years, as already stipulated earlier.

c) Sub-Committee on Contributions - Doc. EX.CL/453(XIV)c

22. In his presentation, the Committee Chairperson, the Ambassador of Libya, stressed more on the main conclusions of the report on the status of contributions as at 31 December 2008. It showed that for the 2008 budgetary year, the fraction of budget assessed to Member States based on the scale of assessment approved amounted to USD 106 554 655 out of a total budget of USD 140 037 880. The balance was to be covered by partners. Contributions received amounted to USD 91 147 829.52, broken down as follows:

- i) Statutory contributions for the 2008 financial year: USD 79 878 001.90;
- ii) Amount of arrears for previous financial years paid: USD 10 393 185.62;
- iii) Advance payments: USD 876,642.

23. The statement of arrears as at 31 December 2008 shows that twelve countries owe arrears for a year and more amounting to USD 27 091 323.14. However, there are nineteen countries that do not owe arrears but have not yet paid their contributions for 2008. Five countries, namely Angola, Burkina Faso, Congo, Kenya and Tanzania have paid their 2009 contributions, amounting to USD 876 642, in advance. Budgetary contributions from partners amounted to USD 66 079 168.47.

24. The Committee Chairperson commended the Member States that have paid up their contributions for 2008, while not forgetting the efforts made by those States that have settled their arrears. He conveyed his sincere gratitude to them all, and underscored the need to encourage all Member States to be up-to-date with their contributions. In this vein, he expressed special satisfaction with those States that have paid their 2009 contributions in advance. He harped on the case of countries owing arrears for two years and more, and called on the Commission to engage in dialogue with them so that their debts can be rescheduled. Similar steps should be taken with countries under sanction in order to encourage all Member States to affirm their membership of the African Union for the benefit of a united Africa.

25. As regards countries previously under sanction, he revealed that Sierra Leone had made an advance payment of USD 300 000 and its sanction had been lifted. He hailed the efforts made by that country, and urged it to continue settling its arrears. The case of Burundi, whose sanction was temporarily lifted, was also mentioned. The Sub-committee is currently considering a request from Seychelles, but already, the Commission was requested to inform that country that the Sub-Committee is ready to engage in dialogue with it. In a request to the Sub-committee, the DRC offered to make an advance payment of four million USD. It was encouraged to do this instead of applying the other solution it had proposed to the Commission, that is, to settle its arrears in kind with buildings, the ownership of which it would transfer to the Commission.

26. The Committee Chairperson finally called the attention of the PRC to the case of countries in post-conflict situation. A report on the issue showed that they wanted their arrears to be cancelled. The report rather recommended that those countries should be encouraged to settle their arrears.

27. The PRC adopted the report, which it submits to the Executive Council with the following recommendations:

- i) The Chairperson of the Commission should explore the possibility of opening dialogue with the following 5 countries under sanction: Cape Verde, Democratic Republic of Congo, Eritrea, Sao Tome & Principe and Seychelles in order to convince them to make monetary efforts to be up-to-date in respect of their status as members of the African Union;
- ii) The Chairperson of the Commission should iron out modalities of rescheduling the debts of those countries that are not under sanction but owe several years of arrears.

d) Sub-Committee on Conferences and Programmes - Doc. EX.CL/453(XIV)d

28. In his presentation, the Committee Chairperson, the Ambassador of Cameroon, recalled the working sessions held between the Sub-Committee and the Commission to consider the draft calendar of meetings, pursuant to Executive Council Decision EX.CL/491(XII) adopted at the Sharm El-Sheikh Summit in Egypt. He stated that the said working sessions made it possible to analyse the calendar of activities proposed by the Commission from the point of view of rendering it operational over both time and space. The Sub-Committee however noted that there was lack of coordination among the various Departments of the Commission, resulting in redundancy, overlapping and duplication in the programming of activities. This beckons the urgent need for rationalization in order to reduce the number of meetings and enhance coordination. All the recommendations in the report are geared towards this end.

29. The Committee Chairperson moreover underscored that the leadership of the Commission had endorsed all the recommendations. However, the Committee noted that the meetings envisaged by the Commission for 2009 was too high (about 260, an average of 21 meetings per month, or one meeting per working day). With this high number, the proposed calendar could not be adopted. The Sub-Committee recommended that the calendar should be down-scaled to more reasonable dimensions. In conclusion, the Committee Chairperson drew the attention of the PRC to the draft decision supplementing the recommendations formulated.

30. Taking the floor after the Committee Chairperson, the Deputy Chairperson of the Commission stated that he was in tune with the latter. Upon consultation, the Commission decided to reduce the number of meetings and thus address the double need for rationalization and coordination. After the presentation, the following observations were made:

- i) The rationalization of meetings and programmes of activity, coupled with greater involvement of Member States, will help to improve the Commission's performance. It will moreover fall in line with the implementation of one of the recommendations made in the audit report of the Union. In the light of the said recommendation, in the future, the agendas of the Executive Council and the Assembly should be down-sized;
- ii) Rationalization also means prioritizing activities and clearly defining the objectives of meetings in order to achieve concrete results
- iii) However, it would be too restraining to make a confusion between rationalizing and automatically limiting the number of meetings;
- iv) The adoption of the 2009 budget after that of the calendar of meetings poses a problem since the budget is supposed to be based on activities programmed. The question is whether to reduce the budget in case the calendar of activities is reviewed downwards;
- v) Another question arising is how to preserve the autonomy of the Sub-Committee on Conferences and Programmes in a context where the budget was considered before the Sub-Committee's report;
- vi) Does the postponement of the adoption of the calendar of meetings mean that meetings would no longer be held after the Summit?

31. The Deputy Chairperson acclaimed the appropriateness of the observations made. Reducing the number of meetings will certainly entail a reduction in budgetary expenditure. He however stated that some of the meetings are statutory. Meetings

programmed for the month of February 2009 will be held because of the material and logistic arrangements already made for their organization. The Commission may turn to the Sub-Committee on Conferences and Programmes for the validation thereof subsequently. He also recommended that the Commission and the Sub-Committee should meet immediately after the Summit to review the calendar and make the necessary adjustments.

32. The PRC adopted the report of the Sub-Committee with the observations made, and recommended the following for consideration by the Executive Council.

RECOMMENDATIONS:

- a) Considerably reduce the number of meetings in order to:
 - i. Facilitate the full participation of Member States in the implementation of Programmes and Projects derived from meetings;
 - ii. Scale down the meetings to the prescribed a maximum of ten meetings per month for all the Departments of the Commission, including those held at the Ministerial level;
 - iii. Enable the Conference Service Directorate to provide effective and efficient service to ensure the smooth holding of meetings.
- b) Evaluate the implementation of the Calendar of Meetings before submitting new proposals;
- c) Rationalize the organization of meetings by grouping those held on the same themes as well as those involving neighbouring sub-regions and the same Sectoral Ministries;
- d) Ensure that the activities were reflected in the Calendar of Meetings, bearing in mind that activities not appearing in the Calendar would not be organized;
- e) Urge all the Departments to align meetings with the approved budgetary allocations without allowing that to adversely affect the smooth and effective servicing of such meetings;
- f) Organize very limited activities during the months preceding the Summit Meetings (December/January and June/July);
- g) To enable the Commission to play its coordination and conceptualisation role, among other things, ensure that Heads of the various Departments/ Divisions/ Units, should, as much as possible, be present at the AUC Headquarters in Addis Ababa during the above-mentioned period. This will reduce the number of meetings being held outside the Headquarters in line with the Commission's own directives.

2. Consideration of the Draft Strategic Plan for 2009-2012 – Doc. EX.CL/454(XIV)

33. In presenting the Draft Strategic Plan for 2009-2012, the Representative of the Commission reviewed the implementation of the 2004-2007 Strategic Plan in terms of its guidelines, gains, constraints, weaknesses and offered recommendations upon which the Draft Strategic Plan for 2009-2012 was developed. He indicated that the work done by the previous Commission was taken into account in laying the foundation for many of the strategies that have been integrated into the new Strategic Plan for 2009-2012 including the Vision of the African Union, slightly modified to reflect Africa's aspiration for the United States of Africa. He also highlighted the Mission and Values of the African Union Commission, the expectations of stakeholders, the internal and external environments and the comparative advantage of the Commission.

34. He further elaborated on the four (4) Pillars of the Draft Strategic Plan, namely, Peace and Security; Integration, Development and Cooperation; Shared Values; and Institution and Capacity Building as well as its implementation strategy, the monitoring and evaluation systems and the estimated budget for the Draft Strategic Plan.

35. In the debate that ensued, many delegations deplored the absence of the principal officials of the Commission at the meeting where an agenda of crucial importance to the African Union was being discussed and urged that their concern be conveyed to the leadership of the Commission. They however commended the Commission for the presentation of the Draft Strategic Plan and for the quality of work and made the following observations:

- a. The document, though ambitious, lacked specific realizable objectives and time frames;
- b. It lacked a detailed assessment of the previous Strategic Plan, especially its strengths and weaknesses, which would help avoid those lapses in the new Strategic Plan. It lacked linkage with the previous Strategic Plan and historical conceptualization;
- c. It was descriptive in nature and represented a framework document. It represents a declaration of intentions, a series of projects/activities that could be undertaken by the Commission within a period of time rather than a Strategic Plan;
- d. It revealed lack of coordination and coherence within the Commission in preparing the document; inadequate consultation with Member States and the stakeholders as well as a seeming lack of Africa's ownership of the document;
- e. The vision was too loaded;
- f. It did not adequately emphasise the role of ITC as a vital tool in media and communication;

- g. It did not highlight the role of youth and gender mainstreaming in the activities of the Commission, poverty alleviation and employment and the need to resort to renewable energy sources, all of which are considered critical in forging development in Africa; and
- h. It lacked statistics on the computation of the estimated budget outlay for implementing the Draft Strategic Plan, which did not take into account the poor absorption capacity of the Commission.

36. Replying to the issues raised, the Commission highlighted the point that the Draft Strategic Plan was ambitious because it was futuristic in nature and that it was Africa owned in view of the wide consultations undertaken in developing the document both within the Commission, the Regional Economic Communities (RECs), NEPAD, UNECA and the AfDB. It further stated that the Draft Strategic Plan was an indicative one and that an implementation mechanism as well as monitoring and evaluation systems were elaborated in annexure, which the Commission could forward to Member States.

37. The PRC then made the following observations and recommendations:

- a) The document could be considered as work in progress; a good start for the elaboration of a Strategic Plan;
- b) It will therefore not be submitted to the Executive Council and the Assembly just yet;
- c) The PRC has therefore mandated the Commission to revise the document to reflect the concerns raised by many delegations and re-submit it for consideration at the July 2009 Summit.

3. Consideration of the Draft Programme Budget for 2009 – Doc. EX.CL/455 (XIV)

38. The Ambassador of Botswana, Chair of the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters introduced the report of the Sub-Committee on the 2009 Budget. He pointed out that the process that went into the consideration of the budget was very long, engaging and thorough and was carried out in close collaboration with the Commission. He recalled that the problems initially encountered had to do with the presentation and justification of budget lines especially the submissions of the PAP, the ACPHR and the Court which were revised several times in order to take into consideration the observations of the Sub-Committee. The programme budget of 2009 was found to contain activities planned in the Strategic Plan 2009-2012. He then highlighted the consensus reached that the budget should not grow more than 5%, He explained in detail the amendments made to the budget submitted by PAP which in fact boiled down to the need for that organ to abide by the Rules and Regulations of the AU.

39. He then announced that the budget for 2009 amounted to US\$ 164,256,817 out of which US\$ 95,575,771 were allocated for operational budget and US\$ 68,681,046 for the programme budget. He indicated that the Budget would be financed by Member States for US\$93,804,243: surplus for US\$13,040,000 (representing 40% of the surplus for the period 2004-2007) and Development Partners for US\$57,412,574. He announced that the decrease of the assessed contribution from year 2008 to 2009 was to the rate of 11,97%. He indicated that the budget included new elements such as non-resident allowances to assist GSA international staff and provision of honoraria to external auditors. Finally, he drew the attention of the PRC to the recommendations of the Sub-Committee as contained in the report.

40. The PRC approved the report and recommended that the Commission should make quarterly reports on implementation of budget. It then recommended the report for consideration by the Executive Council.

4. Consideration of the Report of the Commission on the Administrative Issues referred to the Commission by the 11th Extraordinary Session of the Executive Council on the Audit of the African Union – Doc. EX.CL/456 (XIV)

41. Introducing the Report, the Representative of the Commission referred to Decision EX.CL/Dec.420 (XIII) which requested the Commission to:

- i) Implement Audit recommendations that are purely administrative, linked to the internal processes and devoid of financial implications;
- ii) Work out, in consultation with the PRC, the modalities of implementation of those recommendations which are structural and have financial and long-term implications;
- iii) Report on the two items to the 14th Ordinary Session of the Executive Council in January 2009.

42. In carrying out this mandate, the Commission has started the implementation of all recommendations of a purely administrative nature, linked to its internal processes and which do not carry financial implications. The status of actions taken was indicated in front of each of such recommendations. Similarly, for those recommendations with structural, financial and long-term implications, clear indication was given with those recommendations in the matrix of the Report. In addition, the Commission implemented the recommendations that were accepted by the Executive Council and made specific recommendations on necessary follow up actions in cases that could not be implemented due to structural and financial implications for consideration by the PRC. Furthermore, the Commission requested relevant feedback on action taken or to be taken in relation with some of those recommendations.

43. In the ensuing debate, the PRC commended the Commission for the quality of the work done as well as the informative matrix on the status of implementation of the

various recommendations of the Audit Panel. This would enable it to monitor and assess the progress made on them.

44. Delegations made comments and observations on specific issues and recommended as follows:

- i) On the presentation of the document, some delegations expressed the view that the matrix could have been complemented with additional information on certain specific issues. The Deputy Chairperson assured the PRC that the report had been thoroughly examined by the Commission and that the implementation process of most of the Audit recommendations was a continuous process that would go with an annual review. He indicated that the matrix would make such an evaluation exercise much easier for the Commission, the PRC and other AU Organs.
- ii) On recommendation 2 relating to the theme of each Summit, it was proposed that in selecting the theme for each Summit, the PRC should be consulted;
- iii) On recommendation 57 relating to the issue of quota, some delegations recommended that before filling a post whose quota belonged to a Member State which has failed to fill it, prior consultations should be made with that Member State. They also proposed that if the Commission found it difficult to recruit individuals from such countries, they could be approached to submit other qualified candidates;
- iv) On recommendation 58 on the programme of Young Professionals, it was recommended that an age limit be set for such category;
- v) On recommendation 82 on the Strategic Plans, delegations wanted to be reassured that the present Draft Strategic Plan 2009-2012 had taken into account the findings of the Audit;
- vi) On recommendation 92, Member States were advised to fully use the facilities provided by the outlook programme of the Commission. The Commission on its part was requested to fully utilize the VSAT facilities not only to improve its internal processes but also to support Member States and their Embassies to access available information in a timely manner;
- vii) On recommendation 152 on AU passport, clarification was sought on the procedure for issuance of the new passport. It was indicated that the production had started and that the issuance would be done in due course to eligible AU staff members;
- viii) On recommendation 155 regarding the introduction of a two-year programme budget, some delegations proposed that before doing so, there was need to study all financial implications on Member States. They consequently

proposed that the implementation of this recommendation should start from 2012-2013 rather than 2010-2011.

45. At the end of the debate, the PRC took note of the report, with appreciation and requested the Commission to actively pursue the implementation of all accepted recommendations and report regularly on progress made.

Agenda Item III. IMPLEMENTATION REPORT

- Consideration of the Report on Implementation of Previous Decisions of the Executive Council and the Assembly - Doc. EX.CL/457(XIV)

46. Introducing the Report, the Representative of the Commission indicated that this Report is a synopsis of the implementation of the various Decisions, Declarations and other measures of the Policy Organs of the Union, during the period under review, that is, July 2008 to January 2009. The activities carried out during this period to implement the various decisions cover legal, administrative, financial, political, economic, social, scientific, cultural as well as peace and security issues.

47. He further informed the PRC that low level of implementation of the decisions during the period under review was due to constraints related to budgetary and human resources, as well as to technical difficulties and/or time constraints.

48. To conclude, the Representative of the Commission underscored the need, in future, for decisions to be taken solely on the basis of a thorough assessment of their financial implications and human resource and institutional capacity requirements, at the levels of the Commission, the Policy Organs and the Member States involved in the implementation process. (See Introduction to Report on implementation)

49. The delegations taking the floor raised the following issues, among others:

- a) Certain key decisions adopted by the Policy Organs are not reflected in the report, especially the decision relating to the establishment of the AU Regional Offices in five geographical regions of Africa;
- b) The need to limit the number of decisions adopted at each Summit as well as the items on the agenda of the sessions of the PRC, the Executive Council and the Assembly;
- c) Limiting the number of decisions and items placed on the agenda of the sessions of Political Organs of the AU also implies limiting the number of meetings organized by the Commission and other Organs;

- d) The implementation cycle of decisions is very short with the holding of two Ordinary Summits per year;
- e) The need to carry out an evaluation of all decisions with a view to revising or repealing those which are no longer relevant or have lapsed. The causes of non-implementation of the decisions concerned could be analysed at this occasion;
- f) The draft decisions initiated by the AU Organs and the Member States for adoption are not accompanied by an evaluation of the financial implications and the institutional capacities for their implementation;
- g) Nor are the reports submitted to PRC accompanied by the draft decisions with financial implications;
- h) The need to strengthen the follow-up of the implementation of various decisions by creating an interaction between the Commission and the Member States;
- i) The status of implementation of the decision of the Conference of Intellectuals, held in Dakar in 2006, and requesting clarifications on the management of the funds allocated for that Conference and on the alleged misappropriations.

50. Responding to the questions raised, the Representative of the Commission provided the following answers:

- a) The report submitted to the PRC for consideration relates mainly to the status of implementation of the decisions adopted during the Summit of July 2008. However, a number of decisions adopted before July 2008 were reflected in the report at the request of the Departments of the Commission concerned, following a partial or total implementation of the said decisions;
- b) The absence of feedback from the Member States may be considered as one of the causes of the non-implementation of certain decisions whose implementation falls within their mandate;
- c) The proposals made two years ago for the opening of Regional Offices were not approved by the PRC and the Executive Council at the time;

- d) It is indispensable, for the sake of efficiency, to reduce the number of decisions adopted by the Summit as well as the number of items on the agenda of the various Organs during Summits in view of the allotted time;
- e) The institutionalisation of a mechanism for monitoring the implementation of the various adopted decisions was the subject of recommendation Six of the audit report of the Union for 2008.

51. Concerning the issue relating to the implementation of the decision on the Dakar Conference of Intellectuals, the Commission recalled the activities undertaken within and concerning certain Member States, including Senegal and South Africa. The Commission further promised submitting to the PRC a written report on the issue for it to be resolved definitively in accordance with the decision of the Executive Council of January 2008.

52. Following this presentation, the Representative of Senegal briefed the PRC on the measures taken by the Government of his country to transfer funds in respect of its obligations as the host country of the Dakar Conference.

53. The Representative of South Africa expressed his astonishment that his Government's name was once again being linked to this matter which concerns a private contract signed between the African Union and a South African private company. He re-iterated the position expressed on this matter by the South African Minister for Foreign Affairs during the Executive Council meeting of January 2008. Concluding his statement, he said that it was up to the Commission to contact the private company in question and not the Government of South Africa.

54. The meeting also heard a statement by the Representative of the Comoros on the status of implementation of the Resolution of the OAU Council of Ministers in 1976 relating to the integration of the Comorian Island of Mayotte into the Comoros. He expressed the wish that the next Summit should adopt a declaration to denounce the project to organize a referendum on the status of the Comorian Island of Mayotte by France in March 2009.

55. At the end of the debate, the PRC made the following recommendations to the Executive Council:

- (a) Take note of the report;
- (b) Expressed its concern about the low level of implementation of the decisions previously adopted by AU Policy Organs;
- (c) Establish the priorities for the initiation of draft decisions by limiting the number of decisions and the items on the agenda of the meetings of the PRC, the Executive Council and the Assembly;

- (d) Undertake the revision or repeal of decisions that have lapsed;
- (e) Submit in future draft decisions along with an evaluation sheet showing the financial implications, the sources of the funding and the institutional capacity for implementation;
- (f) Institute a mid-term evaluation mechanism for various decisions between two Summits.

Agenda Item IV: LEGAL AND INSTITUTIONAL MATTERS

1. Consideration of the Report on the Status of OAU/AU Treaties - Doc. EX.CL/458(XIV)

56. In presenting the report, the Representative of the Commission stated that the current report was up to date as at 22 January 2009. He emphasized that the purpose of the report was to draw the attention of Member States during the sessions of the Executive Council and the Assembly to the current status of OAU/AU Treaties and to sensitise them to take steps to sign and ratify the said Treaties. He also stated that the report indicated the number of signatures and ratifications of the various OAU/AU treaties as well as those that had come into force. So far, thirty five (35) treaties had been adopted of which twenty one (21) were in force.

57. The Representative of the Commission informed the meeting that it was significant that during the reporting period, sixty two (62) signatures were appended to OAU Treaties and forty two (42) instruments had been deposited. He observed that since the Treaty Signing Week in December 2008, twenty eight (28) signatures had been appended to OAU/AU Treaties and nine (9) instruments of ratification were deposited. For emphasis, he listed out and commended the number of Member States who had either signed or ratified almost all of the Treaties. Those with the highest number of signatures include: Benin (32) Burkina Faso (32), Chad (32), Senegal (32), Ghana (31), Mali (30), Niger (30), Nigeria (29), Côte d'Ivoire (29), Djibouti (29), and Guinea (29). With regard to ratifications, those with the highest number of ratifications include: Mali (29), Niger (28), Libya (26), Ethiopia (25), Gabon (24), Rwanda (24); Mozambique (23), Comoros (23), Senegal (23) and Egypt (20).

58. He then drew attention to the following specific treaties:

- i) The Treaty establishing the African Economic Community adopted in 1991 had not been ratified by three (3) Member States;
- ii) The revised African Convention on the Conservation of Nature and Natural Resources adopted in July 2003 had been ratified by eight (8) Member States;

- iii) The African Charter on Democracy, Elections and Governance adopted in January 2007 had been ratified by two (2) Member States;
- iv) The Protocol on the Statute of the African Court of Justice and Human Rights adopted in 2008 had not been ratified by any Member State; and
- v) The African Maritime Transport Charter adopted in 2006 had been ratified by twelve (12) Member States.

59. Before concluding his presentation, the Representative of the Commission drew attention to the constraints and challenges identified by the Commission and endorsed the report of the meeting of Ministers of Justice and/or Attorneys General outlining the factors impeding the pace of signature, ratification and entry into force of OAU/AU Treaties. These challenges were amongst others:

- (i) The rapid process of negotiation before adoption of draft treaties by the AU Policy Organs that does not allow for consideration of all concerns Member States may have;
- (ii) The lack of mechanism for monitoring the implementation of various instruments by Member States;
- (iii) The Treaties ratified often not domesticated into national laws as required under some legal systems;

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

- i) The treaty signing week should be Institutionalised;
- ii) Status of the implementation of Council decision CM/Dec.511 (LXXI) concerning the review of OAU/AU Treaties with a view to establishing their continued relevance;
- iii) The recommendations contained in the report of the Meeting of Ministers of Justice and/or Attorneys General regarding the harmonisation of ratification procedures of OAU/AU Treaties be included in this report;
- iv) The question as to the superiority of OAU/AU Treaties vis-à-vis domestic laws;
- v) There is need to develop a mechanism to monitor the domestication and implementation of OAU/AU Treaties in Member States;
- vi) When would the process of recruiting an Arabic speaking jurist be completed?
- vii) All AU draft treaties should be submitted to a meeting of Legal Experts and Ministers of Justice and/or Attorneys General before adoption by the policy organs;

- viii) It appeared that there was a duplication between OAU/AU Treaties and other treaties at the International level; and
- ix) What factors impeded the rapid ratification and entry into force of OAU/AU Treaties?

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

- i) The review of OAU/AU Treaties by Legal Experts had already been concluded in 2004 and the recommendations were adopted by the Executive Council in 2004. What remained was the implementation of some aspects of it;
- ii) Some OAU treaties have been revised within the framework of the implementation of the Decision of Executive Council on the review of OAU/AU Treaties whilst the process for others is ongoing. For example the Charter for African Cultural Renaissance replaces the Cultural Charter for Africa; and the Revised African Convention on the Conservation of Nature and Natural Resources also replaces the 1968 Convention. The process of updating the Phyto-Sanitary Convention for Africa is also underway under the auspices of the AU Yaoundé Office.
- iii) A meeting of Legal Experts is scheduled this year to consider the modalities for implementing the recommendation on annulling treaties that were no longer relevant;
- iv) On the recruitment of an Arab Speaking Jurist, this has already been done and all that is remaining is for the officer to report for duty;
- v) That even though there is no legal instrument making AU laws superior to domestic law; Article 23 of the Constitutive Act of the African Union clearly prescribes sanctions for Member States who fail to implement the policies and decisions of the Union. What remains however is the determination of the process for imposition of sanctions;
- vi) OAU/AU Treaties are not a mere duplication of other International Treaties as the former were adopted to address specific concerns of the continent; and
- vii) In conformity with the recommendations of the meeting of Ministers of Justice and/or Attorneys General, some of the factors accounting for slow pace of ratification include: lack of political will, administrative red tape, lack of necessary bureaucratic coordination, as well as technical capacity issues such as difficulties in drafting implementing legislation and a lack of trained personnel to deal with ratification issues.

62. In the light of the above considerations, the PRC recommended to the Executive Council to:

- i) Take note of the report;
- ii) Commend the Chairperson of the Commission and the Commission as a whole for the initiatives and efforts aimed at encouraging Member States to become State Parties to the OAU/AU Treaties;
- iii) Institutionalise the AU Treaty Signing Week in December of each year;
- iv) Appeal to Member States to prioritise and accelerate the signing and ratification of/accession to OAU/AU treaties as well as their incorporation into national law;
- v) Reiterate its appeal to the members of the Pan-African Parliament to assist with advocacy and sensitisation of Member States to expedite the process of ratification of/accession to OAU/AU Treaties.

2. Consideration of the Report of the Commission on the Review of the Protocol relating to the Pan African Parliament – Doc. EX.CL/469(XIV)

63. In presenting the Report, the Representative of the Commission referred to Article 25 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament adopted at Sirte, Libya in 2001, which called for a review of the Protocol after five (5) years of its entry into force. He indicated that the Protocol entered into force on 14 December 2003 and a review of the Protocol would principally involve the three issues set out in Article 25 as follows:

- i) The operation and effectiveness of the Protocol;
- ii) The system of representation; and
- iii) The vision underlying the Protocol.

64. In addition, he stated that the process of review of the Protocol on PAP had to be led by Member States and their duly designated representatives, in conformity with the Protocol and the Vienna Convention on the Law of Treaties.

65. He further informed the PRC that in terms of the same instruments, the current institutional framework envisaged under the said Protocol shall remain in place until such a time as Member States had agreed on an amended Protocol and the latter had entered into force. However, this should not be taken to mean that the current Bureau is being imposed on the PAP and had to stay in Office. Indeed, the Rules of Procedure of PAP did not provide for a term of office (renewable) for the Bureau members as other

AU organs in accordance with democratic practices as set out in the Constitutive Act and the AU Charter on Democracy, Elections and Governance.

66. To conclude his presentation, the Representative of the Commission invited the PRC to focus on the main recommendation that the Commission be authorized to initiate the review process and be mandated to prepare the Terms of Reference (TOR) for the study which would be concluded in consultation with the PRC.

67. He also recalled the relevant decisions of the AU Policy Organs that requested PAP to review its Rules of Procedure to conform to the provisions of other AU legal instruments. Accordingly, PAP should be required to urgently amend its Rules of Procedure to conform to the legislative instruments of the AU.

68. During the debate that ensued, the following observations were made:

- i) The contradictions between the Rules of Procedure of the PAP with the Protocol establishing it and other legal instruments adopted by the AU Policy Organs;
- ii) The need for PAP to review its Rules of Procedure in consultation with the Commission in order to align them to the provisions of the Protocol and other AU legal instruments;
- iii) The need to have a clear and precise calendar for the review process of the Protocol on PAP;
- iv) The process of review should be conducted by the Commission without using consultants but in consultation with the PRC, Member States, PAP and other concerned parties;
- v) Where it was necessary to have a decision of the Assembly to initiate the review process when the review was stipulated the Protocol?
- vi) The need for the review process to be inclusive and transparent;
- vii) The review process should be expedited.
- viii) Prior to the review process, the PAP should submit all its financial reports since its establishment.
- ix) PAP is a very important institution in the democratic process of the Continent. Any outstanding issues that PAP had not properly dealt with and which would be outstanding should be addressed as part of the review process.
- x) The possibility of holding an informal retreat between the PRC, PAP and the Commission be explored.

69. Following the above discussion, the Representative of PAP informed the PRC of measures taken by PAP to start the review process of the Protocol. He argued that there was no provision in the Rules of procedure of PAP which were inconsistent with those of the Protocol. Finally, he recalled the provision of Article 24 (4) of the Protocol which requests the Chairperson of the Commission to seek the opinion of PAP on all proposals for amendment and/or revision of the Protocol.

70. In addressing the issues and questions raised, the Representative of the Commission observed as follows:

- i) The drafting of the legal instrument amending the Protocol could be done by the Office of the Legal Counsel, but what was required was a comprehensive study which would involve consultations with stake holders, and which would address such issues as whether PAP could be given full legislative powers at this point in time, the issue of representation, etc.
- ii) The study may be submitted to the AU Policy Organs in July 2009, to facilitate guidance by policy organs after which the Draft legal instrument could be prepared and piloted through meetings of Senior Officials, Legal experts and Ministers of Justice and/or Attorneys General. A realistic time frame for completion of the process would be July 2010.
- iii) PAP did not amend its Rules of Procedure to conform to the legal instruments of the AU.
- iv) PAP should ensure that the Bureau Members are elected periodically within a pre-determined period, drawing inspiration from the instruments for other Organs of the Union.
- v) Article 24 of the Protocol establishing PAP deals with amendments to the Protocol at the request of a State Party while the review process is stipulated by Article 25 of the said Protocol.

71. Following the discussions, the PRC recommended to the Executive Council to:

- i) Authorize the Commission to initiate the review process of the Protocol establishing the Pan-African Parliament;
- ii) Request the Commission to draft and finalize the Terms of Reference for the review in consultation with the PRC and PAP;
- iii) Further Request the Commission to carry out a comprehensive study on the review of the Protocol and make appropriate recommendations thereon to

the AU Policy Organs, through the PRC, for consideration at their next Ordinary Sessions scheduled for Madagascar, in July 2009;

- iv) Also request PAP to amend its Rules of Procedure to conform to the legislative instruments of the AU;
- v) Requests PAP to urgently fix a term limit for its Bureau drawing inspiration from other organs of the AU and to immediately hold new elections to renew the mandate of the current Bureau or elect a new one.

3. Consideration of the Report of the Commission on the Specialised Technical Committees (STCs) – Doc. EX.CL/496(XIV)

72. The PRC considered this item on 27 November 2008 under the Chairmanship of Amb. Ali Awidan, Permanent Representative of Great Jamahiriya and first Vice-Chairperson of the PRC.

73. In presenting the report, the Legal Counsel of the AU Commission recalled that the Specialized Technical Committees (STCs) were established under Article 25 of the Treaty establishing the African Economic Community (the Abuja Treaty). With the transformation of the OAU into AU, the STCs were carried over to the Constitutive Act of the African Union under Articles 14 to 16.

74. He presented an overview of the Ministerial Conferences, the constraints and challenges impeding the operationalisation of the STCs. He stated that the present format and scope of the STCs do not adequately cover the vision of AU and had inadequacies such as recurring overlap of mandates, misplaced links and intersection of some sectors, whilst other sectors were not catered for.

75. Based on the foregoing, the Legal Counsel highlighted that the report proposes reconfiguration of the STCs set out in Article 14 of the Constitutive Act from 7 to 20. These proposals were based on the pertinent decisions of the policy organs recognising the need to put in place STCs for identified sectors in order to crystallise and focus attention on specific development challenges. The proposals also take account of the various submissions from Sectoral Ministerial Conferences and the experiences of the departments in organising various Ministerial meetings for many years.

76. In order to reduce the financial implications, it is proposed that STCs meet once a year or once every two years. In the event of the latter option being more preferable, a few of the STCs could meet on an exceptional basis once a year..

77. In concluding, the Legal Counsel indicated that the Commission (Policy cabinet) had considered and endorsed the recommendations contained in the study and made some amendments. Additionally, the Executive Council meeting in Sharm el Sheikh in July 2008 had directed, within the context of the decision of the C12 on the audit of the AU, that the PRC and the Commission consider the study.

78. In the debate that followed, the PRC congratulated the Commission for the quality of the report and made the following observations:

- i) The number of STCs contained in the report of the Commission was very high. It was not necessary to have a STC for each area of competence of the Commission;
- ii) There was need for a rational and integrated approach for the reconfiguration of STCs taking into account the cross cutting nature of some issues such as integration;
- iii) The portfolios of the future Government of the Union have a link with the STCs. The configuration of STCs should consider the portfolios of the future Government of the Union;
- iv) The establishment of STCs such as proposed by the report poses problems of financing and ability of the Commission to support the volume of meetings and other activities of these STCs;
- v) What is the added value of STCs compared to existing Ministerial Conferences and what will be the links between these two bodies?
- vi) It is necessary to configure the STCs based on portfolios of the Commission and on the priorities of the future Strategic Plan 2009-2012 of the African Union;
- vii) The Commission's role in the functioning of STCs should not be limited to the functions of the secretariat. This role must be strengthened;
- viii) The need to specify the mandate of STCs and to define the strategic priorities of the Union;
- ix) The financial implications should be checked again to ensure accuracy;
- x) There is need for the creation of a Committee on Defense at a time when the Union is in the process of strengthening the peace and security architecture of the Continent;
- xi) There is need to implement the seven (7) STCs as provided for in the Abuja Treaty and the Constitutive Act;
- xii) Will the current Ministerial Conferences continue to exist?
- xiii) Will the proposed STC on Labour and Employment take into account its tripartite composition?

- xiv) The AUC should take advantage of the resources and competencies of UN agencies by working with them.

79. The delegations submitted numerous proposals on how some of the proposed STCs could be merged.

80. In addressing the requests for clarifications, the Legal Counsel underscored that the reconfiguration of STCs would in fact rationalize ministerial conferences and would reduce the number of meetings. He informed the meeting that sixteen (16) Ministerial Conferences were held during the year 2008. The decisions of the policy organs were clear that AU would convene and service all STCs meetings, but in doing so, the Commission would continue to work closely with other partners such as the ECA, ADB, etc.

81. The PRC then made specific proposals for reconfiguration of the STCS taking into account related sectors in order to reduce the number and therefore the costs involved. Upon the request made at that meeting, ten members of the PRC submitted written proposals for reconfiguration which ranged from 10 (one Member State) to 17 (one Member State) STCs. Majority of the submissions were between twelve and fourteen STCS.

82. In light of the outcome of the discussions of the PRC and Commission meeting, all departments were required to reconsider and submit new proposals to the Office of the Legal Counsel. These proposals were reviewed in a meeting of Directors held on 4 December 2008.

83. The proposals made by the meeting of Directors were submitted to two (2) meetings of Members of the Commission (elected officials) held on 2 December 2008 and on 9 December 2008, which reviewed the number and configuration of the Specialized Technical Committees on the basis of the submissions by PRC members in the light of those of the meeting of Directors and agreed on final proposals to be submitted to the Executive Council through the PRC. Based on the proposals made by the PRC during this meeting, the STCs have been reconfigured by merging some sectors, which could conceivably work together. In so doing, the number of STCs has been reduced from 20 to 14 STCs including one on Defense as proposed during the PRC meeting. The new configuration and nomenclature that was arrived at following the various inputs is as follows:

- (1) Committee on Agriculture, Rural Development, Water and Environment;
- (2) Committee on Finance, Monetary Affairs, Economic Planning and Integration;
- (3) Committee on Trade and Industry and Minerals;
- (4) Committee on Transport, Transcontinental and Interregional Infrastructures, Energy and Tourism;
- (5) Committee on Gender and Women empowerment;
- (6) Committee on Justice and Legal Affairs;
- (7) Committee on Social Development, Labour and Employment;

- (8) Committee on the Public Service, Local Government, Urban Development and Decentralization;
- (9) Committee on Health, Population and Drug Control;
- (10) Committee on Migration, Refugees and IDPs;
- (11) Committee on Youth, Culture and Sports;
- (12) Committee on Education, Science and Technology;
- (13) Committee on Communication and ICT;
- (14) Committee on Defence, Safety and Security.

84. At the PRC meeting held on 23 January 2009 under the Chairmanship of Amb. Mohammed Omar Maundi, Chairperson of the PRC, the new proposals of the Commission, taking into account the views of the PRC were submitted. After an exchange of views on these proposals, the PRC commended the Commission for the work done. It agreed with the new proposal of 14 STCs and recommended it to the Executive Council for consideration. Further, the Commission was requested to undertake the following action:

- i) Prepare detailed breakdown of the financial implications of the STCs meetings setting out the figures if the STCs were to be convened on an annual or bi-annual basis; and
- ii) Detailed activities of the STCs with a view to avoiding overlap and ensuring harmony with the Commissioners' Portfolios. On completion of this exercise, the PRC would recommend the periodicity of the meetings of the STCs to the Executive Council.

Agenda Item V: POLITICAL MATTERS

4. Consideration of the Report of the Commission on the Implementation of the African Union Border Programme – Doc EX.CL/459(XIV)

85. Introducing this report, the Commissioner for Peace and Security first recalled the context in which the AU Border Programme (AUBP) was adopted and the key elements of the programme, as stated in the Declaration on the AUBP, namely:

- i) facilitating and supporting the delimitation and demarcation of African borders;
- ii) consolidating the gains made in regional integration;
- iii) facilitating cross-border integration dynamics sustained by local stakeholders.

86. The Commissioner then provided an overview of the steps taken by the Commission towards the implementation of the AUBP, in a bid to attain the above-mentioned objectives. In that connection, he mentioned:

- i) the launching of a Pan-African survey of borders;
- ii) sensitization on the AUBP;

- iii) capacity building;
- iv) building partnerships; and
- v) resource mobilization.

87. Concluding, the Commissioner:

- i) reiterated the importance of the AUBP in both conflict prevention and integration;
- ii) underscored the importance of the role incumbent on Member States in the implementation of various AUPB components; and
- iii) listed the activities which the Commission intends to carry out in 2009.

88. During the discussions which followed, the delegations made the following observations:

- a) They expressed their full support for the AUBP, stressing that it was one of the most important programmes implemented by the Commission;
- b) They encouraged the Commission to pursue the sensitization effort it had already started.

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

- a) In line with the Declaration on the AUBP, the Programme should be implemented on the basis of the principle of subsidiarity, taking into account the respective roles incumbent on States, Regional Economic Communities and the AU;
- b) The Commission is encouraged to take initiatives to develop cross-border cooperation, both as an indispensable complement of delimitation and demarcation of African borders where this has not been done;
- c) On the specific issue of the deadline set by the Memorandum of Understanding on Security, Stability, Development and Cooperation in Africa (CSSDCA), stipulating that the delineation and demarcation of borders should, where this has not yet been done, be concluded by 2012 at the latest, all necessary steps should be taken to achieve this far-reaching objective. Of course, in due time, the deadline may be changed by competent bodies of the AU, to take into account the constraints of such an operation.

2. Consideration of the Report on the Situation of Refugees, Returnees and Internally Displaced Persons in Africa - Doc. EX.CL/460(XIV)

- b) **Report on the Situation of Refugees, Returnees and Internally Displaced Persons in Africa- Doc. EX.CL/460 (XIV) a**

90. The Representative of the Commission introduced the Report on the Situation of Refugees, Returnees and Internally Displaced Persons in Africa by giving an account of the current situation of forced population displacement on the African continent and a trends analysis on the general situation of forced displacement on a regional basis. The latest developments in forced migration movements were also mentioned including the steps taken by the African Union (AU) Commission in implementing the various decisions and instruments of the AU, the challenges and the way forward.

91. He drew special attention to the decision taken in Sharm el Sheik, Egypt, which requested Member States to provide the Commission with the latest statistics on forced displacement for the Report on the Situation of Refugees, Returnees and Internally Displaced Persons to Council. However, he pointed out that the responses were minimal and the Commission had had to rely mostly on data provided by AU regional and field offices, the AU Conflict Management Centre, and UN agencies, especially UNHCR.

92. Concerning the general humanitarian situation in various countries, he particularly mentioned the Democratic Republic of Congo and Somalia which constitute the largest cases of recent refugee and IDP movements on the Continent, with thousands fleeing each month as a result of intensive fighting and instability in the two countries and also the impact on aid agencies working on the ground. The situation was exacerbated by the recent global food and financial crises of which Africa is one of the most affected. On the other hand, he stated that other regions, however, had seen a significant drop in the numbers of refugees and IDPs as repatriation exercises continued around the Continent.

c) Report on the Activities of the PRC Sub-Committee on Refugees, Returnees and Internally Displaced Persons- Doc. EX.CL/460 (XIV) b

93. On this item and at the request of the Chair of the Sub-Committee , the Commission introduced the Report on the Activities of the PRC Sub-Committee on Refugees, Returnees and Internally Displaced Persons, which included visits to Member states, meetings and monitoring the situation of forced displacement. It was indicated that the PRC Sub-Committee on Refugees will continue to monitor the situation of forced displacement on the Continent in order to ensure that victims of forced displaced populations are treated in accordance with the international and regional instruments.

94. During the ensuing discussions, the PRC requested the Commission to give a brief on the preparations of the Special Summit. The Representative of the Commission informed the PRC that the preparations for the said Summit were ongoing, and being carried out by the Task Force on the Special Summit and the Informal Working Group. It was stated that the detailed information was given during the Experts and Ministerial meetings in November 2008 and that the Commission was liaising closely with the Embassy of Uganda in Ethiopia on a number of issues including logistics, documentation, resource mobilization and sensitization exercises.

95. The various delegations underscored the importance of addressing the problems of refugees, returnees and internally displaced persons and stressed the need to find durable solutions. The Commission was requested to give explanations on a number of issues, namely:

- i) Most of the figures given do not tally with the reality on the ground in terms of the number of refugees or displaced persons ;
- ii) No synoptic presentation of the situation of refugees and internally; displaced persons in the form of a table showing numbers per country;
- iii) No data on the category of refugees/displaced person resulting from the action of negative forces active in certain regions of the continent ;
- iv) An inadequate grasp of the specific situation of certain countries such as Côte d'Ivoire which has many refugees and displaced persons in camps but integrated into the population ;
- v) Confusion between refugees and persons displaced as a result of the free movement of people ;
- vi) Inadequate justification for invoking the clause dealing with a cessation of the circumstances in the case of Sierra Leone ;
- vii) Ambiguous formulation of a paragraph of the report giving the impression that the presence of Sudanese and Central African refugees in Chad was a consequence of instability in Chad and not in neighbouring countries ;
- viii) Modalities for cooperation with HCR not clearly explained, especially with regard to the preparation of the Special Summit on refugees .

96. After some clarifications by the Commission, the following recommendations were made by the PRC:

- i) Member States should provide the Commission with up to date figures of refugees, returnees and internally displaced persons in order to reflect the true picture of the humanitarian situation
- ii) The Commission should convene a meeting in February 2009 and brief the PRC on the preparations for the Special Summit on Refugees, Returnees and Internally Displaced Persons scheduled to take place in Kampala, Uganda in April 2009
- iii) Member States with other concerned parties should find ways and means of tackling the root causes to enable the elimination of forced displacement problem on the Continent
- iv) The need to address the issue of negative forces in various conflicts in the Continent in particular Rwanda and the Democratic Republic of Congo was emphasized

- v) The international community was urged to come to the aid of countries hosting large numbers of refugees and IDPs taking into account their meager resources
- vi) The Commission should involve the PRC in the various assessment missions related to preparations for Summits including the one in Kampala, as appropriate
- vii) Zambia, which also hosts refugees, was not included in the report; the Commission was therefore asked to review the report accordingly

3. Consideration of the Report of the Commission on the implementation of Decision Ex.CI/Dec.408 (XII) on the Commemoration of the Abolition of Slavery – Doc. EX.CL/461(XIV)

97. In his presentation, the Representative of the Commission indicated that an Expert Group Meeting on Slavery and Follow-Up to the World Conference against Racism' was organized by the African Union Commission (AUC) and hosted by the Government of the Republic of The Gambia from the 10th to the 13th of June 2008, in pursuance of the 10th African Union Summit decision (EX.CL /Dec.408 (XII) on the Commemoration of the Abolition of Slavery.

98. The Representative indicated that the report expresses deep concern about the existence of contemporary forms of slavery two hundred years after the official abolition of slavery and slave trade, as well as the increase in racist violence and propagation of xenophobic ideas in many parts of the world. The report therefore calls for action to be taken on reparations for slavery, research into all modern forms of slavery and participation in the programs related to the Durban Review Conference.

99. During the subsequent discussion, the PRC welcomed the report and commended the Commission for the organization of the Expert Group meeting. The PRC made the following observations and recommendations on the report:

- i) Further reflection should be undertaken on the issue of reparation taking into account the outcome of the work carried out by the Committee on Reparation established by the OAU.
- ii) Member States should be encouraged to provide the Commission with information about national efforts to end contemporary forms of slavery.
- iii) The Commemoration of slavery should reflect on contemporary forms on slavery that are confronting Africa, and further research should be undertaken on slavery in order to establish scientific facts about the practice.
- iv) The Diaspora should be further engaged on issues related to slavery and reparations

- v) The AU should react in a timely and appropriate manner to racist and other attacks against African migrants

4. Consideration of the Report of the Commission on the Afro-Arab Cooperation – Doc. EX.CL/482(XIV)

100. The Report on Afro-Arab Cooperation was presented by a Representative of the Commission. The presentation highlighted the major tasks accomplished in implementing the priority activities of Afro-Arab Cooperation as elaborated by the AU Strategic Plan. The Commission informed the PRC of on-going efforts to convene the 2nd Afro-Arab Summit and the 13th Session of the Standing Commission of the Afro-Arab Cooperation.

101. The presentation also touched on sectoral issues such as the establishment of Afro-Arab Committee of Ambassadors in selected Capitals, the establishment of direct working relationship between African and Arab Peace and Security Councils and other relevant bodies. An update was also given on the organization of the 7th Edition of the Afro-Arab Trade Fair and the First Edition of the Afro-Arab Development Forum, which are planned to take place in 2009 as well as the planned meeting of African and Arab Ministers of Agriculture. The report finally mentions the transformation of the Afro-Arab Cultural Institute into the Afro-Arab Institute for Culture and Strategic Studies.

102. While appreciating the quality of the report, the delegations made the following observations :

- i) The Afro-Arab partnership is a strategic partnership of a very high order ;
- ii) Activities mentioned in the Report were not examined beforehand by the Sub Committee on Multilateral Cooperation. The Commission is requested to involve the said Sub Committee on the matter ;
- iii) The relevant Sub Committees of the PRC were not sufficiently involved in the organisation of the Afro-Arab Summit ;
- iv) Clarifications were requested concerning the state of implementation of the Decision of the 12th Executive Council session on the strengthening of the structures of the Political Affairs Department dealing with Afro-Arab cooperation issues ;

103. In reply to the observations made by the PRC, the Commission promised to involve the relevant PRC Sub Committees in the Afro-Arab cooperation dossier. Pertinent proposals were being prepared for the consideration of competent organs for

the rapid establishment of a Division in charge of cooperation with the Department of Political Affairs.

104. After the discussions, the PRC made the following recommendations :

- i) The Commission should intensify its efforts in order to realise, as soon as possible, a number of activities envisaged, especially the holding of the Afro-Arab Fair which was previously postponed ;
- ii) The scope of Afro-Arab cooperation should extend to other sectors of activity, including the service industry and tourism ;
- iii) The Sub-Committee on Multilateral Cooperation should henceforth be involved in Afro-Arab cooperation activities ;
- iv) The Afro-Arab Cooperation Division should be put in place as quickly as possible, pursuant to the decision of the 12th Session of the Executive Council held in Addis Ababa in January 2008;
- v) Appropriate measures should be taken to ensure that the Ministerial meeting of the 24 and the Afro-Arab Summit take place in 2009 as planned.

Agenda Item VI: ECONOMIC, SOCIAL AND CULTURAL MATTERS

1. Consideration of the Report of the Sub-Committee on Multilateral Cooperation – Doc. EX. CL/462 (XIV)

105. This item was introduced by H.E. Ambassador M. Maundi, Chair of the Sub-Committee on Multilateral Cooperation who highlighted some aspects of the report that required the attention of the PRC. Under the Africa-Turkey partnership, he pointed out that the process did not follow the Banjul format and that although agreement had been reached on all issues prior to departure to Turkey, the debate was reopened in Istanbul within the African Group. He added that the Sub-Committee and the PRC were expected to come up with an Action Plan within one year.

106. The Chair of the Sub-Committee further indicated that the second Africa-South America Summit would take place in the last week of May 2009 and called on Member States to prepare well for the event. He then informed the PRC that under the Africa-India partnership, both the AUC and India had submitted proposals that needed to be examined by the Sub-Committee and the PRC. He also pointed out that the central role to be played by the AU Commission as decided by the Banjul and the Addis Summits was not being fully observed by FOCAC under the Africa-China partnership. Finally, he called for the study on the review of partnerships to be completed expeditiously and thanked all members of the Sub-Committee, its Bureau and the Commission for their cooperation.

107. In the ensuing debate, it was pointed out by some delegations that the Sub-Committee had not met to adopt the report and it could not therefore be considered as the Sub-Committee's report. The Chairperson of the Sub-Committee confirmed that this was the case but explained that the draft report had been circulated to Members and since there was no re-action it was assumed that the draft was accepted. He indicated that the report was factual and correctly represented the activities of the Sub-Committee within the reporting period. Although a number of delegations agreed with the content of the report, the PRC decided that it should be re-presented as a report of the Commission on multilateral activities between the last Summit and the current one. It therefore requested the Commission to revise the report accordingly and re-submit it to the Executive Council.

108. Other comments made and issues raised by the PRC include the following:

- (i) There was need to address the issues raised regarding non-respect of the approved format for some single-country partnership Summits and re-opening of issues already agreed when meeting with partners.
- (ii) The Commission should complete the study on partnerships which had been mandated for over a year now. This, it was agreed, would help to rationalize the number of Summits, establish the criteria for engaging in partnerships and rationalize the way Member States, members of the Sub-Committee, the PRC and the Commission conduct the partnership process.
- (iii) The Commission should liaise with Venezuela to know the exact dates for the 2nd ASA Summit, and adequate preparations, including meetings of the various Working Groups on the African side and with the South American counterparts, should be made. A proposal was also made for the PRC to first meet to agree on the general framework to adopt in examining the projects after which the Working Groups would examine them in detail.
- (iv) The Commission should inform the PRC about the status of the preparation of the Action Plans for the Africa-India and Africa-Turkey Summits which were to be produced within one year of the holding of the Summits.
- (v) The Commission was invited to the Cairo meeting of FOCAC Senior Officials but did not attend even though the name of an Official was sent.
- (vi) Contact established with Iran was not reflected in the report.

109. In responding to the observations made and issues raised, a representative of the Commission provided the following clarifications and information:

- (i) The Commission, as requested by the Chairperson of the Sub-Committee and is the practice with all Sub-Committees, prepared a draft report for the Committee and corroborated the Chairperson's intervention. The Commission agreed to make necessary changes to make the report its own.
- (ii) Regrets were expressed for the non-conclusion of the study on Partnerships and commitment made to conclude it within the next six weeks in view of the fact that a first draft was being reviewed and would be adopted by the Commission to enable it to be submitted to the PRC through the Multilateral Cooperation Sub-Committee.
- (iii) The Commission agreed with the PRC on the work to be done with respect to the 2nd Africa-South America Summit. The exact dates for the Summit would be communicated after consultations with Venezuela. An appeal was made for Chairs of the working groups to convene meetings as soon as possible.
- (iv) The Commission did not send a representative to the Senior Officials FOCAC meeting in Cairo because it was invited as an observer. This was contrary to the partnerships. This decision was pointed out to both the Chinese and Egyptian authorities. China had since met with the Commission and agreed that the Commission would no longer be an observer in the FOCAC process. Modalities were being worked out to involve the Commission more closely in the process.
- (v) India's proposals and those of the Commission regarding the Plan of Action had been distributed to Member States. Work on the Action Plan with Turkey will start after the forthcoming AU Summit. It was requested that the sub-Committee should meet after the Summit to consider the draft Action Plan for Africa-India. It was requested also that India should be commended for backing its project proposals with funding.
- (vi) The report on Iran was not included in the current report because of the moratorium on new partnerships. No activity took place in that area although Iran has been pressing both Member States and the Commission to have a Summit with it this year and for preparatory work to commence.
- (vii) The Commission expressed appreciation to Members of the Sub-Committee and the PRC for the excellent cooperation between them which facilitated the Union's partnership process.

110. The PRC took note of these explanations and made the following recommendations:

- a) The report should be presented as the report of the Commission instead of the report of the Sub-Committee;
- b) All partnerships including Afro-Arab cooperation should involve the Sub-Committee in order to ensure ownership of the process;
- c) Adequate steps should be taken to implement recommendations issuing from Summits with partners;
- d) The participation of the AUC in the partnerships with China and Japan should be reviewed, and the Commission should play a central role as already decided by the Executive Council and the Assembly. The Commission should therefore be involved in the preparatory process for the next FOCAC Ministerial meeting in Egypt;
- e) The AUC should appoint a coordinator to ensure harmony of strategies within various partnerships;
- f) Working groups preparing for the 2nd Africa-South America Summit should start work immediately and report to the Sub-Committee; after receiving some orientation from the PRC;
- g) It was critical that the global review of partnership be undertaken in time, and should be ready before the next session of the Executive Council in June 2009;
- h) The Sub-Committee should meet early to consider the draft Plan of Action for the Africa-India Summit process and submit its recommendations to the PRC as soon as possible, in any case before the end of April 2009. In the meantime India should be appreciated for making concrete proposals backed with funding.

2. Consideration of the Report of the Commission on the Africa-EU Dialogue – Doc. EX. CL/463 (XIV)

111. In his presentation on the progress achieved in the implementation of the Africa-EU Joint Strategy, the representative of the Commission stated that two consultative meetings were held with Member States in Maseru and Ouagadougou respectively, following the adoption of the Joint Strategy and First Plan of Action (2008-2010). The representative of the He added that the last Troika had examined the progress recorded in the implementation of the Joint Strategy, which features in the Declaration and the Communiqué made available to Member States.

112. Under the achievements of the implementation, the Commission mentioned the establishment of joint groups of experts working on eight partnership clusters, namely peace and security, democratic governance and human rights; trade and regional

integration, Millennium Development Goals (MDGs); climate change; energy; migration, mobility and employment; and science, information society and space. It stated that one of the recommendations made by the first contact meeting of these partnerships was that the groups should be autonomous in their operation. Another recommendation concerned the preparation of a road map that would include projects to be implemented, an execution calendar, the identification of actors and the sources of funding, expected outcomes, the evaluation criteria and the indicators of progress recorded. The Commission informed the PRC that these recommendations have already been implemented and that the work has already been done. It then read out the list of countries chairing the various partnerships, except for the one on energy whose chair has not yet been identified. It appealed to the countries concerned to coordinate the groups and ensure the implementation of the recommendations based on the principles, objectives and priorities laid down in the Joint Strategy.

113. In the ensuing deliberations, Member States made the following observations :

- a) The role of the Commission is critical in terms of leadership and guidance. Even if the eight working groups operate autonomously, they should be better coordinated by the Commission ;
- b) The PRC and its Sub-Committee on Multilateral Cooperation have not been fully appraised of activities of the working groups ;
- c) The EU is very well organised and supported by experts ; for more balanced negotiations, the African side should bring on board experts from capitals ;
- d) The involvement of RECs is important because implementation takes place at regional level ;
- e) The Commission does not have a database for projects and should make use of outcomes of sectoral Ministerial meetings to gather projects ;
- f) The problem of funding by the EU does not lie in its sources or availability but rather in modalities to access those funds ;
- g) This being a partnership, the African side should also identify its sources of funding ;
- h) Benin offered to chair the Energy working group but the meeting was informed that the offer of Mauritius to occupy that position had been accepted ;
- i) A matrix should have been provided with regard to the Plan of Action outlining the results obtained in 2008, activities to be undertaken in 2009 in view of evaluation to be done in 2010 ;
- j) Financial assistance from EU should go beyond capacity building exercises ;
- k) The Africa-EU dialogue should be development-oriented ;
- l) Funding to the amount of 10 mln Euros had been agreed with the EU for the development of infrastructure, energy, transport and communications before the Lisbon Summit ; under the partnership on Energy, 1 mln Euros has been requested for the recruitment of short-term experts as technical assistance.

m) On the action to be taken regarding the review of the chairmanship of the eight partnerships and the proposed trilateral Africa-Europe-China partnership, the Commission awaits the recommendations of the PRC.

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

- a) The EU should be called upon to organise a workshop on modalities for accessing its funds ;
- b) The follow-up Committee should involve the Sub-Committee on Multilateral Cooperation in the implementation of the Joint Strategy and First Plan of Action and ensure adequate reporting to the PRC;
- c) Projects being submitted should be of a regional nature ;
- d) Member States should reaffirm their engagement in the process to ensure ownership ;
- e) The Commission should elaborate a half-yearly or annual calendar of meetings and activities of the working groups and inform Member States in time so as to ensure proper preparation at experts' level in collaboration with the capitals ;
- f) A diagnostic assessment of the process should be made, highlighting the constraints faced;
- g) Work should focus on two or three doable projects under each partnership ;
- h) The format of the Africa-EU dialogue can be used as prototype for other partnerships.

3. Consideration of the Draft Action Plan (2008-2010) for the Great Green Wall for the Sahara and Sahel Initiative – Doc. EX. CL/465 (XIV)

115. Introducing the report, the Representative of the Commission indicated that the initiative was conceived by the immediate past President of the Federal Republic of Nigeria with the objective of combating desertification and land degradation in the Sahelo-Saharan countries of Africa that were facing sharp decline in agricultural production mainly due to lower soil productivity and ecological imbalance.

116. He further indicated that the Commission had, in line with the mandate given to it by the Fifth Ordinary Session of the Heads of State and Government of the African Union in Sirte, Libya in July 2005, developed a Concept Paper in close collaboration with some partners and a draft Plan of Action for the implementation of the initiative, which focuses on achieving sustainable development and poverty reduction in the desert margins North and South of the Sahara, comprising 23 African countries.

117. The Commission also informed the PRC that the coordination mechanism of the initiative would be at three distinct planks namely, national, regional and African Union levels while its implementation will be at the levels of the Regional Economic Communities (RECs) and affected Member States. It added that the concerned Member States and their development partners would provide the needed financial support for the initiative.

118. In the debate that ensued, Member States made the following observations:

- i) Delegations commended the initiative and encouraged the Commission and the concerned Member States to facilitate its realization;
- ii) Some delegations raised issues concerning its budgetary implications for the African Union in view of the advocacy role that was expected of the Commission; and
- iii) Some other delegations also raised the possibility of expanding its scope to include the entire continent.

119. The Commission responded to the questions raised and explained that there was no budgetary provision in the 2009 budget for the programme although that could be done in subsequent years. It further explained that the initiative was specific to the Sahelo-Saharan countries that were facing drought phenomenon and could not be continental.

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

4. Consideration of the Report of the Commission on the Year of the African Youth 2008 - Doc. EX. CL/466 (XIV)

121. Introducing the report, the Commissioner for Human Resource, Science and Technology, provided a background on the African Youth Charter and the activities that were undertaken in 2008, the Year of the African Youth. These activities, were organized in seven clusters including meetings, workshops and celebrations; training opportunities; competition; advocacy, popularization and advertisements; pilot projects and programmes; resource mobilization and partnership; and monitoring and evaluation.

122. The Commissioner indicated that, in spite of the numerous challenges faced in the implementation of the youth year, many of the planned activities were undertaken with success. Those include: the ratification of the African Youth Charter by twelve Member States; the successful hosting of the Second Ordinary Conference of Ministers in charge of Youth in Addis Ababa, Ethiopia, from 12 to 15 February 2008; the completion of the first phase of the revitalization process of the Pan African Youth Union (PYU); the implementation of the first edition of the youth mobility, communication, multimedia and sustainable development training; the creation and successful launch of the African Youth Anthem; the celebration of the African Youth Day on 1st November 2008 and the implementation of non-formal technical and educational training pilot

projects in three post conflict Member States (Congo, Burundi and Liberia), among others.

123. The Commissioner also highlighted the lessons learnt from the implementation of the Year of the Youth and made recommendations for the future. These include the following:

- i) Declaration of the Decade of Youth Development in Africa beginning from 2008;
- ii) Introduction of strategies to institutionalize youth participation within the structures of the African Union; and
- iii) Urgent Implementation of an AU internship/voluntary programme for young people.

124. In the debate that followed, the following observations were made:

- i) The non-formal technical vocational and educational training has been restricted to post conflict countries;
- ii) Sudan, which is experiencing conflict, is not part of the pilot scheme for non-technical vocational and educational training programme;;
- iii) A decade of the youth beginning from 2008 has been declared whereas youth programmes should be a continuous one ;
- iv) Modalities for institutionalizing youth activities into the structures of the African Union should be determined;
- v) The need to be informed on the outcome of the evaluation of the year of the youth and other previous youth years;
- vi) Modalities of involving the civil society and the private sector in youth activities should be defined;
- vii) There is need to reflect on how the relationship that existed between the Pan African Youth Organization and the defunct OAU can be reactivated and enhanced within AU systems;
- viii) The possibility of establishing a Trust Fund for youth programmes should be explored.

125. In addressing these observations and enquiries, the Commissioner indicated that the vocational and educational training for youth was a pilot project, which would later cover the entire continent and that Sudan could be considered for inclusion in the pilot scheme. He explained that the evaluation of the 2008 youth year was ongoing and could be expanded to include all previous youth years. He further explained that the decade of the youth was a time frame, which was sustained in the future, and that the civil society was already involved in the conduct of youth programmes. He also highlighted the role of the Pan African Youth Organization as a medium for receiving the youth within the structure of the African Union. He stated the challenges of funding for the implementation of youth activities and called for support from Member States. Finally, he welcomed the renewed offer by the Arab Republic of Egypt to host a youth seminar in August 2009.

126. The PRC took note of the report and recommended it to the Executive Council for consideration.

5. Consideration of the Progress Report of the Commission on the Draft Pan African Intellectual Property Organization (PAIPO) Constitution – Doc. EX.CL/467 (XIV)

127. Presenting the report, the Commissioner for Human Resource, Science and Technology (HRST) recalled the decision of the Assembly of African Heads of State and Government, Assembly/AU/Dec. 138 (VIII) of January 2007 for the establishment of a single Pan African Intellectual Property Organization (PAIPO). He highlighted the various activities that had been undertaken by the Commission to implement the decision of the Assembly including the designation of a focal point within the Department; the conduct of a high-level Round Table involving key stakeholders and the composition of a consultancy team representing Africa's five geographical regions. He further indicated the way forward in the process, which include convening a senior experts' meeting of Member States representing the Intellectual Property sector and other stakeholders and the finalization of the Constitutive Act as well as the project document on PAIPO, which should be presented to the July 2009 Summit.

128. At the end of the debate, the PRC took note of the report and recommended that the Commission should submit the draft project document to the relevant sectoral Ministers for consideration.

6. Consideration of the Progress Report of the Commission on the Integration of NEPAD into the Structures and Processes of the African Union – Doc. EX.CL/468 (XIV)

129. Introducing this item, the Representative of the Commission gave an overview of various Decisions taken by the Executive Council and Assembly on the integration of NEPAD into the AU structures and processes. He noted that significant progress had been achieved in the implementation of the Decision. Among the activities already undertaken were the establishment of the NEPAD Coordinating Unit, the signing of the Host Agreement for the NEPAD Secretariat, and the commencement of the Study on the Integration of NEPAD into the structures and processes of the AU. One of the key difficulties he highlighted was the lack of adequate resources to fully carry out the exercise. Updating the PRC on progress made in the process of recruiting a Chief Executive Officer for the NEPAD Secretariat and its successor entity, he indicated that fifteen candidates had been interviewed and three names recommended for consideration.

130. In the ensuing discussions, Member States, while recognising the complexity of the process of integrating NEPAD into the AU structures and processes:

- a) expressed concern over the slow pace of progress in the implementation of the Decision;
- b) expressed the need to identify existing bottlenecks, including budgetary constraints, with a view to addressing them;
- c) expressed reservation on the decision to use consultants for the recruitment exercise;
- d) expressed concern over the failure to adequately budget for the NEPAD integration process even though the initial decision was taken as far back as 2003.

131. The PRC then recommended that:

- a) the work of the NEPAD Steering Committee be concluded once the recruitment process was completed and the new structure established; and
- b) the report be forwarded for consideration by the Executive Council.

7. Consideration of the Reports on the Implementation of the AU Solemn Declaration on Gender Equality in Africa (SDGEA) – Doc. EX. CL/494 (XIV)

132. Presenting this item, the Representative of the Commission noted that submission of the report was an obligation under Article 13 of the Solemn Declaration on Gender Equality in Africa (SDGEA). She gave an overview of activities carried out by the Commission, status of country progress reporting and highlighted best practices. She noted, with concern, that the number of countries reporting on the Solemn Declaration was decreasing and called for greater advocacy to encourage Member States to honour their reporting commitments. In this regard, she indicated that the Commission planned to hold a workshop to assist Member States in reporting. She also informed the PRC of a proposal for 2010-2020 to be recognised as the Decade of African Women. This would serve as an effective platform for accelerating the implementation of the Solemn Declaration.

133. In the ensuing discussions, it was noted that 70% of Member States had gender policies in place but that what was lacking was effective implementation. Member States welcomed the encouragement to women's rights, gender parity and other matters raised in the report, and recommended that:

- i) the principle of the sovereignty of States must not be overlooked;
- ii) the section on reporting needed to be redrafted to reflect a more positive tone in view of the fact that efforts were underway at the level of Member States to honour their reporting commitments; and

iii) work on the establishment of an African Trust Fund for Women was a positive development and should be encouraged.

134. The PRC took note of the report and recommended it for consideration by the Executive Council.

Agenda Item VII: ITEMS PROPOSED BY MEMBER STATES

1. Legal Empowerment of the Poor (*Item proposed by the United Republic of Tanzania*) – Doc. EX. CL/495 (XIV) Add 1

135. Introducing this item, the Representative of the United Republic of Tanzania indicated that the Commission for Legal Empowerment of the Poor, instituted by the United Nations, was the first global initiative to focus on the link between exclusion, poverty and the law. He added in this regard that the report published in 2008 by that Commission identified four (4) pillars on which rested the legal empowerment of the poor: access to justice, labour rights, property rights and entrepreneurial rights.

136. The Representative of the United Republic of Tanzania further stated that some national Governments, the UNDP, other United Nations Agencies and development players had begun to adopt legal empowerment as a means to speed up attainment of the Millennium Development Goals (MDGs).

137. In conclusion, the Representative of Tanzania stated that the African Union provides an appropriate forum for leaders to take note of the importance of legal empowerment of the poor. To this end, he added, the Assembly of the African Union could request the African Union Commission, the UNDP and other players to promote and support efforts geared to legal empowerment of the poor. He further stated that the Assembly could invite the UN Secretary General to consider, in his report, the special needs of Africa and advocate further international action in this direction.

138. After the presentation, the delegation that took the floor underscored the relevance of this agenda item. They however requested for clarification on the role that the African Union could play, beyond awareness-building.

139. In reply, the Representative of Tanzania informed delegates that the African Union could get in touch with UNDP to mobilize requisite resources to assist Member States in implementing their legal empowerment policies. He then underscored the close linkage between attainment of the MDGs and legal empowerment of the poor.

140. At the end of debate, the PRC took note of the item proposed by the United Republic of Tanzania and recommended that it be submitted to Council for consideration.

2. Establishment of an African Latin Cultural and Intellectual Forum (*Item proposed by the Great Socialist People's Libyan Arab Jamahiriya*) - Doc EX. CL/495 (XIV) Add 2

141. Introducing this proposal, the Ambassador of the Great Socialist People's Arab Jamahiriya in Addis Ababa indicated that the proposal to create the African Latin Cultural and Intellectual Forum was borne out of the resolution of the Africa-South America Cooperation Forum that was held in Abuja, Nigeria, from 26 to 30 November 2006. The proposed Forum would bring together actors of the two continents involved in the cultural and intellectual domain.

142. He further indicated that the Forum to be known as the "Latino-African Intellectuals' Forum" would strengthen contacts between the peoples of Africa and South America for their mutual benefit and raise awareness about the threat of globalization to their identity, authenticity and heritage. In order to actualize the proposal, he stated that a group of intellectuals would be chosen to set up a committee that would be tasked with defining the rules of procedure, including the legal instrument, conditions of membership and the operating mechanism. He also suggested the setting up of a permanent Secretariat for the Forum.

143. In the interventions that followed, many delegations commended the Great Socialist People's Libyan Arab Jamahiriya for the proposal. However, some delegations raised the following concerns:

- i) Would the proposed Forum be different from the African Diaspora Initiative, which is an ongoing process that fosters cultural and intellectual cooperation?
- ii) Would it not be preferable to subsume the Forum within the subsisting Africa-South America Summit process, which has educational and cultural issues as one of its eight Working Groups?
- iii) What is the implementation mechanism of the Forum?
- iv) What is the financial implication for operationalizing the Forum and running its permanent Secretariat?

144. Responding, the Ambassador reiterated the objective of the proposed Forum for strengthening and enhancing relations between the Diaspora and Africa. He stated that the committee that would be set up would consider the whole gamut of issues related to operationalizing the Forum, including funding and the implementation mechanism.

145. In conclusion, the PRC took note of the proposal as well as the observations raised by some delegations. It recommended the proposal to the Executive Council for consideration.

3. The Issue of Palestine (*Item proposed by the Great Socialist People's Libyan Arab Jamahiriya*) – Doc EX. CL/495 (XIV) Add 3

146. Introducing the item, the Ambassador of Libya submitted a proposal of his country to include in the agenda of the 12th Ordinary Session of the Assembly, an item entitled "The Issue of Palestine".

147. In presenting the proposal, the Ambassador explained the reasons behind it, which are that the current constraint in the region and the security situation no longer allows for the contemplation of the creation of two independent States living side by side. In this regard, he informed the PRC of the idea of the creation of a single State called ISRANTINE, that would include the Palestinians and Jews, and which could be premised on the following:

- i) The return of displaced Palestinian refugees to their homes;
- ii) The organization of free and fair elections under the United Nations; and
- iii) The elimination of arms of mass destruction in this proposed State and in the whole of the Middle East region.

148. Following the presentation, delegations took note with appreciation of Libya's proposal. However, in view of the political and sensitive nature of this question, they recommended that it be discussed at the level of the Executive Council and the Assembly of the Union.

149. Moreover, many delegations questioned why the item should be placed on the agenda of the Executive Council where as it has always been on the agenda of the Assembly, on regular basis, since the 1970s. Other delegations sought clarifications, especially with regard to the opinion of the two states concerned and other states of the region concerning the idea of a single State as well as how this initiative fits into the road map and the initiative of the Quartet.

150. In reply, the Ambassador of the Great Jamahiriya explained that the proposal of his country was submitted to the PRC so that it be considered by the Executive Council and the Assembly of the Union. He further indicated that the objective I of his country's endeavour was to let Africa embrace the peace process between the Palestinians and Jews in light of recent events in the region, and to play a more active role in the peace process. Concerning the position of the countries concerned, he recalled the vital role that the OAU once played, under the auspices of President Senghor of Senegal, on the question and that the action of the AU should be independent of that of other players on the basis of the principle that each institution evolves within its own procedures and structures.

151. The PRC took note of the report and recommended the item for the consideration of the Executive Council.

4. Establishment of an African Permanent Secretariat for Sustainable Development and an African Fund for Sustainable Development (*Item proposed by the Republic of Congo*)– Doc EX. CL/495 (XIV) Add 5

152. In presenting this item, the representative of the Republic of Congo indicated that the proposal gives effect to a recommendation by the 6th World Forum on Sustainable Development held in Brazzaville, Republic of Congo, from 27 to 30 October 2008. He added that the initiative is vital for Africa's development agenda and that the United Nations Environmental Programme is willing to support its implementation.

153. In the ensuing discussions, Member States commended the Republic of Congo for the initiative and expressed the view that it will go a long way in helping the fight against poverty in Africa. They emphasised the need for the African Union to take ownership and highlighted the need to ensure its sustainability.

154. While agreeing that the initiative will help the development of the African continent and its ongoing integration agenda, Member States expressed the following concerns:

- a) The establishment of a Permanent Secretariat will have financial implications. There is, hence, the need for the proposal to be accompanied by a thorough cost-benefit analysis;
- b) At a time when the number of Member States under sanction is increasing, establishing new structures may not be the best way forward as Member States may not be able to meet additional financial commitments; and
- c) A possible duplication of roles between the proposed Fund and the African Environment Facility must be considered;

155. In view of the foregoing, the PRC recommended the following:

- a) That an in-depth study, including a detailed cost-benefit analysis, be carried out to assess the viability of the proposed Secretariat and Fund;
- b) Given that several institutions dealing with matters of sustainable development already exist, it may be prudent to set up a coordinating framework for sustainable development rather than a new institution;
- c) That the possibility of strengthening the existing African Environment Facility be explored; and

d) That other possible sources of funding be explored in the event of operationalization of the Fund.

156. The PRC took note of the report and recommended it for consideration by the Executive Council.

5. Proclamation of the year 2010 as International Youth Year (*Item proposed by the Republic of Tunisia*) – Doc EX. CL/495 (XIV) Add 6

157. This item was withdrawn at the request of Tunisia.

6. Establishment of an African Science, Technology and Innovation Observatory in Equatorial Guinea (*Item proposed by the Republic of Equatorial Guinea*) – Doc EX. CL/495 (XIV) Add 7

158. Introducing this proposal, the Representative of the Republic of Equatorial Guinea indicated that the proposal was in line with the decision of the Eighth Assembly of Heads of State and Government that was held in Addis Ababa, in January 2007, which approved a Consolidated Plan of Action on Science, Technology and Innovation. He expressed his country's interest in the application of science and research for sustainable economic development and the preservation of life. He stated that his country would make an initial take off contribution of US\$3.6 million for the Observatory. He concluded by indicating that a revised version of the proposal would be presented in writing to delegations in due course.

159. The PRC took note of the proposal and recommended it to the Executive Council for consideration.

7. Algiers Declaration on the deliberations of the Meeting of African Ministers of Environment on Climate Change, Algiers, 19-20 November 2008 (*Item proposed by the People's Democratic Republic of Algeria*) – Doc EX. CL/495 (XIV) Add 8

160. In introducing this item, the delegation of Algeria said that this item was submitted for information following the Decision of the Conference of Ministers of Environment held in Algiers in November 2008. It indicated that the meeting was expected to map out a common African position to enable Member States to participate actively in the World Conference on Climate Change. It recalled that the Declaration adopted in Algiers reflected the appeal made by the African Ministers and the G8 to developed countries to honour their commitments, to the donors to pursue the reform and allocate more resources to enable African countries to address their negative effects of climate change. The delegation reiterated that the Declaration referred to above had already been adopted by the Ministers in charge of environment who had requested Algeria to table it before the forthcoming Session of the Executive Council.

161. The PRC took note of the document and recommended it for the attention of Executive Council.

**Agenda Item VIII. CONSIDERATION OF THE DRAFT AGENDA ITEMS OF THE
14th ORDINARY SESSION OF THE EXECUTIVE COUNCIL**

162. The PRC considered the draft Agenda of the 14th Ordinary Session of the Executive Council and adopted it with one amendment.

Agenda Item IX. ANY OTHER BUSINESS

163. No issue was raised under this item.

Agenda Item X. ADOPTION OF THE REPORT

164. The PRC adopted its report with amendments.

CLOSING CEREMONY

165. The closing ceremony was marked by a vote of thanks addressed to the PRC Chairperson by his peers, for the manner in which he steered the proceedings. The Commission was also commended for efforts made towards the success of the meeting.

166. Furthermore, the PRC was briefed by the Ambassador of Madagascar on the situation prevailing in his country following the recent events. He reassured the PRC on the harmonization of the situation as a result of measures taken by the Government. Lastly, he renewed the invitation made by his country to Member States to participate in the AU Summit scheduled for June –July 2009 in Antananarivo.

167. The Commissioner in charge of Political Affairs on behalf of the Chairperson of the Commission expressed her gratitude to the PRC for its diligence, cooperation and understanding.

168. In his closing address, the Chair of the PRC thanked the PRC and the Commission for the work carried out and for their collaboration. He further expressed his willingness to collaborate with his successor and other PRC members in the interest of the continent. He declared closed the 17th Ordinary Session of the PRC.

2009

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

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