

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

P. O. Box 3243, Addis Ababa, ETHIOPIA Tel.: 00251-11-5517700 Cable: AU, ADDIS ABABA Website:
www.africa-union.org

PERMANENT REPRESENTATIVES COMMITTEE

Thirteenth Ordinary Session

22 – 23 January 2007

Addis Ababa, ETHIOPIA

PRC/Rpt (XIII)

**REPORT OF THE THIRTEENTH ORDINARY SESSION OF
THE PERMANENT REPRESENTATIVES' COMMITTEE**

REPORT OF THE THIRTEENTH ORDINARY SESSION OF THE PERMANENT REPRESENTATIVES' COMMITTEE

INTRODUCTION

1. The Thirteenth Ordinary Session of the Permanent Representatives' Committee (PRC) met at the Headquarters of the African Union Commission in Addis Ababa, Ethiopia on 20, 22 and 23 January 2007, under the Chairmanship of H.E. Ambassador Serge Raymond BALE, Ambassador of the Republic of Congo and Chair of the Committee.

2. The following Member States participated in the work of the Committee: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Congo, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Ethiopia, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, RASD, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe. The list of participants is attached as Annex I.

1. a) Adoption of the Agenda

3. After extending words of welcome to his Peers, particularly the new members of the PRC, notably the Ambassadors of Benin and South Africa, the Chairperson introduced the following agenda for the business of 20 January 2007:

- (i) Consideration of the Programme of Events for the Summit (22 to 30 January 2007);
- (ii) Briefing on the Dean's consultations on the constitution of Members of the Ministerial Committee on candidatures of the Ministerial Panel for the Elections of Members of the Commission and of the Drafting Committee;
- (iii) Consideration of the Draft Agenda of the PRC; and
- (iv) Consideration of the Programme of activities of the Assembly from 22 to 30 January, 2007.

(i) Consideration of the Programme of Events for the Summit (22 to 30 January 2007)

4. The Commission presented the programme of events of the Summit. It started by indicating that these activities had not been proposed by the Commission but had been programmed at the request of Member States.

5. The PRC observed that the events programmed were overlapping and contained loopholes, and therefore asked for clarifications. It expressed concern at the presence of Heads of State and First Ladies several days ahead of the Summit.

In its explanation, the Commission stated that the meeting dates featuring on the calendar had been reproduced from the correspondence received from the Chairpersons of the various Committees. It further stated that the Technical Committees such as the *Ad Hoc* Committee and the Consultative Committee preceding the NEPAD Implementation Committee Meeting and the Meeting of First Ladies, respectively, would be held before the Summit Meetings. The Commission further added that the meetings had been arranged in a way to enable the Heads of State and Government who are expected to participate in several events, such as NEPAD and MAEP, to do so.

6. Regarding the launch of the International Year of African Football, the PRC expressed concern at the huge number of statements slated for the Gala Dinner, including statements by CAF and FIFA planned for both the launching ceremony and during the Gala Dinner. A proposal was therefore made to streamline the programme. The Commission explained that only one player would take the floor on behalf of the others and that the morning event would be devoted to the launching of the International Year of African Football, whereas the Gala Dinner would be set aside to commemorate 50 years of CAF. The Commission further informed the PRC that since requests for other events had come in late, the programme and the guest list would be updated and forwarded to the delegations as soon as possible.

(ii) **Briefing on the Dean's consultations concerning the composition of the Ministerial Committee and Candidatures on the Ministerial Panel for the Elections of Members of the Commission and the Drafting Committee;**

7. As the Dean was not available, this item was postponed to a later date.

(iii) **Consideration of the Draft Agenda of the PRC**

8. Following its consideration, the PRC adopted its Agenda as attached in Annex II. Nevertheless, one delegation expressed concerns regarding the changes on the Agenda initially adopted on 22nd December, 2006.

(b) Organization of Work

9. The meeting adopted the following working hours:

Morning:	10.00	-	13.30
Afternoon:	14.30	-	until completion of discussions.

II. ADMINISTRATIVE AND FINANCIAL MATTERS

1. Consideration of the Report of the PRC Advisory Sub-Committee on Administrative, Budgetary and Financial Matters - Doc. EX.CL/292 (X)

10. In presenting the Report, the Chairperson of the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters informed the PRC that following exhaustive consideration of both the operating and programmes budget's estimates presented by the Commission, the Sub-Committee made the following recommendations:

- i) The Commission should endeavour to timely provide all necessary supporting documents and information, especially with regard to programmes when presenting budget proposals;
- ii) **In line with Council decision**, budget estimates should take into account the capacity of Member States to pay as guided by the average growth rate of the continent;
- iii) The budget proposals presented by PAP could not be considered because the accounts of PAP had not been audited by AU Board of External Auditors contrary to the earlier directive of the Executive Council;
- iv) The matter be referred to PRC and Council for appropriate guidance and decision;
- v) In the meantime, PAP be authorized to provisionally utilize one-twelfth of its budget for the previous year as provided in article 39 of the Financial Rules and regulations;
- vi) The budget proposals presented by the African Court on Human and Peoples' Right is deferred until the court's structure is presented to the sub-committee on structures for consideration. In the meantime, it is authorized one twelfth of its previous budget;
- vii) The appropriations for staff costs and other operating costs are increased by 5.5 % across the board except for election monitoring that should be increased by 50% and the amount of US \$753,728 for medical equipment that is approved in total. The increment is based on the assessed budget for 2006 excluding what was subsequently approved by Council in Khartoum and sourced from arrears.

11. He also indicated that on the basis of the above recommendations, the budget proposals for 2007 were as follows:

	<u>Appropriation 2006</u>	<u>Proposal 2007</u>	<u>recommended</u>
Staff Costs	40,660,639	55,339, 072	42,896,973
Operating costs	12,067,011	24,536,529	13,906,724
Subventions/grants	5,516,761	8,126,373	5,820,183
Other organs	11,145,083	21,004,885	11,758,063
Total Operating Costs	<u>69,389,493</u>	<u>109,006,859</u>	<u>74,381,943</u>

Programmes	60,542,000	54,467,000	49,687,000
Total Program-Budget	<u>129,931,49</u>	<u>163,473,859</u>	<u>124,068,943</u>
Assessed to Member States	69,389,494	127,179,859	87,791,943
Secured From Partners	-	36,277,000	36,277,000

12. He further indicated that the agenda items (iii) and (iv) dealing with consideration of the reports on the Harmonization of the Remuneration Policy of the Commission, and the Review of the AU Social Security Scheme, were deferred due to insufficient time, and that the Commission was urged to consult and arrange appropriate dates immediately after the Summit for the Sub-Committee to consider those important staff matters. He also stated that the distinguished delegations of Algeria and Egypt made their reservations to the adopted budget.

13. During the discussions that ensued, the PRC commended the Sub-Committee for a good report and made the following observations:

- Expressed concern on non-compliance with the Banjul Executive Council decision on the need to carefully evaluate and select priority programmes to be charged to Member States assessed contributions, taking into account capacity to pay.
- Concurred with the Sub-Committee on Administrative, Budgetary and Financial Matters that the Commission needs to improve its budgeting process both in terms of compliance with deadlines in the Budget Calendar, as well as on the quality and content of the budget proposals. In this regard, it urged the Commission to endeavour to provide, on a timely basis, all necessary supporting documents especially with regards to programmes.
- Expressed serious concern that the Pan African Parliament has to date, not complied with the Executive Council directive that its' financial statements should be audited by the AU Board of External Auditors. In this regard, the PRC decided to suspend consideration of the PAP budget, pending its compliance with the decision of Council. The PRC endorsed the proposal of the Advisory Sub-Committee regarding the application of Article 39 of the Financial Rules. The PRC, however noted with appreciation the initiative underway by leaders of both PAP and the AUC to engage in consultations and dialogue aimed at finding solutions to the problem.
- Commended the efforts taken by the African Court of Human and Peoples Rights (ACHPR) to ensure its operationalisation. The PRC, however regretted that the structure of the Court and the financial implications had not yet been

considered by the appropriate Advisory Sub-Committees, thus making it difficult to have a basis for reaching informed decisions on the Court's budget proposal.

- Stressed the need for the Commission to guard against double budgeting and observe more fiscal discipline, as well as endeavour to give details on arrears collected and measures to recover outstanding amounts. It further urged the Commission to keep Member States fully informed of the status of excess or unspent fund. In this regard, some delegations suggested that the sum of \$5m unspent in the 2005 budget be deducted from the assessed contribution of Member States for 2007.
- Expressed concern on the tendency for high allocations on some budget lines and in particular pointed out the Commission's proposed figures for participating in meetings such as the Africa-Europe, Africa-China, Africa-Asia dialogues.
- Consideration should be given to basing future budgets on previous year's actual expenditure plus overall average economic growth rate in the continent.

14. Following the above observations, and taking into account some clarifications by the AUC, the PRC then made the following recommendations for consideration by the Executive council:

- PAP is authorized to provisionally utilize one-twelfth of its budget for the previous year as provided for in article 39 of the Financial Rules and Regulations until PAP complies with Council Decision on the audit of its financial statements.
- The budget proposals presented by the African Court on Human and Peoples' Right are deferred until the court's structure is presented to the sub-committee on structures for consideration. In the meantime, it is authorized to provisionally utilize one twelfth of its previous allocation.
- The appropriations for staff costs and other operating costs are increased by 5.5 % across the board except for election monitoring that should be increased by 50% and the amount of US \$753,728 for medical equipment that is approved in total. The increment is based on the assessed budget for 2006 excluding what was subsequently approved by Council in Khartoum and sourced from arrears.

15. In conformity with the above recommendations, the budget proposals for 2007 are as follows (details annexed):

	<u>Appropriation 2006</u>	<u>Proposal 2007</u>	<u>recommended</u>
Staff Costs	40,660,639	55,339,072	42,896,973
Operating costs	12,067,011	24,536,529	13,906,724
Subventions/grants	5,516,761	8,126,373	5,820,183
Other organs	11,145,083	21,004,885	11,758,063
Total Operating Costs	<u>69,389,493</u>	<u>109,006,859</u>	<u>74,381,943</u>
Programmes	60,542,000	54,467,000	49,687,000
Total Program -Budget	<u>129,931,490</u>	<u>163,473,859</u>	<u>124,068,943</u>
Assessed to Member States	69,389,494	127,179,859	87,791,943
Secured From Partners	-	36,277,000	36,277,000

16. Agenda items on staff matters were deferred due to insufficient time. But, the Commission was urged to consult and arrange appropriate dates immediately after the Summit for the Sub-Committee to consider those important staff matters.

17. The delegations of Egypt and Libya made specific reservations to the programmes component of the budget because it was not submitted in time, project documentation was not provided, and the programmes were not chosen in conformity with the Banjul Council decision. The distinguished delegation of Algeria made reservations on the whole budget especially underlining violations of the decision adopted in Banjul regarding budget structure and matters related therein.

18. On the request by the Commission for the following budget lines, consensus could not be reached. Some delegations were of the view that these were part of the proposals for 2007 operating costs and are already covered by the decision to increase the overall 2006 operating costs by 5.5 per cent. Other delegations were of the view that the capacity of the Commission to deal with different Partners should be strengthened by granting additional resources as requested below.

Meetings:

EU-AU	150,000
Africa - Caribbean	50,000
Africa – Arab	50,000
Africa – Asia	50,000

IBAR	500,000
Lagos	35,000
Yaounde	360,000

Specialised Offices

PANVAC	792,241
--------	---------

19. The Commission explained that it submitted those items because they did not appear in the 2006 Budget. The Commission made the case that it was necessary for Member States to empower it to effectively participate in all the multilateral engagements of the continent. This request was granted and the sums proposed are as follows:

Meetings:

EU-AU	150,000
Africa - Caribbean	50,000
Africa – Arab	50,000
Africa – Asia	50,000

20. The above mentioned were accepted on the understanding that the Commission would submit a detailed breakdown of how it arrived at those costs. The Commission subsequently submitted the breakdown requested.

21. With respect to PANVAC the Commission explained that it was making the request because the budget proposals for 2007 were for conferences that are held every other year. That meant, that no provision had been made for them in 2006.

2. Consideration of the Report of the PRC Advisory Sub-Committee on Administrative, Budgetary and Financial Matters on the Special Purpose Audit Report on the First Conference of Intellectuals of Africa and the Diaspora (CIAD I) – Doc. EX.CL/294 (X)

22. The Chairperson of the Advisory Sub-Committee informed the PRC that the special audit on the Dakar Conference, which was entrusted to the Ernst & Young audit firm, was not ready.

23. He indicated that the Commission informed the Sub-Committee of the efforts it made to implement the Banjul Decision. The Commission had also highlighted the difficulties it is having with Ernst & Young and the fact that even though the company signed a contract on 10 October 2006 and undertook to complete its work within one month, it had not done so. The company therefore had not submitted its report for discussion with the Commission.

24. The Chairperson of the Advisory Sub-Committee also reported to the PRC that Ernst & Young had indicated that it was ready to discuss the Report with the Advisory Committee as of 13 January 2007. Unfortunately, he added, the Representative of Ernst & Young had travelled and would not be back until the week of 22 to 29 January 2007. The Commission had emphasized to the Advisory Sub-Committee the

fact that the Ernst & Young report had not been presented to it and that therefore, it would be unable to submit it either to the Advisory Committee or to the Executive Council. In conclusion, the Advisory Sub-Committee Chairperson indicated that the Commission would propose a schedule to consider the Report as soon as it received same from Ernst & Young. In the circumstance he indicated that the PRC could not proceed with the examination of the subject in view of the absence of E&Y and recommended that the Commission be allowed time to complete the work before coming to the Sub-Committee with E&Y.

25. The PRC expressed its dissatisfaction with the repeated absence of Ernst & Young from its sessions since the Banjul meetings and was concerned that the Commission may leave aside this important issue due to other more pressing matters. The PRC urged the Commission to work with Ernst & Young to finalise the Report within the shortest time possible.

3. Consideration of the Report of the Sub-Committee on Contributions

26. In presenting the report, the Chairperson of the Advisory Sub-Committee on Contributions informed the PRC that the status of Member State's contributions as at 31 December 2006 was as follows:

- i) The contributions received as at 31 December 2006 amounted to US\$69,590,707.74 out of which US\$54,672,958.23 was paid towards the current fiscal year's assessment. From the receipts, US\$14,163,037.23 constituted collection of arrears of the previous years and US\$754,712.28 was payment in advance;
- ii) The total outstanding contribution as at 31 December 2006, stood at US\$ 57,549,907.04 made up of arrears of US\$42,923,575.27 and uncollected balance of US\$ 14,626,331.77 from current year's assessment;
- iii) From the list of countries under sanction, Eritrea, Central African Republic, Guinea and Guinea Bissau made payments of US\$ 372,018, US\$220,046, US\$539,048, and US\$10,000 respectively towards their arrears. Nevertheless, since the payments were not adequate to clear their arrears they will remain under sanction;
- iv) During the year under consideration, Nigeria and Congo made voluntary contributions of US\$10million and US\$20,000 respectively and the Commission commends them for their support;
- v) It was also mentioned that Tunisia and Gabon had made payments after the date of the report and as a result they will not be considered for sanction.

27. The PRC was informed that in view of the above, the Sub Committee made the following recommendations:

- i) Urged Sierra Leone to fully honour its commitments as per the agreed payment schedule.
- ii) The sanctions against Burundi continue to be lifted as they have already paid US\$290,089.72 on 23 January 2007 towards their arrears of contribution;
- iii) Djibouti shall be placed under sanction if it doesn't pay the arrears as promised to the Sub-Committee before the Council considers the report;
- iv) The following 10 Member States shall remain under sanctions, as there is no improvement in their arrears position.
 - 1. Cape Verde
 - 2. Central African Republic
 - 3. Democratic Republic of Congo
 - 4. Eritrea
 - 5. Guinea
 - 6. Guinea Bissau
 - 7. Liberia
 - 8. Mauritania
 - 9. Sao Tomé & Príncipe
 - 10. Seychelles
- v) Sanction shall also apply to Niger as per the financial rules and regulations which stipulates that sanction should apply to Member States in arrears for two complete financial periods.

28. The PRC adopted the above recommendations by the Sub-Committee and decided to transmit them for consideration and approval by the Executive Council.

29. The PRC also noted confirmation by the Commission that Burundi had transferred some US\$300,000 to the accounts of the Commission. The PRC further noted presentations by Niger and Djibouti that they had made some payments towards their outstanding contributions. The PRC however, observed that in line with Council decision that payments by Member States can only be confirmed once they have reached the bank account of the Commission. The Commission indicated that as of 24 January 2007 payments from these two countries had not been credited to the AUC Bank account in New York. The Commission will follow-up on this matter.

Request by the Republic of Tunisia

30. The PRC was informed of a reservation by Tunisia on the Scale of Assessment adopted in Maputo in 2003, which seriously affected Tunisia. The PRC noted the commitment by Tunisia to settle its obligations and its eagerness to enter into consultations and negotiations with Member States and the Commission with a view to finding an amicable solution to this problem.

31. The PRC agreed to recommend to Council the following:
- i) That the AUC, the Embassy of Tunisia in Addis Ababa and the Sub-Committee on Contributions should continue consultations on this matter with a view to finding an amicable solution;
 - ii) The matter could then be referred for consideration by the Special Ministerial Committee on the Scale of Assessment.

III. IMPLEMENTATION REPORT

Consideration of the Report on Implementation of Previous Decisions of the Executive Council and the Assembly – Doc. EX.CL/295 (X)

32. The Commission made a concise presentation on document EX.CL/259(X) relating to the implementation of previous decisions of the Executive Council and the Assembly. He briefly explained that some of these decisions could not be implemented due to lack of allocations under the 2006 Budget. Provisions have been made, however, under the 2007 Budget for their execution. The document covers all actions of the Commission, and each Department, if need be, may present its own issues of concern.

33. The methodology adopted was to consider the Decisions in the order in which they appeared in the document. The PRC considered thirty nine Decisions in all, mainly from sessions of the Executive Council and the Assembly in Banjul, the Gambia, in June/July 2006, divided per Department as follows: Legal, 4; Peace and Security, 3; Political Affairs, 1; Human Resource, Science and Technology, 4; Social Affairs, 13 including Sport 1, Social Security 3, Labour, Employment and Migration 4; Infrastructure and Energy, 4; Rural Economy and Agriculture, 3, Economic Affairs, 5 and Trade and Industry, 3.

34. After consideration of the Report, the PRC made the following comments and recommendations:

- (i) the document did not carry all the decisions whose implementation needed to be evaluated. Some of these included the decision on the involvement of the PRC in the recruitment process within the Commission, the auditing of the Pan-African Parliament accounts and studies to be carried out by the Commission for the creation of a Euro-African Investment Fund for the Youth. The decisions that were left out run the risk of being forgotten. The PRC wanted to know the criteria on which some decisions were selected and others were not.
- (ii) The timing of the execution of decisions has to be more precise.
- (iii) The PRC called upon the different departments of the Commission to harmonise their actions in the implementation of decisions which involve more than one department.
- (iv) Since the Panel for election of members of the Commission did not meet within the deadline stipulated by Decision EX.CL 281(IX) for the various reasons advanced by the Commission, it was agreed that the

Panel should meet on the sidelines of the Executive Council and before the end of the Council session, in view of the importance of this matter.

- (v) The Commission should circulate to members of the Panel the text of pre-selection modalities and procedures. The North African region was invited to appoint its representatives on the Panel as early as possible. Pending publication of the names of Panel members, the above-mentioned modalities document should be handed to the Regional Dean. This document should also be distributed to the members whose countries sit on the Panel.
- (vi) With regard to the appointment of the Chairperson for the Panel, some delegations felt that the Chair should be appointed by the Panel itself. Another view was that the Chair should be the current Chairperson of the Executive Council.
- (vii) Evaluation of treaties has remained a recurrent problem. Such evaluation should not be limited solely to signing and ratification by Member States, but should also and, above all, extend to the fulfilment of the obligations arising from ratification.
- (viii) Furthermore, treaties have to be updated through consideration of their relevance to the environment prevailing in Africa. Such an exercise would make it easier to identify those treaties that need to be implemented. Member States were called upon to apply the texts they have ratified.
- (ix) The meeting of Justice Ministers and Experts as stipulated by Decision EX. CL 283 (IX) to examine the merger of the African Court on Human and Peoples' and the Court of Justice of the African Union did not take place. The Commission explained that this was due to inadequate financial resources.
- (x) In implementing Decision Assembly/Au/Dec.120 (VII), the Peace and Security Council should broaden its field of action to include all countries in post-conflict situation such as CAR, Burundi and Sierra Leone, and reduce the timeframe for implementing the recommendations.
- (xi) It is equally important that whenever decided by Council or the Assembly to mention the individual efforts of Member States in the field of peace and security.
- (xii) The Commission should update data relating to implementation of Declaration Assembly/Au/Decl.2 on the situation in Somalia. It should also convene a donors' conference for Somalia. On the latter, the Commission explained that the conditions were not yet favorable for convening such a conference. However, it would continue to rally international support for Somalia.

- (xiii) On implementation of Decision EX.CL/Dec. 292. (IX), the Commission informed the PRC about the official launch of the African Youth Charter. This Charter has to be ratified given the fact that a Charter that is not ratified cannot be launched.
- (xiv) Regarding Decision EX/CL/Dec.249 on the Continental Policy Framework for the Promotion of Sexual and Reproductive Health and Rights in Africa, the discussion on the recommendations of the Maputo conference would take place at the level of the Executive Council. The delegations of Uganda, Egypt and Cameroon were of the view that the Report should be sent back to the Ministers of Health. However, Mozambique pointed out that the meeting was held under normal conditions and that sending the Report back to the Ministers of Health would be unprocedural.
- (xv) The Commission was urged to accelerate establishment of an Advisory Council on Ageing by determining the related financial implications in accordance with Document EX.CL/260 (IX).
- (xvi) The Commission should be more effectively involved in the United Nations system by strengthening its presence in order to make Africa's position better heard on important issues such as Migration and Development;
- (xvii) The PRC noted that the Commission had interpreted the provisions of decision no. Assembly/AU/Dec.132 in the sense of establishing a fund to mitigate the effects of the increase in oil prices on poor African countries, whereas the decision laid more emphasis on the need to carry out an in-depth study on oil price increases and present a detailed strategy for cooperation and solidarity between oil producing and non-oil producing African countries.
- (xviii) The Executive Council should be seized of the issue of participation of RECs in meetings convened by the Commission. The problem of financial resources should not arise regarding the participation of RECs in meetings convened by the Commission on the process for the rationalization of RECs. Greater attention should be given to the rationalization of RECs in accordance with decision no. Assembly/AU/Dec/112(VII).
- (xix) The PRC noted that decision no. Assembly/AU/Dec/126(VII) on strengthening Africa's representation in the Bretton Woods Institutions had not been implemented. Explanations were provided by the Commission.
- (xx) The RECs should ensure the effective implementation of decision EX.CL/Dec.298(IX) on Economic Partnership Agreement Negotiations. To this end, they should imperatively involve the Commission in all phases of negotiations with the EU with a view to ensuring harmonization of these negotiations.

- (xxi) This issue regarding the coordinating role of the Commission in the negotiations should be tabled before the Executive Council, more so as the explanations given by the Commission underscore the difficulties it faces in playing its rightful role. Some RECs had to recourse to the Commission because of the difficulties they faced in the negotiation process. The Commission recalled that the stakes in the coordination of EPA negotiations were political and consequently the problems identified will be brought to the high attention of the AU General Assembly. The Commission also underscored the positive contribution by Egypt and South Africa that willingly shared their experiences with regions currently negotiating with the E.U.
- (xxii) The Reports of all Ministerial Conferences that did not obtain the required quorum would be forwarded to the Executive Council for appropriate action.

35. The PRC took note of the report as amended and recommended it for consideration and adoption by the Executive Council.

IV. LEGAL AND INSTITUTIONAL MATTERS

1. Consideration of the Report on the Status of OAU/AU Treaties - Doc.EX.CL/296 (X)

36. In introducing the report, the Legal Counsel recalled that the report was a standing item on the agenda of the Executive Council since the decision adopted by the 66th Ordinary Session held in Harare, Zimbabwe in May 1997. He pointed out that the report was dated as at January 11, 2007 and went on to update the PRC on the changes to the status of signature and ratification since that date as follows:

Ratification/accession:

- i) December 2006 and **Kenya** had deposited the instruments of ratification on January 17, 2007.

Signature:

- ii) African Union Convention on Preventing and Combating Corruption (22/01/2007): **Angola**;
- iii) Protocol to the African Charter on Human and People's Rights on the Rights of women in Africa (22/01/2007) **Angola**;
- iv) Protocol to the African Charter on Human and Peoples Rights on the Establishment of an African Court on Human and People's Rights (22/01/2007) **Angola**.

37. The Legal Counsel further informed the PRC that the Commission had not yet implemented elements of the strategic plan requiring an evaluation exercise to assess and monitor the effective implementation of OAU/AU Treaties and decisions that Member States were parties to due to resource constraints and lack of human

resources capacity. He drew attention to the fact that in the forthcoming meeting of Ministers of Justice, it was intended that a report on the ratification procedures that exist in member states, the constraints faced and the process of alleviating these constraints, would be discussed. He further went on to state that in the research undertaken, it had been noted that some of the constraints included the complex process of ratification, the lack of capacity of the implementing agencies as well as lack of political will.

38. In addressing the issue of inconsistencies in the various texts, the Legal Counsel stated that it was a fact that most conference staff did not have the legal background necessary to successfully transcribe and translate legal concepts correctly. He alluded to the UN system where the process of negotiating legal texts was deliberately lengthy. Furthermore, in order to ensure consistency in the various linguistic texts as well as consistent use of legal concepts, the UN sets up consistency groups based on various languages, which meet on the sidelines of meetings to continuously examine the texts' inconsistency.

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

- i) The need to identify mechanisms for ensuring consistency;
- ii) Whether an Arabic speaking legal expert had been appointed;
- iii) The report did not reflect Nigeria as having been instrumental in ensuring support for the Member States to sign the Treaty of Pelindaba for the creation of an African Nuclear-Weapons -Free Zone;
- iv) Egypt questioned whether it was acceptable practice for the Commission to comment on reservations by Member States. In addition, it sought clarity as to why their reservation against some provisions of the Charter on the Rights and Welfare of the Child were considered 'incompatible with the object and purpose of the Charter;'
- v) The Status of the Signing Week for the OAU/AU Treaties;
- vi) The need for clarification on whether the forthcoming meetings of experts convened by the AUC would 'examine the recommendations of the Executive Council'.

40. In addressing the requests for clarifications, the Legal Counsel responded as follows:

- i) The signing week was considered to have great significance and had been successful in sensitizing Member States;
- ii) Whilst acknowledging the efforts made by Nigeria in promoting early ratification of the Pelindaba Treaty, the Commission could not report on it since it had been undertaken before Banjul, the previous reporting period;

- iii) On Egypt's concerns, he pointed out that the remarks on one of the reservations by Egypt were not words of the Commission but those of jurists and scholars and various institutions who had observed that the reservations render the Committee and institutions ineffective in all matters concerning that country;
- iv) The Commission had made great strides in concluding the process of recruiting a legal expert with knowledge of Arabic;
- v) A meeting of Experts and Ministers of Justice would be convened in March/April 2007 to consider, *inter alia*, the implementation of previous Council decisions on the review of OAU/AU Treaties.

41. Thereafter, the PRC made the following recommendations for consideration by Council:

- i) Takes note of the report;
- ii) Commends the Chairperson of the Commission for the initiative and efforts aimed at encouraging Member States to become State Parties to the OAU/AU Treaties;
- iii) Appeals to Member States to prioritize and accelerate the signing and ratification/accession to OAU/AU treaties and requests the Commission with assistance of Member States to harmonise the texts in the different official languages; and
- iv) Further appeals to the members of the Pan African Parliament to assist with advocacy and sensitisation of Member States to expedite the process of ratification/accession to OAU/AU treaties;
- v) Request the Commission to take necessary steps to implement the decision of the Fifth Ordinary Session of the Executive Council held in Addis Ababa, in July 2004 on the review of the OAU/AU Treaties, including the convening of meetings of experts to examine the implementation of the previous decision of the Executive Council in order to develop the necessary legal instruments thereon.

**2. Consideration of the Report on Specialized Technical Committees
- Doc. EX.CL/297 (X)**

42. In introducing the report, the Legal Counsel recalled that progress reports on STCs had been submitted and considered by the Executive Council since the decision adopted by its 1st Ordinary Session held in Durban, South Africa in July 2002. He pointed out that the report was structured to give a background to the STCs, an overview on their current state, the challenges and constraints of the current configuration, the need for reconfiguration taking into account previous decisions of the policy organs, as well as the recommendations being made for restructuring the present STCs or establishing new ones pursuant to Article 14 (2) of the Constitutive Act, and the financial implications therein. He recalled that Article 14

and 25 of the Abuja Treaty as read together with Article 5 and Article 14 of the Constitutive Act provided for seven (7) Specialised Technical Committees whose central role was to monitor programme development and implementation on behalf of the Executive Council. He drew attention to the fact that the correct number of STCs proposed was 20 and not 19 as per paragraph 54 of the Report, since an additional Committee on Energy had been added.

43. The Legal Counsel further recalled the previous decisions of the Executive Council on this matter including that of Durban in 2002, requesting for the study done by consultants to be deepened, as well as the Banjul decision of July 2006 calling for the Commission to expedite action on the study on STCs and submit a report to the current session of Council. He noted that in carrying out this task, the Chairperson had set up an Inter Departmental Task Force, with detailed Terms of Reference, and which had considered all aspects of the matter. Further, the Task Force, had set out certain parameters to guide its work including identifying the problems with the current STCs, the criteria to be used in reconfiguring the STCs, the need for a practical and cost effective configuration and lastly not to create STCs based purely on Commission activities, since it was supposed to work as a coherent whole.

44. In arriving at the current configurations, the problems identified included overlap of ministerial functions, inadequacies in linkages and mandate, the inconsistency in how meetings dealing with African Issues were being convened and serviced, outside the African Union Framework.

45. In conclusion Legal Counsel proposed three substantive amendments: firstly, that the Committee on Agriculture should include Rural Development and the Committee on Migration should include urban development. Secondly, a specific Committee on Energy be added onto paragraph 54 to make it 20 STCs. Thirdly, that all STC meetings would apply the same Rules of Procedure with a proviso that the Quorum would be 50% plus one.

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

- i) The need for the Commission to further streamline the proposed STCs from Twenty (20) to a reduced number so that they function in clusters;
- ii) The need for Member States to refer the report to various capitals for Input and thereafter the PRC could hold consultations with the Commission on the basis of those observations;
- iii) The possibility of reconfiguring the STCs in an inter sectoral manner;
- iv) Whether the Commission can manage to service an average of 80 days of meetings per year;
- v) The need to realign the process to ensure the concept of integration that is key to development;
- vi) The need to involve the RECs in this process;

- vii) The need for the Commission to make use of the partnerships it has entered into with the UN System and other stake holders to harmonise the functions of the STC's;
- viii) The need for all meetings of the STCs to be convened and serviced by the AU commission, without prejudice to any collaboration it may have with partners and stake holders;
- ix) Why some sectors such as defense and political affairs do not have a separate STC and which unit of the Commission would deal with public service;
- x) In view of the problems experienced with quorum for Ministerial meetings, it was proper that the Quorum be set at 50% plus one;
- xi) The justification for an STC on Gender and Women Empowerment.

47. In addressing the above issues, the Legal Counsel responded as follows:

- i) The Constitutive Act did not need to be amended as Article 14(2) made provision for restructuring of existing STCs and creation of new ones by the Assembly;
- ii) The Commission had considered that there was no need for another STC on political affairs and defense since the Executive Council and the Peace and Security Council provided policy direction on these matters;
- iii) That the Commission believes that the number of ministerial meetings organized in 2006 exceeded what would be required under the proposed configuration;
- iv) The STC on Gender and Women Empowerment was proposed on the basis of Assembly decision referred to in the report;

48. Thereafter the PRC made the following recommendations;

- i) Take note of the report;
- ii) Request that the Report be referred to the Executive Council with the observations made by the PRC for its consideration;
- iii) That the Report be sent to Member States for further consideration.

3. **Consideration of the Report on the Proposed amendments to the Rules of Procedure of the Assembly, the Executive Council, the PRC and the Statutes of the Commission – Doc. EX.CL/298 (X)**

49. In introducing the report, the Legal Counsel recalled that the Draft amendments to the Rules of procedure of the Assembly, the Executive Council and the Permanent Representatives' Committee (PRC) as well as the Statutes of the Commission were prepared at the request of the Executive Council. In addition, the

amendments sought to take on board subsequent decisions of the policy organs as well as developments impacting on the rules.

50. The Legal Counsel indicated that the amendments proposed would rectify the inherent contradictions in these Rules of Procedure and Statutes as well as facilitate their implementation.

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

- i. The proposed amendments reflected previous decisions and there was no need for in depth discussions;
- ii. In some few cases there was need to correct typographical errors and to tighten the language;

52. The meeting then decided to proceed to consider some specific articles.

53. On **Rule 5** relating to the venue of the sessions of the Assembly: clarification was sought on the phrase, "***unless a new offer is received and accepted by the Assembly***" and whether after due consultations was not a better formulation.

- It was explained that the procedure used to convene extraordinary sessions would apply and therefore the request for hosting a session of the Assembly would be circulated to Member States, who would be required to communicate their acceptance in writing.
- Therefore, the current formulation was stronger than mere consultations.

54. On **Rule 7** relating to the frequency of the meetings of the Assembly:

- it was indicated that the convening of two sessions a year had proved not to have the envisaged benefits principally because there was no clear division between the substance of the agenda items for the two sessions. Further that there might be need to carry out an audit of the working methods including implementation of the decisions of the Assembly to facilitate its review.
- Some delegations felt that the existing provision of "at least once a year" in relation to sessions of the Assembly should be maintained, as it was not in conflict with Assembly decision.
- Other delegations expressed the view that Rule 7 should be aligned to Decision Assembly/AU/Dec.63 (IV) relating to two Summits, as it called for consequential changes to the Rules.
- It was also observed that there was a provision in the Constitutive Act that needs to be taken into account.

- It was further observed that the spirit of the 2004 Decision of the Assembly to hold two sessions a year was taken with a view to one of the sessions being for mid-term evaluation.

Recommendation: In the end, the PRC agreed that Rule 7 should be amended in line with decision Assembly/AU/Dec.63 (IV);

55. Rule 16(2) relating to the Chairmanship of the Executive Council, where Council accepts an invitation from a Member State: delegations were of the view that the current Chairperson of the Executive Council should preside over all the sessions including the opening and closing sessions, as is currently the practice.

56. Rules relating to the elections of the Members of the Commission: a delegation enquired on the status of amendments to the Rules that may be necessitated by adoption of the modalities for election of the Members of the Commission by virtue of Decision EX.CL/Dec. 28 (IX) adopted by the Executive Council in Banjul, The Gambia in July 2004.

It was clarified that such amendments once adopted would be reflected in the amended Rules.

57. On Rule 8 relating to the Agenda for Ordinary Sessions, clarity was sought on why items proposed by Member States needed to be submitted to the Executive Council or PRC when a Member State concerned had indicated that the item be submitted to the Assembly or the Executive Council, respectively.

- It was explained that, even though there was no specific decision, this was being done routinely since the Assembly and the Executive Council had advised that items going directly to the Assembly risked not being considered.
- **Recommendation:** In the end, the PRC agreed to the formulation that the item would be considered by the Assembly **together with** the recommendations of the Executive Council, if any. This proviso would be applied *mutatis mutandis* to Council and the PRC.

58. On Rule 14 relating to the Working languages of the Union: a delegation sought clarification on the amendment proposed with regard to the introduction of African Languages.

59. The need to have a distinction, throughout the Rules, between the Chairperson of the Assembly and the Chairperson of the Commission to avoid confusion.

It was explained that the term “Chairperson” for both the Commission and the Assembly had been discussed at length during the adoption of the Constitutive Act. However, the Policy Organs decided to retain the same term. As Such, any amendment at this stage would entail amendment to the Constitutive Act, which was not advisable at this stage.

60. At the end of the debate, the PRC decided to recommend the Rules to the Executive Council for its consideration;

V. POLITICAL MATTERS

1. **Consideration of the Report on the Situation of Refugees, Returnees and Internally Displaced Persons in Africa – Doc. EX.CL/299 (X)**

61. The Commissioner for Political Affairs presented the Report on the Situation of Refugees, Returnees and Internally Displaced Persons for consideration. She stated that the report gives a comprehensive account by region, of recent and ongoing developments within the Continent, on areas of forced displacement. She then highlighted areas of specific concern to the African Union, particularly the need to secure the Sudanese refugee camps in Chad, the deteriorating security situation along the Chad/Sudan border areas, the Central African Republic, Somalia, and the escalating occurrence and level of natural disasters on the Continent.

62. The Commissioner further commented on the programme of the PRC Sub-Committee on Refugees, Returnees and Internally Displaced Persons (IDPs), the AU Commission, and its implementing partners, in addressing the plight of victims of forced displacement and in finding durable solutions for Member States. This collaboration of efforts was made through missions, meetings, and in the implementation of various decisions of the AU Executive Council and Summits. She ended her presentation by elaborating the way forward for Member States and the AU Commission, with particular emphasis on: the recent developments in Somalia; the gap in responding to the assistance and protection needs of internally displaced populations on the Continent; donor fatigue; and the issue of security in refugee camps.

63. The Commissioner's presentation was complimented by the outgoing Chairperson of the Bureau of the PRC Sub-Committee on Refugees, Returnees and Internally Displaced Persons. He detailed the activities of the PRC Sub-Committee on Refugees that included the missions undertaken to Chad and Algeria, and the financial donations made towards assisting Member States; participation in various meetings and conferences; as well as the collaborative efforts with AU partners in addressing the needs of victims of forced displacement. He called on the international community to provide aid to post-conflict countries grappling with the problems of refugees and internal displacement of their nationals. He concluded by thanking the AU partners for their continued support of the PRC Sub-Committee on Refugees in accomplishing its mandate.

64. In the discussions that ensued, the PRC Committee commended the Commissioner for Political Affairs and the AU Commission on the comprehensive report that was presented to them; and the outgoing Chair of the Bureau of the PRC Sub-Committee on Refugees, Returnees and Internally Displaced Persons for his commitment and guidance during his tenure.

65. Having reviewed the document, the Committee requested the Commission to harmonize it in the different languages. It further asked that in the future the Report

should be dynamic, analytic and tabular in nature, reflecting the changes and comparisons of refugee flows on the Continent.

66. The Committee then stressed the importance of early warning in the different regions in order to address the root causes of forced displacement and instability, as well as post-conflict reconstruction so as to prevent the recurrence of the problem of displacement. In this regard, a number of delegations urged the international community to support programs of repatriation, resettlement and rehabilitation. The Committee further stressed that the Commission should take into account the magnitude of the humanitarian situation in Member States affected by the problem of forced displacement and develop criteria for granting financial contributions. They further requested the United Nations High Commissioner for Refugees (UNHCR) to restructure its programs in accordance with the needs of post-conflict development. Concerning the missions undertaken by the PRC Sub-Committee on Refugees, the grave humanitarian situation in refugee camps was cause for concern, as was recently witnessed in Algeria and Chad. The situation of Sahrawi Refugees in Tindouf Camps in Algeria was underscored, in particular the diminishing food rations from the World Food Programme (WFP), which is compounded by the harsh climatic conditions that causes the refugees to be solely dependent on international assistance. Consequently, the Commission was therefore requested as a matter of urgency to take action on the recommendations that emanated from the mission to Algeria. With regard to the security of Sudanese refugee camps in Eastern Chad, it was proposed that the Commission's report on the Situation of Refugees, Returnees and Displaced Persons in Africa, refer to the AU Peace and Security Decision PSC/MIN/Comm(LXIII) adopted at its Sixty-third Meeting in New York, on 20th September 2006 requesting the deployment of an international civilian force to provide protection and security in the camps.

67. On the question of legal instruments on issues of forced displacement, the Committee pointed out the lack of a comprehensive international legal document on the protection and assistance of IDPs. To that end, it emphasized the importance of accelerating the finalization of the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa. It therefore urged Member States to give support to the Commission for its realization and ratification. With regards to the 1951 United Nations Convention on Refugees, the Committee expressed the need for expansion of its mandate to include other forms of forced displacement.

68. The Committee finally discussed the importance of preparations for the Special Summit on Refugees, Returnees and Internally Displaced Persons scheduled to take place in 2008, and thereby requested that the Commission keep abreast on ensuring the success of the Summit. The PRC recommended that improvement be made on the format of the Report, particularly, on its analytic content.

69. After clarifications and comments on the report from the Commissioner for Political Affairs, the Committee took note of it.

2. **Consideration of the Report of the Meeting of Governmental Experts on Early Warning – Doc. EX.CL/300 (X)**

70. The above Report was presented by the Commissioner for Peace and Security who placed the meeting in its context. In this regard, he recalled the relevant provisions of the Protocol relating to the establishment of the Peace and Security Council, adding that in pursuance to the decisions adopted by the Assembly of the Union in Maputo, in July 2003, the Commission had, in July 2005, developed a draft Road Map for the operationalisation of the Continental Early Warning System (CEWS).

71. It is against this background that the Commission organized the Meeting of Governmental Experts on Early Warning and Conflict Prevention at Kempton Park, South Africa, from 17 to 19 December 2006. The main objective of the meeting was to agree on the key measures that need to be taken to operationalise the Continental Early Warning System and adopt a Road Map to this effect. The meeting adopted the Framework for the Operationalisation of the Continental Early Warning System covering the following elements: collection and analysis of data and indicators module; early action and interaction with policy makers; coordination and collaboration with regional mechanisms, the United Nations and specialized agencies as well as other stakeholders. The meeting urged the African Union Commission and the Regional Economic Communities (RECs) in close collaboration with the stakeholders, to take all appropriate measures to ensure that the Continental Early Warning System becomes fully operational not later than 2009.

72. During the ensuing debate, the speakers expressed satisfaction at the meeting and commended the Commission for having taken the initiative, and South Africa for hosting the meeting and creating enabling conditions for its success. The speakers also welcomed the Framework for Operationalisation of the Continental Early Warning System and the calendar established for this purpose.

73. The speakers also underscored the need to enhance the capacities of the regional mechanisms to enable them to play the role expected of them in the establishment and functioning of the Continental Early Warning System. They further stated that the real test for the Continental Early Warning System would be its capacity not only to come up with timely analysis but also to generate effective responses; hence the importance of interaction with policy makers. They emphasized that sensitive information should be treated with the level of confidentiality it deserves. The issue of financing implementation of the framework was also raised. Lastly, the speakers wanted to know what measures had been taken to establish the Panel of the Wise which has a vital role to play in conflict prevention.

74. In reply, the Commissioner of Peace and Security underscored the pertinence of the observations made and provided the necessary clarifications. With special reference to the Panel of the Wise, he informed the meeting that the Commission would submit to the Assembly during its Addis Ababa session the list of personalities selected for appointment as members of the Panel.

75. In conclusion, the PRC decided to recommend the Framework for Operationalisation of the Continental Early Warning System to the Executive Council for adoption.

3. **Consideration of the Report on the Implementation of Decision EX.CL/Dec.288 (IX) on the African Charter on Democracy, Elections and Governance – Doc. EX.CL/301 (X)**

76. This report was presented by the Legal Counsel who first and foremost outlined the various stages that marked the elaboration of the draft African Charter on Democracy, Elections and Governance, particularly the two meetings of Ministers responsible for issues of democracy and good governance that were respectively held in Addis Ababa, Ethiopia in April 2006 and in Brazzaville, Republic of Congo in June 2006.

77. The Legal Counsel also recalled the discussions on the Draft Charter that were held at the 9th Ordinary Session of the Executive Council in Banjul, The Gambia, in June 2006, culminating in the adoption of Decision EX.CL/288 (IX) according to which the Council “requested the Commission to review the legal form of the Draft Charter including the content of Article 25 (5) in the light of the comments and observations made on that Article and resubmit it to the next session of the Executive Council for consideration and approval”.

78. The Legal Counsel then made a presentation of the draft while underscoring the modifications made by the meeting of eminent experts convened by the Commission in pursuance of the implementation of the above-mentioned Decision. In this respect, he underscored the fact that changes made by the experts mainly related to the legal form and did not concern substantive issues.

79. Following the presentation, all the delegations who took the floor commended the Commission for the excellent work done in rewriting the Draft Charter. Several delegations acknowledged the fact that the revision of the text by the experts affected neither the political balance nor the spirit of consensus reached during the lengthy discussions at the Ministerial level in the elaboration process of the draft. They underscored the importance of the Charter and expressed the hope that the document would be adopted by the forthcoming Session of the Assembly of Heads of State and Government. Some delegations were of the view that the legal experts had, exceeded their mandate by introducing new elements that affected the Content of the Draft. They therefore recommended that the matter should be referred for review by a meeting of Inter-Governmental Experts. Lastly, during discussions, proposals were made for the rewriting of some articles.

80. At the end of discussions, the PRC decided to submit the Draft Charter to the Executive Committee for consideration.

VI. ECONOMIC, SOCIAL AND CULTURAL MATTERS

1. Consideration of the Report of the Second Pan-African Private Sector Forum – Doc. EX.CL/302 (X)

81. In introduction to this Report, the Commission indicated that the private sector was at the centre of economic activity, especially in the context of a globalised economy and that the Second Forum was held in pursuance of the Abuja Decision institutionalizing the Forum to be held once a year. It was held in Cairo, Egypt, from 28 to 30 November 2006.

82. Before enumerating the specific objectives of the Second Forum, the Commission recalled that the general objective of the Pan-African Private Sector Forum is to make its contribution, each time, to the general theme of the AU Assembly. It was in this respect that the Forum was involved in the discussions on rationalization of RECs at the Banjul Assembly in June/July 2006.

83. The Commission then enumerated the objectives of the Forum and submitted for consideration the report of the Forum, including among other recommendations, a matrix for a plan of action.

84. Following the discussions, the PRC made the following observations and recommendations:

- (i) The Chambers of Commerce owe an obligation to help the private sector play its role effectively. In this regard, they should promote organized and effective dialogue with the private sector and would stand to benefit from the experience of Member States like Egypt.
- (ii) In view of the important role of the private sector in the development process, the Commission should prepare recommendations in operational terms as concrete measures and which indeed take into account the specific economic situation of each Member State.
- (iii) The Report on the Private Sector Forum should principally be addressed to the relevant sectoral Ministerial meetings rather than to the Executive Council.
- (iv) The Commission should put a system in place through which the Pan-African private sector is regularly informed of the African market situation.
- (v) The Commission should clearly define the areas of competence of the private sector on the one hand and those the public sector on the other hand, and formulate recommendations to Member States in this respect. This role-differentiation will facilitate the exploitation of the Report by the competent Ministers.
- (vi) The Commission should envisage a reflection on the African private sector vis-à-vis multinationals.

- (vii) The Report does not mention the issue of the privatisation of public services in Africa. The PRC wanted to know if this omission was deliberate or not, and the Commission gave an explanation.

85. The PRC took note of the Report as amended and recommended it for consideration by the Executive Council with special emphasis on recommendation (iii) above.

2. Consideration of the Report of the First African Congress of Scientists and Policy Makers – Doc. EX.CL/303 (X)

86. The Report of the First African Union Congress of Scientists and Policymakers which was held from 27 to 29 October, 2006, at Alexandria, Egypt, was introduced by the Commissioner for Human Resources, Science and Technology. She pointed out that the AU Commission had convened the Congress for scientists in Africa and the Diaspora with the policymakers from the Member States, given that one of the themes of the forthcoming 8th AU Summit would be Science, Technology and Scientific Research.

87. According to the Commissioner, the main objectives of the Congress were:

- (i) to provide a platform for dialogue between Science and Technology partners and policymakers in the development of Science and Technology on the continent;
- (ii) to create a common platform for focused discussion on factors affecting the development of Science and Technology in Africa; and
- (iii) to make recommendations on the above-mentioned issues and get endorsement from the African Ministers responsible for Science and Technology and, ultimately, from the AU Assembly.

88. The Commissioner then informed the PRC about the recommendations that the Congress had made. The suggestion was made by some delegations that the Report and the recommendations contained therein should be submitted to the Conference of Ministers of the relevant sector. However other delegations pointed out that since the outcome of the meeting had already been forwarded to the Conference of Ministers of Science and incorporated in their Report, it would not be necessary to forward it to the same Ministers again.

89. The Chairman then ruled that the Report of the Congress could be attached as an addendum to the Report of the Conference of Ministers of Science and Technology which was due to be submitted to the forthcoming Session of the Executive Council.

3. Consideration of the “Task Force” Report on the Strategic partnership between Africa and the emerging countries of the South (China, India and South America–Brazil– Doc. EX.CL/304 (X)

90. Introducing the above report, the Commissioner for Trade and Industry recalled that, at the Khartoum Assembly, the Heads of State had asked the

Commission to evaluate the partnership relations with traditional partners and to brainstorm on how best to diversify the partnerships especially with the emerging countries. The Commission complied, in the first instance, by defining the strategic framework for partnership with the emerging countries of the South and, then, by evaluating the partnership with the traditional partners. The Commissioner further stated that, to carry out these measures, the Chairperson of the Commission set up a high level Task Force composed of eminent African experts from both the public and private sectors, the academia, African economic research institutes and from the United Nations Agencies which met from 11 to 13 September 2006. The Republic of South Africa sponsored the meeting.

91. The Commissioner further informed the meeting that, following intense discussions on how to achieve a win-win partnership anchored on Africa's human resources development, the experts came up with recommendations as reflected in the document under consideration. She added that these recommendations had guided the deliberations on partnership during the Africa-South America Summit and influenced the Plan of Action with China. These same recommendations would also guide the formulation of the Plan of Action with India.

92. The Commissioner informed the PRC that the experts underscored the need to put in place a mechanism to evaluate this strategic partnership because, in this era of globalisation, it was vital to assess the advantages that Africa will reap from these partnerships. She further informed the PRC that apart from the joint evaluation mechanism incorporated into the Action Plans with the partners, Africa itself should evaluate its own relation with all the regions of the world. The Commissioner proposed, in this regard, that Africa should undertake such evaluation every five years, involving all players in this partnership, namely: public-private bodies, the civil society, the academia and research institutes. This Task Force is to prepare a report for the attention of the Assembly of the Union every five years. Similar evaluation should be carried out every two years for bilateral partnerships.

93. The Commissioner called for implementation of the expert's recommendations for the creation of an evaluation mechanism for Africa's partnership with the rest of the world, at the geo-political level. She also called for the involvement in this evaluation mechanism of the African Groups in major capitals such as Brussels, Paris, Washington, London, New Delhi, Beijing, Tokyo and others etc.

94. In conclusion, she recalled that the Ministers of Trade had received the Report on the China-Africa Partnership together with elements of a possible partnership. The Executive Council could therefore be seized of this issue.

95. In their interventions, delegations commended the important initiative which consisted in evaluating Africa's partnerships with the rest of the world and thanked the Commission for this reflection. Some delegations were of the opinion that, for procedural reasons, it would be appropriate that the document be considered by the PRC Sub-Committee on multilateral issues and subsequently by the PRC before being transmitted to the Executive Council. Other delegations felt that the implementation of the conclusions of the meeting of the Task Force was already underway since they had facilitated the preparation of the Africa-South America Summit, as well as exchanges with China, and was therefore equivalent to a

consideration at inter-governmental level. They emphasized the importance of the contents of the document presented, considering the other partnerships envisaged such as Africa-Asia and Africa-India, and requested that it be considered by the Executive Council with a view to providing guidelines including a more proactive stance on the part of the AU.

96. The PRC requested that work be pursued on the elaboration of a document on a Framework for Cooperation and the definition of a stable evaluation mechanism, which would take Africa's priorities into consideration. The PRC expressed the hope that the exercise would be extended to other partners.

97. It was also proposed that emphasis be placed on the development of the agricultural sector because African countries depend on this sector, not only for consumption and self-sufficiency, but also as a means of alleviating poverty.

98. A clarification was sought on the introduction of the issue of the African Mineral/ Commodity Exchange in the document.

99. Responding to the concerns of the PRC, the Commissioner stressed that in its reflections, the Task Force considered the modernization of agriculture through the establishment of industrial units for the supply of agricultural inputs with a view to boosting production and reducing poverty. She added that the Task Force also revealed that Africa had immense potential to build intermediate industries.

100. Concerning the link between the deliberations of the Task Force and the African Minerals/Commodity Exchange, the Commissioner explained that this issue emerged during discussions on exchanges of know-how and that indeed, Indian expertise could help Africa to develop its commodity exchanges. She concluded by assuring the PRC that the Commission had taken due note of all the proposals made, including the need to further develop the Framework Document on Strategic Partnership.

101. At the end of this intervention, the PRC decided to transmit the document for the consideration of the Executive Council, which would give it the necessary orientation to consolidate the work of the PRC Sub-Committee on Multilateral Cooperation.

4. **Consideration of the Reports on the Implementation of the AU Solemn Declaration on Gender Equality in Africa (SDGEA) – Doc. EX.CL/306 (X)**

102. In presenting the two reports, the Commission gave a brief history behind the *Solemn Declaration on Gender Equality in Africa*. In particular, the Commission highlighted two obligations therein, namely: Paragraph 13 in which the Chairperson of the Commission is obliged to submit an annual report for the consideration of the Heads of State and Government on measures taken to implement the principle of gender equality and gender mainstreaming; and in paragraph 12 in which the Heads of State and Government committed themselves to report annually on their progress in gender mainstreaming in their various countries.

103. The Commission noted that that it was in this regard that the 1st AU Conference of Ministers Responsible for Women's Affairs and Gender was held in Dakar, Senegal in October 2005, where the Ministers adopted two documents that would facilitate the implementation of the Solemn Declaration namely, the *Implementation Framework* and the *Guidelines for Reporting on the Solemn Declaration on Gender Equality in Africa*.

104. It was recalled that after several requests, only nine (9) Member States submitted their reports on time for the consideration of this Session of Council and Summit, namely: Algeria, Burundi, Ethiopia, Lesotho, Namibia, Mauritius, Senegal, South Africa and Tunisia. The meeting was informed that civil society organizations were having their 9th Pre-Summit meeting in Addis Ababa and also producing their own Shadow Report in their *Gender is My Agenda Campaign* based on the various components of the Solemn Declaration, under the coordination of Femme Africa Solidarité.

105. In conclusion the Commission called on the Executive Council:

- To adopt the two reports on the Implementation of the Solemn Declaration on Gender Equality in Africa (SDGEA), for onward transmission to the Heads of States and Government for their information;
- To appeal to Member States that are yet to submit their baseline reports to urgently submit these reports, for the Commission to have a base upon which to build progress made;

106. Following the presentation, PRC congratulated the Commission on the Report. Some clarifications were sought and some amendments proposed to the Reports submitted by Member States. The PRC recommended that Council urge Member States that have not done so, to urgently submit their base reports to the Commission.

107. At the end of the debate, the PRC adopted the reports and recommended that it be transmitted to the Summit, for information.

5. **Consideration of the Report of the 2nd Conference of Intellectuals from Africa and the Diaspora (CIAD) – Doc. EX.CL/307 (X)**

108. The Commissioner for Social Affairs presented this agenda item in her capacity as the coordinator of the Conference, which took place in the City of Savador, Bahia, Brazil, on 12-14 July 2006. She drew attention to the fact that her presentation was merely aimed at providing a preliminary reporting on the proceedings of the Conference, as a comprehensive report was being finalised and would soon be published for distribution to Member States in due course.

109. In the ensuing debate, delegations observed that the current presentation by the Commission did not adequately reflect the substance of the Conference in terms of its themes, significance, expected outcomes and recommendations. In view of this, the PRC decided to defer consideration of this matter pending the submission of a detailed report that contains the thematic areas, substantive issues raised at the conference, its recommendations and Declarations. In addition, the Commission was

requested to undertake an overall analysis of the usefulness and profitability of the Conference.

VII. CONSIDERATION OF THE DRAFT AGENDA ITEMS OF THE 10TH ORDINARY SESSION OF THE EXECUTIVE COUNCIL

PART A: PROPOSED ITEMS FOR ADOPTION WITHOUT DISCUSSIONS (in conformity with the provisions of Rule 9 (3) of the Rules of Procedure of the Executive Council)

Consideration of the Reports on Ministerial Conferences:

1. Report of the 2nd Session of the African Union Conference of Ministers of Economy and Finance (CAMEF II) – Doc. EX.CL/308 (X)

110. The Report of the Second Session of the African Union Conference of Ministers of Economy and Finance (CAMEF II), (reference EX. CL/308 (X)), was introduced by the Commission. The Commission indicated that the Ministers had made a number of important recommendations on the issues they had discussed. Among these recommendations, the following were the most important: (i) the choice of Cameroon as the host of the African Monetary Fund on the recommendation of the Economic Community of Central African States (ECCAS); (ii) formulation of an African Charter on Statistics in collaboration with ECA and ADB to elaborate an African Charter on Statistics for submission to Council.

111. In the discussion that ensued, some delegations were of the view that since the item under consideration was among those that were supposed to be considered without discussion by the PRC, in preparing the draft agenda of the forthcoming Executive Council, there was no need for the PRC to have an in-depth discussion of the Report.

112. Other delegations, however raised issues pertaining to the Report. In that regard, it was stated that while the PRC might on the one hand consider recommending to the Executive Council that it adopt the Report without discussion, it might on the other hand recommend that the Ministers pronounce themselves on some of the decisions adopted by the Ministers for Economy and Finance, especially those that would have financial implications. It was stated that the Executive Council might wish to consider the issue regarding the establishment of the financial institutions of the African Union.

113. It was also pointed out that Conferences involving the same African Ministers of Economy and Finance were being organized under the respective auspices of the AU and ECA. It was therefore imperative for both the AU and ECA to organize joint meetings, in order to avoid duplication of efforts and to save resources. It was also important for the two organizations to work together in various target areas, including statistics, to ensure common results. Indeed, there was need for a permanent mechanism for co-ordination between the ECA and AU; and it was noted that use could be made of the ECA's vast experience in the field of economics and finance.

114. It was, however, recalled that it had already been decided that in the future, conferences of African Ministers responsible for economy and finance, would be jointly organized by the AU and ECA.

115. It was stressed, also, that given that the AU was leading the process of integration on the continent, the PRC should recommend to the Executive Council that the latter should decide that the AU should assume the political leadership in the context of the co-ordination between itself and the ECA in matters pertaining to economic affairs and finance.

116. It was observed that on the issue of alternative funding the PRC appeared to have more information than the Ministers of Economy and Finance. Proposals had already been made by President Wade and others on the subject. Accordingly, the matter, as important as it was, should be addressed at the appropriate time.

117. Reacting to issues raised in the debate, the Commission explained that although there was already an agreement between the ECA and AU to jointly organize conferences of Ministers of Economy and Finance, the first such Joint Ministerial Conference would not be held until 2008, pending the ECA's notification of its partners about that decision and securing of the agreement of the latter. In the meantime, the ECA and AU would continue to work together and exchange visits to coordinate their positions.

2. Report of the 17th Session of the African Union Conference of Ministers of Industry (CAMI) – Doc. EX.CL/309 (X)

118. Introducing the above report, the Commission informed the PRC that the Seventeenth Ordinary Session of the Conference of African Ministers of Industry (CAMI 17) was organized jointly by the African Union Commission, UNIDO and ECA in Cairo, Egypt, on 21 June 2006. The meeting brought together Member States and the various partners to take stock of the progress achieved in the area of Africa's industrialization and exchange views on how best to harmonize the industrial policies of Member States.

119. The Commission indicated that the objective of the Conference held once every two years was to accelerate Africa's industrial development, adding that the theme of the experts' meeting which preceded the Conference was: "Africa's Challenge to Global Trade".

120. One of the high points of the Conference was a video conference, with the participation of the Director General of WTO and presentations by eminent personalities on the themes: market access, compliance with international standards and capacity building for tapping Africa's resources.

121. The Commission pointed out that a Memorandum of Understanding had been signed between UNIDO and the Commission with a view to strengthening cooperation between the two institutions in some of the key areas of interest to Africa. A Ministerial Declaration crowned the deliberations of the Conference.

122. The PRC took note of the Report and decided to submit it to the Executive Council.

3. Report of the Extraordinary Session of the African Union Conference of Ministers of Trade – Doc. EX.CL/310 (X)

123. The Commission introduced this Report by indicating that the Extraordinary Session of the of the Conference of Ministers of Trade took place at the Commission Headquarters in Addis Ababa on 16 January 2007. Forty-four (44) Member States were in attendance as well as several sub-regional and regional organizations.

124. The Commission informed the PRC that the purpose of the Conference was, on the one hand, to evaluate the preparations towards the 6th AGOA Forum and UNCTAD XII which will take place in Accra, Ghana in 2007 and 2008, and on the other hand, to send a strong message to the international community in anticipation of the resumption of WTO negotiations and to the European Union with regard to Economic Partnership Agreement negotiations. To this end, two Declarations were adopted. The first, relating to WTO negotiations calls for an urgent resumption of negotiations on the development dimension of the Doha Round, and the second with regard to the EPAs calls on the EU to show greater flexibility and to pay more attention to the concerns of the African side.

125. The Commission concluded its presentation by informing the PRC that the next ordinary session of the Conference of Ministers of Trade will hold in Brazzaville, Republic of Congo.

126. The PRC commended the Commission for the quality of the Report and made the following observations:

- (i) With respect to EPA negotiations, the Report neither makes reference to alternative scenarios for the EPAs, nor the possibility for prolongation of the negotiations.
- (ii) The Report does not reflect all the discussions.
- (iii) The two Declarations were not annexed to the Arabic version of the Report.

127. The PRC took note of the Report a recommended it for consideration by the Executive Council.

4. Report of the 1st AU Meeting of Ministers responsible for Hydrocarbons (Oil and Gas) – Doc.EX.CL/311 (X)

128. In its presentation, the Commission recalled Assembly Decision (Assembly/AU/Dec.132 (VII) adopted in Banjul, The Gambia, in July 2006, on the proposal to establish, within the African Union (AU), an African Petroleum Fund (APF), to alleviate the impact of rising oil price on poor African States and to coordinate African oil policies. The Decision also called on the African Union Commission to devise a comprehensive strategy for cooperation and solidarity between oil and non-oil producing African countries.

129. To this end, the Commission convened the First Conference of AU Ministers Responsible for Hydrocarbons in Cairo, Egypt, from 11 to 14 December 2006, with the theme: Towards Sustainable African Oil Security through Cooperation and

Solidarity. The Conference was preceded by a meeting of Experts and its main objective was to adopt strategies to promote cooperation and solidarity between African oil and gas producing countries and non-oil producing African States.

130. The PRC was informed that Ministers considered the report of a study jointly carried out by the Commission and the African Development Bank (ADB) on the impact of high oil and natural gas prices on African economies, as well as the mechanism and operational modalities for the establishment of the APF.

131. The Commission informed the PRC that the major outcome of the Conference was the adoption of the Cairo Declaration on African Cooperation and Solidarity in the Area of Hydrocarbons and the Plan of Action annexed to the Declaration. Both documents set out strategic guidelines to alleviate the impact of high oil price on poor African countries, maximize the oil revenue of oil-producing States, upscale the quantity and upgrade the quality of African petroleum products.

132. The Conference also decided that the management of the resources of the African Petroleum Fund should be entrusted to the ADB, while it urged the Commission to elaborate a continental development policy for the hydrocarbons sector in order to rationalize the medium and long term utilization of resources for lasting oil security as an element of an African energy security policy.

133. The Ministers further committed themselves to working towards establishing regional group storage facilities to improve the storage and distribution of oil products in the non-oil producing countries, particularly in landlocked States, promoting the integration of regional gas and oil pipelines and refinery projects, as well as the joint exploration and utilization of cross-border oil deposits, and collaborating with the Conference of Ministers for Environment (AMCEN) to reduce the impact of exploration on the environment, as well as the Ministers of Trade on aspects relating to taxes on petroleum products.

134. In the discussions that followed, most delegations welcomed the report and expressed support for the proposals contained therein. Questions were however raised regarding the interpretation of the Banjul Assembly Decision on the African Petroleum Fund (APF) was argued that the Decision required the Conference to examine the modalities for the creation of an APF rather than create it.

135. The PRC also welcomed the offer by the Arab Republic of Egypt to establish a Liaison Office in the Ministry of Petroleum in Cairo to assist the Commission and Member States, without any financial implications for the Commission, in activities relating to the hydrocarbons sector, including implementation of the Plan of Action adopted at the Conference. It therefore requested the Commission to work out, in collaboration with Egypt, the modalities for the effectuation of the offer.

136. PRC underlined the fact that this meeting took place without a quorum as specified in the Rules of Procedure.

5. **Report of the 11th Session of the Conference of African Ministers of Environment (AMCEN II) – Doc. EX.CL/312 (X)**

137. The Commissioner for Rural Economy and Agriculture informed the PRC that the 11th Session of the Conference of African Ministers of Environment (AMCEN) was held in Brazzaville on 25 and 26 May 2006. She recalled that AMCEN is an autonomous organ created in 1985 and works with the Secretariat of the United Nations Environment Programme. Efforts are underway to institutionalise it pursuant to the Sirte Decision in this regard.

138. The Commissioner informed the PRC of the following points that were discussed by the Session:

- The relation between the Conference of African Ministers of Environment and the African Union;
- The implementation of NEPAD initiatives on the environment;
- The activities of AMCEN in Africa;
- The progress report on the Strategic Plan and Capacity Building launched by the President of The Gambia;
- The international management of chemical products; and
- The Status of the Special Fund for AMCEN.

139. The Commissioner also indicated that the Conference gave its support to the "Sahara Green Wall" initiative of the African Union, and that at the end of the deliberations, the Conference adopted a declaration.

140. Following a brief exchange of views on the issue, the PRC aired its concerns regarding the status of the various Conferences, particularly the Ministerial Conferences and their relations with the Specialised Technical Committees as defined in the Constitutive Act of the Union. For the PRC, given that AMCEN is currently a hybrid Conference, there was need to know whether it should be transformed into a Conference on the Environment or into a Specialised Technical Committee.

141. At the end of discussions, the PRC decided to submit the Report to the Executive Council.

6. **Report of the Joint Africa-EU Ministerial Conference on Migration and Development – Doc. EX.CL/313 (X)**

142. In this presentation, the Commission indicated that the Joint Africa-EU Ministerial Conference on Migration and Development was held in Tripoli, Libya, on 21-23 November 2006. A statement was made by the Leader which was used as reference material for the Conference. The Conference was held within the framework of the AU-EU Troika, and was preceded by two preparatory meetings in Brazzaville and Malta. The Conference, which was attended by AU and EU Member States and International Organizations and adopted a joint Africa-EU Declaration on Migration and Development with an appropriate follow up mechanism. It also adopted

the AU-EU Plan of Action on Trafficking in Human Beings especially Women and Children which had been developed jointly earlier on.

143. During the discussion, the delegations expressed their appreciation to the Commission for the success of the Conference and for the quality of the report. However, it was observed that Rwanda that was recognized in the report, as having given an opening statement at the conference, was not listed as a participating country. The Libyan delegation observed that the Libyan who chaired the opening ceremony was referred to, by error in the Report, as the Secretary of Migration rather than as Secretary of the People's General Committee for External Relations and International Cooperation . The Commission noted these observations and undertook to effect the necessary amendments. The same delegation also requested that the following paragraph should be included in the Report: " The Guide of the Great Jamahiriya Revolution received in audience the Ministers and the Heads of Delegation that participated in that Conference and delivered a key-note address on the issue of immigration, its causes and consequences, both positive and negative, as well as on how to overcome the problems raised, while at the same time emphasising the human aspects of the issue." The Conference in the end decided to adopt the address as a working document of the Conference.

144. In addition, it was noted that the outcome of the conference did not focus on the issue of remittances as it relates to highly skilled African professionals overseas. It was felt that remittances should be treated as distinct from overseas development assistance in conformity with the African common position on migration, and that the joint declaration should reflect the joint EU-AU matrix on migration.

145. The PRC decided to submit the Report to the Executive Council.

7. Report of the 2nd Extraordinary Session of the AU Conference of Ministers of Education (COMEDAF II) – Doc. EX.CL/314 (X)

146. The Report of the 2nd Extraordinary Session of the AU Conference of Ministers of Education (COMEDAF II) was introduced by Education (COMEDAF II), was introduced by the Commissioner for Human Resources, Science and Technology.

147. She explained that the second extra-ordinary session of the Conference of Ministers of Education of the African Union (COMEDAF II) was held at the Joaquim Chissano Conference Centre in Maputo, from 4th to 8th September 2006, preceded by the meeting of experts from 4 to 5 September 2006.

148. Recalling that the Second Decade of Education for Africa (2006-2015) was declared by the 6th ordinary session of the AU Summit, Commissioner Essayed said that the main objective of the meeting was to consider and adopt the draft Plan of Action for the Second Decade of Education for Africa, and endorse it for launching. The Ministers' meeting also discussed strategies for ensuring that the Second Decade of Education would be a success.

149. The Commissioner said that the Second extra-ordinary session of the COMEDAF II was particularly significant as it facilitated the launching of the Second Decade of Education at the same time as its Plan of Action, unlike the first decade which was launched two years before its Plan of action was developed. The same

meeting endorsed the establishment of a Steering Committee to oversee the implementation of the Plan of Action. The Steering Committee includes the Specialised Institution, IPED, as a pan-African Education Observatory to facilitate the development and management of integrated Educational Management Information Systems.

150. Finally, Commissioner mentioned that the Ministers endorsed the Maputo Declaration of COMEDAF II for presentation to the Eighth Assembly of Heads of State and Government of the AU. The declaration calls for, among other things, establishment of an African Education Fund, strengthening of the Education unit at the AU Commission, and expediting of formalisation of working relations with key partners institutions such as the Association of African Universities and the Association for the Development of Education in Africa.

151. In the discussions that followed, the Department was instructed to confirm which countries were actually present, remove most of the attachments to the report, and ensure that it conformed to set standards for reporting at the Commission.

152. In the debate that ensued, it was noted that only 25 Member States had been represented at the Conference and that accordingly it had been held without a quorum. The question that was, therefore, posed was whether the PRC could transmit the Report of the Conference to the Executive Council for adoption. One delegation was of the view that if the Executive Council adopted the Report it would appear to be substituting itself for the Ministers of Education. Indeed, the situation which would be created by adopting a report of a meeting which had no quorum would create a precedence and accordingly, it might be preferable not to submit the report to the Executive Council for the latter's consideration.

153. Other delegations, however, felt that the outcome of such a meeting without quorum could not be considered as legally valid. They called on the PRC to reflect on the status of meetings held without quorum.

154. In the same vein, the PRC could revisit the rule on the quorum and reduce it to a workable minimum.

8. Report of the Extraordinary Session of the AU Ministerial Conference of Science and Technology (AMCOST) – Doc. EX.CL/315 (X)

155. In presenting this Report, the Commission stated that the Report took into account all the pre-Summit activities, among them the High-level Panel on Biotechnology Strategy Report, which outlines the importance of biotechnology for Africa's socio-economic development and the need to integrate it with Biosafety concerns, the proposed establishment of an African Presidential Council on Science and Technology and an African Science and Innovation Facility; guidelines for establishing Centers of Excellence for the implementation of Africa's Science and Technology Consolidated Plan of Action; technology transfer and acquisition, the recommendations from the First African Union Congress for Scientists and Policymakers and the need to establish a Pan-African Intellectual Property Organization.

156. The Commission highlighted the following recommendations made by AMCOST to the Assembly of Heads of State and Government of the African Union:

- (i) Declare 2007 as the launching year of building constituencies and champions for science, technology and innovation in Africa;
- (ii) Promote Africa's Research and Development (R&D) and develop innovation strategies for wealth creation and economic development by allocating at least 1% of Gross Domestic Product (GDP) by 2010 as agreed by Khartoum Decision (EX. CL/Dec.254 (VIII));
- (iii) Approve the establishment of a Pan-African Intellectual Property Organization (PAIPO) and
- (iv) Support South-South cooperation in science, technology and innovation and enhance its role in international partnerships.

157. In the discussions that followed, the Department was instructed to re-format the report so that it conforms to specific AUC format.

9. **Report of the Extraordinary Session of the African Union Conference of Ministers of Health on Sexual and Reproductive Health in Africa – EX.CL/316 (X)**

158. The Commission explained that the Special Session was a culmination of a number of activities including the organisation of regional workshops on the subject and adoption of a Policy Framework on Sexual and Reproductive Health by Ministers of Health (2005). The Ministers then decided to hold a Special Session to develop an Action Plan for Operationalisation of the Policy Framework. The Special Session was duly held in Maputo, Mozambique in September 2006 and was participatory and action oriented. The Commission highlighted the thematic areas that were considered and which enriched the Action Plan (2007 – 2015) that was subsequently adopted. She noted that reproductive health is a cross-cutting issue which covers all the MDGs and is vital to the welfare of women and children. Unless reproductive health concerns are more effectively addressed, African women and children will remain vulnerable. The Commission concluded by submitting the document for noting and onward transmission to the Executive Council.

159. During the discussion that ensued, the Commission was commended for the quality of the Report. Some delegations expressed concern about the controversial issue of "Abortion" which is illegal in many countries. It was intimated that the Report of the Ministers was actually not adopted. However, it was explained that the Health Ministers had addressed the context of "unsafe abortion" through a widely participatory process; and that this context applied only in settings where national laws allow it. The PRC was reminded that it has no mandate to revise recommendations adopted by Expert/Sectoral Ministers. The PRC finally decided to note the Report and forward it to the Executive Council.

10. **Report of the 1st Pan-African Cultural Congress – Doc. EX.CL/317 (X)**

160. In presenting the report, the Commission informed the PRC that the 1st Pan-African Cultural Congress (PACC) of the African Union was held on 13-15 November 2006, in Addis Ababa, Ethiopia, with the theme, "Culture, Integration and African Renaissance". The objectives of the Congress were to foster exchange of views, ideas, and experiences in order to create a common understanding on the way forward in reviving African cultural values and making culture serve the larger cause of African renaissance. She also indicated that the mandate for the Congress arose from the 1st Session of Ministers of Culture held in Nairobi, Kenya, December 2005, and the 6th AU Summit in Khartoum, Sudan, January 2006.

161. The Commission stated that at the end of the three days of deliberations, the Congress issued a consensus statement calling on states and non-state actors to appreciate the views expressed at the forum on the renaissance of African identity, personality, philosophy, wisdom, creativity and innovativeness in order to move in solidarity towards the socio-economic advancement of Africa in the new millennium.

162. The Commission also informed the PRC that one of the key recommendations was that, in view of the significant role of PACC in the cultural renaissance of Africa, its Congresses should continue to be convened in intervals of three (3) years to revive the spirit of cultural festivals and the celebration of traditional African culture, together with the regular Ministerial sessions; while every 5th/10th anniversary of PACC should be marked with regional festivals similar to FESTAC. She observed that it was possible to institutionalize PACC as an important forum for the promotion of dialogue and common understanding on African culture and the role it is expected to play in shaping the new Africa, rooted in age-old values and its unique African identity. The Commissioner further reiterated that African culture has been providing and should continue to provide the material and spiritual foundation for the overall transformation of our continent.

163. The PRC commended the Commission for the report and after a fruitful debate recommended as follows:

- i. that in future, the Congress should emphasize the practical aspect of culture and de-emphasize the intellectual content or base. The PRC observed that there are too many cultural workshops and colloquium in Africa today, hence the urgent need for practical demonstration and renaissance of culture;
- iii. that the report should be submitted for adoption by the Executive Council.

PART B: ITEMS FOR DISCUSSION (in conformity with the provisions of Rules 9 (3) of the Rules of Procedure of the Executive Council) (For information)

164. All the items under Part B will be considered by the Executive Council and consequently, have not been considered by the PRC.

VIII. ANY OTHER BUSINESS

i) **Inclusion of an Item on the 2007 Budget by the Executive Council**

165. The PRC also requested that the item relating to consideration of the 2007 budget of the Union by the Executive Council should be placed on the Agenda of Council. The Commission explained that this item could also be discussed by Council in the context of the Report of the PRC as it is also presented there in detail.

ii) **Report of the Chairperson on the strengthening of the Commission**

166. A delegation sought clarification on the Report of the Chairperson of the Commission on the Strengthening of the Commission and the STCs when the PRC had also considered the Report on the STCs. The Commission informed the PRC that the Report of the Chairperson on the Commission and STCs was to be discussed at the Executive Council and that the discussions on the STCs at the PRC level could be taken into account during discussion at the Council. Some delegations proposed that that item should in fact be struck off from the agenda item because the PRC had not discussed it. The Commission explained that in terms of Rule 9 of the Rules of Procedure of the Executive Council, reports of the Commission and reports from other organs of the Union go directly to the Executive Council. This report emanates from the discussions of the Extraordinary Session of the Executive Council in November 2006 on Union Government and the Commission feels that it contains important proposals that would need to be discussed now, because if this opportunity is not taken it would mean that it would only be addressed in four years time, since a new Commission would be elected this year. The Commission emphasised that at the very least the Executive Council should be given the opportunity to look at the report.

iii) **Items proposed by Member States**

167. The Sierra Leone Delegation, whose country chairs the Committee of Ten at the level of Heads of State, indicated that it had already presented the report to the Assembly in Banjul, which was exhaustively discussed though no decision was taken. It was the view of Sierra Leone that it would not continue to submit reports on the subject without end and it had communicated this development to the Commission. The Commission informed the PRC that it received a request from Zambia on the subject, which was why it had to place it on the agenda item proposed by the Member States. The Commission also confirmed it received a Note Verbale from Sierra Leone explaining the position as indicated above.

iv) **Presentation by ECA**

168. The United Nations Economic Commission for Africa (UNECA) made a presentation to the PRC. In his statement, the ECA representative informed PRC that in keeping with the Assembly Decision requesting the ECA to intensify the partnership with the African Union, the Chairperson of the Commission and the United Nations Secretary General signed a Declaration on enhancing AU/UN

collaboration: framework for 10-year capacity-building programme for AU. He added that this Declaration covers areas such as Peace and Security, Human Rights, Post-Conflict Reconstruction, Economic Development and Integration, Capacity building and Regional Economic Communities.

169. He further informed the PRC that the United Nations had taken measures to revitalize the regional consultation mechanism which had now been broadened to include the African Union. The ECA is deploying efforts to strengthen its cooperation as articulated in a three-year Business Plan to up scale its support for the African Union.

170. Concluding, the ECA representative stressed that the African Union and the United Nations are committed to strengthening their collaboration for the benefit of Member States of the African Union.

171. The PRC thanked the ECA representative for his presentation, took note of it and recommended that it should be submitted to the Executive Council.

IX. ADOPTION OF THE PRC REPORT

172. The PRC adopted its Report after some amendments and decided to submit it for consideration to the Executive Council.

X. CLOSING SESSION

173. In his closing remarks, the Chairperson of the PRC expressed his appreciation to all members of the Committee for their availability especially on the controversial issue of the Budget and declared closed the Thirteenth Ordinary Session of the PRC.

AFRICAN UNION UNION AFRICAINE

African Union Common Repository

<http://archives.au.int>

Organs

Council of Ministers & Executive Council Collection

2007

Report Of The Thirteenth Ordinary Session Of The Permanent Representatives' Committee

African Union

African Union

<http://archives.au.int/handle/123456789/4500>

Downloaded from African Union Common Repository