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PERMANENT REPRESENTATIVES' COMMITTEE

Thirty-Fifth Ordinary Session

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REPORT

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

SECTION I: INTRODUCTION

1. The Thirty-Fifth Ordinary Session of the Permanent Representatives' Committee was held in Addis Ababa, Ethiopia, from 22 to 23 January 2018, chaired by Ambassador Fatoumata Kaba Sidibé, Permanent Representative of the Republic of Guinea to the African Union and Chairperson of the PRC.
2. As per the practice, an advance session of the PRC was held from 15 to 18 January 2018, to discuss agenda items.
3. The PRC recalled the need to respect the provisions of Decision Assembly/AU/Dec.582(XXV) adopted in June 2015 in Johannesburg, on the mandate of STCs, and Decision Assembly/AU/Dec.635(XXVIII) adopted in January 2017 on (a) streamlining the agenda of the Assembly, which should be limited to items concerning strategic issues, and (b) modalities for the inclusion on the agenda of the Assembly of items proposed by Member States, which should be in line with the theme of the year. Furthermore, the PRC maintained the principle of retaining on the different agendas items for which the reports were available and which had been submitted within the given deadline.
4. Consideration of the Programme of Events for the 30th Ordinary Session of the Assembly including the statutory meetings and parallel events resulted in the following recommendations:
 - i) A clear distinction should be made between statutory meetings and parallel events, the first having priority over the second;
 - ii) The number of parallel events should hence forth be reduced in order to avoid dispersal of energy and ensure greater focus on the main activities of the Assembly;
 - iii) The selection of parallel events by the Departments of the Commission should be done in consultation with the PRC Bureau, which has arbitration powers and is accountable to the PRC;
 - iv) The Technical departments of the Commission should submit to the PRC Bureau, through the Office of the Secretary General of the Commission, all the draft agendas of parallel events three months before the date of the Assembly;

- v) Based on the parallel events selected following joint analysis by the Commission and the PRC, the departments concerned may send invitations to potential participants.

5. The PRC also decided to postpone until after the January 2018 Summit, consideration of the Report of the 6th Joint Retreat between the PRC and the Commission on Working Methods, held in Cairo, Egypt, on 11 and 12 December 2017, with the following recommendations:

- i) The Report of the 6th Joint PRC-AU Commission Retreat on working Methods should include the recommendations of the Internal PRC Retreat held in Cairo on 10 December 2017;
- ii) The recommendations of the Working Group on the Implementation of the Recommendations of the Retreat, chaired by the Permanent Representative of Nigeria should be taken into account;
- iii) A date should be set after the January 2018 Summit for the Chair of the said Working Group to present the different stages envisaged for the implementation of the outcomes of the 6th Joint Retreat;
- iv) The mandate of the Working Group should be extended to enable it to report on its activities.

6. On 18th January 2018, the PRC received a joint briefing by the State Protocol of the Government of Ethiopia, the Director of Protocol and the Head of Security of the Commission on the logistics, protocol and security arrangements put in place to ensure the success of the upcoming 30th Ordinary Session of the Assembly. The Protocol Guide was circulated in advance to all Member States.

7. Subsequently, comments and observations were made and clarifications sought. The presenters responded and took note for follow-up action.

8. In conclusion, the PRC took note of the joint briefing.

a) OPENING CEREMONY

i) Statement by the Chairperson of the PRC

9. Ambassador Fatoumata Kaba Sidibé, Permanent Representative of the Republic of Guinea and Chairperson of the PRC, recalled the election of Guinea as Chair of the African Union (AU) for the year 2017 at the 28th Ordinary Session of the Assembly, as well as the geopolitical and geostrategic background to its tenure as the chair. She mentioned the guiding principles of its action, namely compliance with regulatory provisions and systematic collaboration with all the actors involved in the achievement

of the objectives of the African Union. She expressed satisfaction at the excellent quality of the collaboration and her profound gratitude.

10. In line with the spirit of collaboration, she reviewed the outcomes of her tenure, which was the result of teamwork driven by the pursuit of institutional objectives through the effective implementation of the decisions of the policy organs. She underscored the essential role of the PRC in the functioning of the AU Commission and highlighted joint efforts that resulted in the creation of an enabling environment for the deployment of the new dynamics instilled by the institutional reform.

11. In particular, she commended the commitment and dedication of the Chairperson of the AU Commission for his efforts in the quest for peace on the Continent and for cooperation with international organizations and partners. She mentioned the central role of strategic partnerships, describing the activities carried out in that context towards affirming Africa's positions. In conclusion, she said that the PRC had the opportunity to recall the role it should play in the institutional reform process. After listing the different items on the Agenda, she invited her peers to work quickly in view of the time constraints.

12. Before opening the session, she congratulated, on behalf of the PRC and herself, Ambassador Cherif Mahamat Zene, former Permanent Representative of Chad, who had recently been appointed to the prestigious position of Minister of Foreign Affairs of the Republic of Chad.

ii) Statement by the Chairperson of the Commission

13. Firstly, Mr. Moussa Faki Mahamat, Chairperson of the Commission, highlighted the importance of the current Session of the PRC, whose deliberations work prepared the sessions of the policy organs responsible for assessing the progress of the Continent towards the achievement of the AU objectives over the last six months. In the PRC's preparatory work, the support of the Commission was required. The Chairperson then warmly welcomed the new members of the PRC, as well as the Heads of the other Organs of the Union and the delegates of Member States. He expressed his gratitude to the Government of Ethiopia for the measures taken to ensure the smooth conduct of the Summit meetings. After extending his wishes for the New Year 2018, he stressed the need to join forces to work resolutely, based on a clear vision, in the interest of the Continent.

14. He welcomed the constant collaboration between the Commission and its Executive and reiterated that the realization of the institutional objectives of the AU required perfect collaboration between the PRC and the Commission. It was in order to give substance and vitality to this collaboration that the measures spelt out at the Cairo Retreat on Working Methods between the PRC and the Commission would come into force from February 2018. However some measures for the effective rationalization of the Commission's internal work were already in place. In spite of the heavy agenda, which was a reflection of the diversity of issues for which solutions were expected, the

Chairperson pointed out the difficulty in making significant choices in line with the priorities. Moreover, some of the priorities, recapitulated in the agenda, emerged due to the ideals of Pan-Africanism and current issues, namely, economic integration, free movement of persons and goods, as well as the forthcoming establishment of the Continental Free Trade Area and the Single Air Transport Market in Africa. Since the projects were being developed in a context characterized by the upsurge in nationalism and undermining of multilateralism, the Chairperson stressed that the only way for Africa to succeed was by pooling efforts. He urged all Member States to adopt that approach.

15. Touching on other agenda items, the Chairperson expressed the hope that their consideration by the PRC would serve as benchmarks for the achievement of the Union's objectives. Indeed, it is on the basis of the results achieved that the action of the AU will be judged and that the sacrifices made by those contributing to financing of the Union will have meaning.

16. Going back to the theme of the year 2017 devoted to the youth, the Chairperson expressed satisfaction at the progress made without concealing the difficulties to be addressed in order to truly really consider the youth as a force of the future. Spelling out the theme of 2018 devoted to fighting corruption, he described the adverse effects of corruption and its negative impact on the functioning of our countries. In that respect, he called on Member States to move beyond mere denouncing rhetoric towards a pragmatic approach with concrete results. The Commission would take up the challenge with the conviction that the prime responsibility for combatting corruption lies with Member States. The task is facilitated by the existence of a roadmap and an AU Declaration on Combatting Corruption and related scourges such as illicit financial flows.

17. In conclusion, the Chairperson spoke of the institutional reform of the AU, underscoring its importance and recalled that it carried great expectations because it was perceived as the instrument through which Africa could finally control its destiny, extricate itself from the rut of dependence, and strengthen the faith of Africans in the effectiveness of the AU. Although the Heads of State and Government were aware of its importance, the Chairperson urged Members of the PRC, staff of the Commission and all the active forces of the Continent to work towards the success of the institutional reform. The completion of the collective task would go down in the history of Africa.

b) Attendance

18. The following Member States were in attendance: Algeria, Angola, Bénin, Botswana, Burkina Faso, Burundi, Cameroun, Chad, The Comoros, Congo, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Guinea, Guinea Bissau, Equatorial Guinea, Eritrea, Ethiopia, Gabon, The Gambia, Ghana, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sahrawi Arab Democratic Republic, Central African

Republic, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, The Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe.

SECTION II: ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

a) ADOPTION OF THE AGENDA

19. The PRC adopted its draft Agenda.

b) ORGANISATION OF WORK

20. The PRC adopted the following working hours:

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

SECTION III: REPORTS ON THE ACTIVITIES OF THE PERMANENT REPRESENTATIVES' COMMITTEE (PRC):

Consideration the Reports of the PRC Sub-Committees

(i) Report of the Sub-Committee on Multilateral Cooperation – Doc. EX.CL/1073(XXXII)i

21. The report was presented by the Permanent Representative of the Republic of Djibouti and Chair of the Subcommittee on Multilateral Cooperation.

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

- i) Mozambique and Côte d'Ivoire were congratulated for successfully organizing the TICAD 2017 Ministerial Meeting and the 4th AU-EU Summit respectively;
- ii) The report did not adequately capture the positive impact of the 4th AU-EU Summit held in Abidjan, which had strongly stigmatized the smuggling of migrants in Libya and the ill-treatment inflicted on them;
- iii) The report was silent on the deplorable situation at the TICAD 2017 ministerial meeting held in Maputo, Mozambique;
- iv) The Commission should explain why it has not yet made public a communiqué on the Maputo incident as requested by the PRC;

- v) The PRC expressed support for the proposal to hold the Africa-Turkey Ministerial Meeting from 11 to 12 February 2018 in Istanbul, Turkey;
- vi) The modalities for participation in the ministerial meeting must be specified that is, whether it would be based on the Banjul Formula or on the Assembly Decision/AU/Dec. 635 (XXIX) establishing the Troika to represent the entire continent;
- vii) It was agreed during the meeting of the Subcommittee that the evaluation of the strategic partnership, which was on the agenda of the retreat held in Cairo, Egypt should not be mentioned in the report since it had to be first discussed and adopted by the PRC;
- viii) Paragraphs 6, 7 and 8 of the report should be deleted;
- ix) The delegation of Burkina Faso confirmed the withdrawal of its offer to host the Africa-Japan Private Sector Forum;
- x) The working group established by the extraordinary session of the Executive Council held on 16 October, 2017 in Addis Ababa, to prepare the Common African position as on post-2020 ACP was still not operational;
- xi) The attention of the Executive Council should be drawn to the delay in the implementation of a decision on such an important and urgent issue, since the Caribbean, the Pacific and the European Union had already prepared their respective common positions;
- xii) The joint priority projects agreed upon at the 5th AU-EU Summit in Abidjan, Côte d'Ivoire should be finalized;
- xiii) Apply the same nomenclature for all partnerships by calling them "African Union-Continent/country concerned Partnership";
- xiv) Recommended the implementation of the Decisions on the strengthening of the staff of the Partnership Management and Coordination Division;
- xv) Some delegations were of the view that the Banjul Formula should continue to be used for partnership participation;
- xvi) The delegation of Morocco noted the need to align and ensure the finalization of the strategic evaluation, taking into account the reform process;
- xvii) The African Union should clarify the modalities of its participation at the partnership meetings in accordance with the relevant decisions of the policy organs.

23. The Chair of the Subcommittee on Multilateral Cooperation provided the following clarifications:

- i) As a result of time constraint the Working Group tasked to prepare the draft Common African Position on post-2020 ACP could not meet;
- ii) However, in early February 2018, the Permanent Delegation of the AU in Brussels would be brought in to help the Group to draw up the draft African Common Position, an involvement which was all the more necessary as the African Ambassadors Group in Brussels had already submitted a draft proposal for consideration by the Subcommittee;
- iii) A timetable would be prepared and the Working Group would submit its report in May 2018.

Recommendations

24. The PRC:

- (i) Took note of the report of the Sub-Committee;
- (ii) Congratulated the Chair of the Sub-Committee on the quality of the report;
- (iii) Commended Mozambique for the successful organization of the TICAD 2017 Ministerial Conference held in Maputo;
- (iv) Also commended the Government of Côte d'Ivoire under the leadership of President Alassane Ouattara for the successful organization of the 5th AU-EU Summit held in Abidjan;
- (v) Directed that the Commission, in collaboration with the PRC, should work with the EU in order to finalize the joint priority projects of the 5th AU-EU Summit held in Abidjan, Côte d'Ivoire;
- (vi) All references to the 7th Joint PRC-AU Commission Retreat on the Evaluation of Strategic Partnerships held in Cairo, Egypt, should be deleted since the report of the said retreat should first be reviewed and approved by the PRC;
- (vii) Directed the Commission to expedite the operationalization of the Working Group established by the Executive Council to prepare the Common African Position on Post-2020 ACP;
- (viii) Directed the Commission to implement the PRC recommendation on the incident which blighted the TICAD 2017 Ministerial meeting in Maputo,

Mozambique, and take necessary measures to insure similar incidents do not occur in future;

- (ix) Directed that the reservations expressed by some Member States on the incident should be annexed to the report;
- (x) Recommended the participation of the African Group in the Ministerial Meeting of the Africa-Turkey Partnership scheduled for Istanbul in February 2018;
- (xi) Took note of the communication from Burkina Faso withdrawing its offer to host the Africa-Japan Private Sector Forum;
- (xii) Directed that the decisions of the policy organs on the strengthening of the staff of the Partnership Management and Coordination Division should be implemented;

(ii) Report of the Sub-Committee on Refugees and Internal Displaced Persons (IDPs) – Doc. EX.CL/1073(XXXII)ii

25. The Report of the PRC Sub-Committee on Refugees, Returnees and Internally Displaced Persons (IDPs) was presented by its Chairperson, the Permanent Representative of the Republic of Equatorial Guinea. Members of the PRC then made comments and observations, and sought clarifications as follows:

- i) The Sub-Committee was commended for its efforts in undertaking field missions to Member States experiencing humanitarian crisis. The missions have brought the AU closer to African citizens;
- ii) The dire humanitarian situation and disaster-induced displacement in Africa highlight the urgent need to increase support, preparedness and renewed efforts by the African Union and its Member States;
- iii) The delegation of Mozambique informed the meeting that the flooding in the northern part of the country led to the displacement of over 80,000.
- iv) The PRC was also informed that the Mozambique Parliament has ratified the Kampala Convention, which will be deposited with the AU Commission in due course;
- v) The numbers of repatriated migrants in Libya should be updated as the current figures indicate over 10,000 migrants have voluntarily returned to their countries of origin, with the assistance of the Commission, the Libyan Government and other stakeholders;

- vi) The Libyan authorities should be commended for their positive contributions to easing the suffering of stranded African migrants in Libya and for facilitating the access of different international delegations, including the AU Commission, the Committee of Intelligence and Security Services of Africa (CISSA) and the team from the African Commission on Peoples' and Human Right;
- vii) The humanitarian situation in Nigeria is improving thanks to the proactive efforts by the Government, in collaboration with the AU and international partners, to provide durable, dignified and safe solutions to the affected persons;
- viii) Guinea's resilience and unique experience in responding to the Ebola Virus epidemic is exemplary and should be emulated by other Member States;
- ix) As per the mandate of the Sub-Committee, the Report should include planned activities for next year, taking into account the Theme for 2019: the Year of Refugees, Returnees and Internally Displaced Persons in Africa;
- x) Given the gravity of the humanitarian situation in Africa and funding challenges, the operationalization of the African Humanitarian Agency, as per the decisions of the Executive Council, should be fast-tracked;
- xi) The funding gap that prevented the Sub-Committee's mission to Mozambique should be clarified;
- xii) The Commission should provide support and training to build capacity and institutions for disaster preparedness and management by affected Member States;
- xiii) The commemoration of World Refugee Day on 20 June, in collaboration with UNHCR, should be more meaningful and action-oriented by championing initiatives and projects that assist refugees to lead productive lives;
- xiv) The mission led by the Commissioner for Social Affairs, as special envoy of the Chairperson, to Sierra Leone and the subsequent contributions were not included in the Report.

26. In response, the Chairperson of the Sub-Committee assured the delegations that all observations and comments have been noted, and the figures will be updated accordingly. He clarified that the missions of the Sub-Committee are usually accompanied by financial contributions to the affected communities. The Chairperson of the Sub-Committee indicated that a field mission is planned to Libya to better understand the situation and plight of African migrants in the country. He concluded by

emphasizing the urgent need to address the root-causes of forced displacement and migration to ensure people lead a dignified life in their own home countries.

27. The Commissioner for Social Affairs then complemented by indicating that the Commission contributed USD 100,000 to the victims of mudslides in Sierra Leone. The Commission also deployed epidemiologists from Africa CDC to assist in the possible disease outbreak after the mudslides, as well as some resorted vehicles from the Department of Peace and Security.

Recommendations

28. The PRC:

- (i) Took note of the Report of the Sub-Committee on Refugees, Returnees and IDPs;
- (ii) Recognized the relevance of field missions undertaken by the Sub-Committee;
- (iii) Requested the implementation of the relevant Executive Council decisions to establish an African Humanitarian Agency;
- (iv) Also requested the Commission, in collaboration with the PRC Sub-Committee on refugees, Returnees and IDPs and UNHCR, to commemorate World Refugee Day in a more meaningful and impactful manner.

(iii) Report of the Sub-Committee on Structural Reforms – Doc. EX.CL/1073(XXXII)iii

29. The Report was presented by the Permanent Representative of the Republic of Angola, and Chairperson of the Sub-Committee on Structural Reform.

30. After the presentation, the following observations were made:

- i) The African Centre for Disease Control and Prevention (Africa CDC) is an extremely important structure considering its role in the prevention and control of epidemics;
- ii) Recent epidemics, particularly Ebola, which affected several Member States, confirmed the urgent need to effectively establish the Centre;
- iii) The establishment should be carried out while respecting administrative and budgetary procedures;

- iv) The Directorate of Administration and Human Resource Management (AHRM) should provide the information on the basis of which it prepared the budget of the Africa CDC;
- v) In that respect, the Sub-Committee on Structural Reform should imperatively enlist the contribution of the Sub-Committee on General Supervision, Administrative, Financial and Budgetary Matters;
- vi) The Report on the Africa CDC mentioned annexed documents that are not attached;
- vii) The structure proposed for Inter-African Bureau for Animal Resources (IBAR) recommends the creation of three new positions without the relevant justifications.

31. In response to the concerns raised, the representative of AHRM said that it was on the basis of the nomenclature and salary scale in force in the African Union that the draft budget was prepared; that the proposed structure is in its streamlined form and its establishment would be spread over three years.

32. The Commissioner for Social Affairs and the Director of the Africa CDC provided the clarification below on the background to the establishment of the Africa CDC, its strategic importance, its operationalization, scope of action at continental level and in Member States, and above all, its operational difficulties due to the imbalance between its missions and its budget, which is funded mainly by partners:

- i) The Africa CDC has been operation since inception and its activities have proved to be of indisputable relevance during the Ebola epidemic;
- ii) The Africa CDC is working in close collaboration with the existing centres in Member States;
- iii) Its current staff are on short-term contracts;
- iv) Its budget is financed principally by China and the United States of America, and secondarily by Japan;
- v) The Africa CDC is being deployed gradually, and its proposed budget was revised by its Governing Board;
- vi) In the next five years, CDC Africa will need a budget of over two hundred million US dollars, and require a staff strength of two hundred and ten (210) in order to function effectively;
- vii) Member States are requested to contribute fifteen (15) million dollars;

- viii) The structure presented is highly streamlined, considering the missions of the Africa CDC;
- ix) Optimum operation of the Africa CDC would have a very positive impact on the economies of Member States, since endemic diseases are a threat to the development of Africa;
- x) The budget of the Africa CDC takes into account the need to attract qualified staff for which job security should be guaranteed;
- xi) Member States should show interest in the Africa CDC by providing the required funds for its smooth operation, failing which the partners that are currently funding it could reconsider their level of commitment to the project;
- xii) The proposed CDC structure meets international standards;
- xiii) The three new positions created in IBAR are in response to its missions of research, as well as garnering and disseminating scientific information relating to food security in Africa;
- xiv) The African Institute for Remittances (AIR) still depends in order to function on partners' contributions and the support of the Kenyan Government, which allocates one (1) million US dollars to the AIR.

Recommendations

33. The PRC:

- (i) Took note of the Report of the PRC Sub-Committee on Structural Reform;
- (ii) Stressed the importance of the Africa CDC due to the role it should play in the prevention and control of endemic diseases in the Continent;
- (iii) Requested the PRC Sub-Committee on Structural Reform and the Commission to attach the missing annexes to the Report;
- (iv) Recommended the proposed structure for consideration and adoption by the Executive Council.

(iv) Report of the Sub-Committee on Audit Matters – Doc. EX.CL/1073(XXXII)iv

34. The Report was presented by the Permanent Representative of the Republic of South Sudan and Chairperson of the PRC Sub-Committee on Audit Matters.

- 35.** At the end of the presentation, the following observations were made:
- i) The Report highlighted many irregularities;
 - ii) For many years, audit reports were repeated;
 - iii) Audit reports are not considered by the Sub-Committee before they were signed by the auditors;
 - iv) The Board of External Auditors should resolve audit matters with the organs of the Union before tabling them before the Sub-Committee;
 - v) The Report was not exhaustive. It did not include an update on the implementation of previous recommendations or the audit on recruitment, promotions, etc.;
 - vi) Effective sanctions should be adopted and implemented against organs and persons that have not implemented audit recommendations;
 - vii) The management of the payment of salaries of African Union Mission in Somalia (AMISOM) troops was complicated and difficult to audit;
 - viii) The Commission should make more efforts to implement the recommendations of audit reports.
 - ix) A clear distinction should be made between the Regular Budget and the Supplementary Budget, the latter meant to cover solely unforeseen expenses and not current expenditure that was originally unbudgeted.

36. The Deputy Chairperson of the Commission stressed that the observations made by the delegations were founded and assured the PRC of his personal availability and that of the Commission to work with the PRC in order to improve the performance of the Union on audit matters.

Recommendations

- 37.** The PRC:
- (i) Took Note of the Report;
 - (ii) The Commission should differentiate between elements of the Supplementary Budget and those of the Regular Budget;
 - (iii) Recommended that the Report be sent to the Sub-Committee on Audit Matters for re-consideration and submission to the PRC after the January 2018 Session of the Assembly.

(v) Report of the Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters - Doc. EX.CL/1073(XXII)v

38. The Report was presented by the Permanent Representative of the Republic of South Africa and Chairperson of the Sub-Committee, who indicated that the Report only includes the supplementary budgets for 2017 and 2018, as the general budget has not been finalized, and instead it will be submitted to the June/July Summit for adoption.

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

- i) There is need to refer the issue of pending compensations on para 13 to the Peace and Security Council for a decision at its earliest meeting;
- ii) A meeting between the PRC Sub-Committee and the AU Partner Group is timely and important to discuss mechanisms that would ensure more transparency and accountability on funds disbursed by partners;
- iii) The issue of pending staff liabilities and compensations must be urgently addressed within a specific timeframe as it affects the livelihoods of former staff of the AU and their families;
- iv) A clear distinction between the supplementary and regular budget should be made, and no requests will be approved for supplementary budgets without proper justification;
- v) The Commission must ensure securing partner funds prior to submission of budget requests to the Sub-Committee;
- vi) A contribution statement should be sent regularly to Member States to facilitate tracking the progress made on the collection of assessed contributions.

40. In response to the comments, the Chairperson of the Sub-Committee stressed the need to address the compensations of former staff as it is serious concern and must be resolved, as many of them gave their lives in the frontlines to defend the Union's ideals and protect its citizens from terrorism. The Chairperson concluded by emphasizing the importance of distinguishing requests of the supplementary budget from that of the regular budget.

Recommendations

41. The PRC:

- (i) Took note of the Report of the Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters;
- (ii) Urged the Commission to respect the distinction between supplementary and regular budget in line with the provisions of Financial Rules and Regulations;
- (iii) Approved the recommendation of the Sub-Committee on the payment of backlog of Death and Disability compensations for AMISOM Troup Contributing Countries;
- (iv) Also urged the Commission to harmonize all allowances across all AU Organs and submit to the Sub-committee for endorsement;
- (v) Requested the Commission to consolidate all the outstanding liabilities of the Union and present them to the Sub-committee for consideration;
- (vi) Further requested the Commission to present the AU's Budget performance and implementation report for the Mid Term of 2017;
- (vii) Endorsed meetings between the Bureau of the Sub-committee and the African Union Partners Group (AUPG);
- (viii) Recommended to the Executive Council to:

a) On the Supplementary Budget for The 2017 Financial Year

- i) Approved a Supplementary Budget amounting to **US\$55,914,809** of which **US\$3,179,562** is for Operating expenses and **US\$52,735,247** for the Programs;
- ii) Approved that the Supplementary budget be financed as follows:
 - a) Operating budget of **US\$3,093,878** from Member States and **US\$85,684** from Partners;
 - b) Program budget of **US\$7,517,104** from Member States and the balance of **US\$45,218,143** from Partners.

b) On the Supplementary Budget for the 2018 Financial year

- i) Approved a Supplementary Budget of **US\$7,580,091** for the Programs;

- ii) Also Approved that the Supplementary budget be financed as follows:
 - a) The amount of **US\$4,263,091** from Member States and the balance of **US\$3,317,000** from Partners.

SECTION IV: REPORTS OF THE SPECIALIZED TECHNICAL COMMITTEES (STCs)

- (i) **Report of the 2nd Ordinary Session of the Specialized Technical Committee on Agriculture, Rural Development, Water and Environment, Addis Ababa, Ethiopia, 2-6 October 2017:**
 - **Report of the 1st Ordinary Session of the Specialized Technical Committee on Agriculture, Rural Development, Water and Environment, Addis Ababa, Ethiopia 5-9 October 2015 - Doc. EX.CL/1041 (XXXII)**

42. The Reports were presented by the Commissioner for Rural Economy, and Agriculture. After the presentation, the following observations were made:

- i) Recommendations should be clear and concise;
- ii) The Report should be accompanied by a framework paper that identifies the recommendations with financial, legal and structural implications, as well as a draft decision;
- iii) The financial implications should be costed;
- iv) The Report does not provide information on the level of implementation of national plans for investment in the agricultural sector;
- v) The different actors working in the agricultural sector (NEPAD, various partners, Regional Economic Communities, etc.) should be organized around a specific division of labour, whose coordination will ensure that the objectives of the African Union Comprehensive Africa Agriculture Development Programme (CAADP) are achieved;
- vi) The restoration of the Lake Chad Basin remains a permanent source of concern in terms of environmental sustainability;
- vii) Those responsible for resource mobilization as well as the funding targets have not been clearly identified;

- viii) Resource mobilization should be envisage internally, within Africa, since development partners are already experiencing some «fatigue»;
- ix) The Report should provide information on the level of implementation of the Great Green Wall for the Sahara and the Sahel Initiative;
- x) A study must be conducted prior to the establishment of the African Land Policy Centre (ALPC);
- xi) Paragraph 42 of the Report calls for the institutionalization of the Centre, however, the modalities for its institutionalization are not specified;
- xii) The issue of the establishment of the Fund for Responding to Emerging Pests in Africa mentioned in Para 71 of the Report should be referred to the relevant PRC Sub-Committees after conducting an in-depth study,;
- xiii) Too many funds have already been established in the AU;
- xiv) The timeframe for the implementation of the Continental Geographic Indications Strategy for Africa should be defined, with prioritization;
- xv) The request by Cameroon to host the Centre of Excellence for Disaster Risk Reduction should be considered in conformity with AU procedures for hosting institutions;
- xvi) In the event of regularization of the posts linked to the project, the said posts should not automatically be given to those currently occupying them, but should be open to competition, in keeping with the recruitment procedures in force;
- xvii) Detailed information should be provided in the country scorecards on the implementation of the Malabo Declaration.

43. The Commissioner for Rural Economy and Agriculture and the Director of the Department provided the following answers:

- i) 47 Member States were evaluated within the context of the CAADP Continental Review. The Review Report was presented at the STC meeting;
- ii) The Commission was working to harmonize the contributions of the different actors involved in the transformation of the agricultural sector in Africa (FAO, NEPAD, RECs, etc.);
- iii) It was possible to bring all the funds together under a single fund which would facilitate response to all emergencies in Africa. Each department of the Commission would have access to the fund;

- iv) The African Development Bank (AfDB) and Nestlé were willing to establish a food security laboratory in Africa. In that regard, the commitment and support of the AU is essential;
- v) The European Union was prepared to work with the Commission on the Continental Geographic Indications Strategy for Africa;
- vi) Three recommendations together with the financial implications were drafted, including that on the African Land Policy. The issue would be discussed between the Commission, AfDB and the United Nations Economic Commission for Africa (UNECA);
- vii) The establishment of the proposed emergency fund would be carried out in conformity with the regulatory procedures to be communicated by the Office of the Legal Counsel;
- viii) A roadmap would be elaborated in the area of geographical indications for food security;
- ix) The recruitment of staff would be carried out pursuant to the relevant procedures in force;
- x) There was an emergency programme to support Member States in case of disasters;
- xi) The Report on the Implementation of the Malabo Declaration would be presented to the Assembly.

Recommendations

44. The PRC:

- (i) Took note of the Reports presented;
- (ii) Requested that a framework paper be drafted, indicating the financial, structural and legal implications;
- (iii) Also requested the Commission to conduct an in-depth study on the establishment of a Fund for Responding to Emerging Pests in Africa;

(ii) Report of the 2nd Session of the Specialized Technical Committee on Migration, Refugees and Internally Displaced Persons (IDPs), Kigali, Rwanda, 16-21 October 2017 – Doc. EX.CL/1042(XXXII)

- **Common African Position (CAP) on the Global Compact for Safe, Orderly and Regular Migration;**
- **Progress Report on the AU-Horn of Africa Initiative (AU-HoAI) on Trafficking in Persons and Smuggling of Migrants.**

45. The Report and the Draft Declaration was presented by the Director of Political Affairs. Subsequently, observations and comments were made and clarification sought as follows:

- i) The report should have reflected the grave consequences of migration on the youth across the Mediterranean Sea and proposed solutions;
- ii) Clarification was sought on how the Government of Mali was selected to host the African Centre for the Study and Research on Migration considering the relevant decisions on the need for equitable geographical distribution on hosting of AU organs and institutions;
- iii) The need to include timeframes on the establishment of the proposed technical unit within the Political Affairs Department and the African Centre for the Study and Research on Migration taking into consideration the financial resources that will be required;
- iv) The relevant PRC Sub-Committees should consider the financial and structural implications of the technical unit and the Centre;
- v) STCs should respect the rules and procedures on the election of the Bureau.

46. Clarification was provided that the decision on the establishment of the African Centre for the Study and research on Migration was adopted by the Executive Council in July 2006 vide decision EX.CL/Dec.314 (IX) and that the Government of Mali has already undertaken some activities towards implementing the decision of the Executive Council. Furthermore, it was indicated that the matter relating to the member of the Bureau from the Northern Region was deferred to the Executive Council taking into account that the matter could not be resolved during the meeting of the STC.

Recommendations

47. The PRC:

- i) Took note of the Report of the Sub-Committee on Refugees, Returnees and IDPs as well as the Declaration, and expressed concern regarding the situation of refugees in Africa
- ii) Requested the Commission in collaboration with the Government of Mali to implement the Executive Council decision regarding the African Centre for the Study and Research on Migration, and expedite the establishment and operationalization of the Regional Operational Centre in Khartoum (ROCK) and the Training Centre in Cairo for Law Enforcement;
- iii) Further requested the Commission to submit to the relevant PRC Sub-Committees the structural and financial implications regarding the establishment of a specialized technical unit that will provide technical assistance on the Implementation Roadmap on Free movement so as to enable the formulation of appropriate recommendations to the Executive Council.

(iii) *Report of the 2nd Meeting of the Specialized Technical Committee on Education, Science and Technology, Cairo, Egypt, 21-23 October 2017 – Doc. EX.CL/1043 (XXXII)*

48. The Report was presented by the Acting Director of the Department of Human Resources, Science, and Technology. After the presentation, the following observations were made:

- i) The issue of honorarium to be paid to officials of the Pan-African University (PAU) posed a general problem of the capacity to serve Africa without expectation of monetary compensation;
- ii) The need for grouping all the recommendations with financial, legal and structural implications;
- iii) Provide justifications for the request to transfer the responsibilities of the Continental Education Strategy for Africa (CESA) to the National Commissions for UNESCO;
- iv) Give reasons why UNESCO should be requested to finalize the Continental Teacher Mobility Protocol, considering that it is not the practice of the AU to involve United Nations Agencies in the elaboration of its legal instruments;
- v) Speed up the establishment of the Working Group on «Peace and Education»;

- vi) The need for further reflection on the modalities for involving African universities in the research grant programmes as well as the Kwame Nkrumah Science Awards;
- vii) Member States have not yet ratified the Addis Ababa Protocol on Teacher Mobility. It would be more effective to mobilize for its ratification rather than wanting to use another legal instrument from the United Nations;
- viii) The need for coordination of the academic research agencies by the AU Commission in order to avoid duplication and overlapping of roles.

49. The Acting Director of the Department of Human Resources, Science and Technology provided the following clarifications:

- i) The PAU has a special status and the Department had sent a request to the STC concerning payment of honorarium to its staff;
- ii) UNESCO is a valuable partner and should be involved in the implementation of some projects for reasons of efficiency;
- iii) The Commission is working in close collaboration with UNESCO to speed up the ratification of the Protocol adopted in Addis Ababa on Teacher Mobility and the harmonization of qualifications in the Continent;
- iv) The assistance of UNESCO was requested, within the framework of partnership, in the establishment of the CESA Coordination Agency. There is no question of transferring the activities of CESA to UNESCO.

Recommendations

50. The PRC:

- (i) Took note of the Report presented;
- (ii) Requested that the recommendations contained in the Report with financial, legal and structural implications be presented as a separate document together with a framework paper;
- (iii) Recommended that the recommendations be submitted to the Executive Council for consideration and adoption.

(iv) Report on the Operationalization of AU-STC N°8 on Public Service, Local Governance, Urban Development and Decentralization – Doc. EX.CL/1044 (XXXII)

51. The Report was presented by the Director of the Department of Political Affairs. Following which comments and observations were made and clarifications sought as follows:

- i) The proposal contained in the Report to set up a support Secretariat to the STC Public Service, Local Governance, Urban Development and Decentralization is contrary to AU practice of managing and supporting other STCs as this particular STC needs permanent secretarial support, which is normally provided by the relevant Department within the Commission;
- ii) Although STCs are empowered, through the Constitutive Act to create ad-hoc structures, this request cannot be accepted, as it will be setting a precedence and goes against the practices and rules of procedure of the AU;
- iii) The proposals in the Report entail structural and financial implications, hence, must be first vetted and reviewed by the competent PRC Sub-Committees before submission to the Executive Council;
- iv) There is need to clarify the implications of convening a donors/partners conference to mobilize resources for AU-STC 8, and whether the Bureau has the mandate and the power to organize such a conference;
- v) If the concerned Department is short of staff to efficiently service and manage the STC, appropriate recruitment of additional staff must be done;
- vi) The PRC should take principled position on requests for new recruitment of staff within the Commission until the necessary staff audit is finalized as per previous decisions of the Executive Council.

52. In response, the Director of Political Affairs assured the PRC that all comments and amendments will be incorporated accordingly. He stressed that the Commission, through the Department of Political Affairs, is currently acting as the Secretariat of AU-STC 8. The intention is not to create a new secretariat, rather to strengthen the current staffing within the Department to ensure effective implementation and efficient operationalization of the STC as it combines three (3) former Ministerial Conferences. The Director further assured the meeting that the proposal will be subjected to necessary deliberations by the relevant PRC Sub-Committees, taking into account the process of institutional reform of the AU.

Recommendations

53. The PRC:

- (i) Took note of the Report and recalled that the mandate of the Departments of the Commission includes serving as a Secretariat for the different STCs;
- (ii) Recommended to the Executive Council that the proposed structure be submitted to the competent PRC Sub-Committees, taking into account the relevant administrative and financial regulations and the reform process of the Union.

- (v) Report of the 1st Meeting of the Specialized Technical Committee on Finance, Monetary Affairs, Economic Planning and Integration, Addis Ababa, Ethiopia, 23-27 October 2017 – Doc. EX.CL/1045 (XXXII)**

54. The Report was presented by the Director of the Economic Affairs Department. After the presentation, the following observations were made:

- i) Tanzania should be included in the list of participants at the Meeting;
- ii) The need to establish a mechanism to ensure coordination of the implementation of the Roadmap for Agenda 2063;
- iii) All recommendations with financial, legal and structural implications should be presented in a separate document;
- iv) Information should be provided on possible offers of Member States to host the African Inclusive Markets Excellence Centre (AIMEC);
- v) Review the list of Member States that have already implemented the Decision of the AU Assembly on a 0.2% levy on eligible imports adopted by the Assembly of the Union in Kigali in July;
- vi) The trend consisting in expanding the criteria defining the conditions for the hosting of AU organs by Member States should be reversed;
- vii) The Draft Rules of Procedure of the STC on Finance, Monetary Affairs, Economic Planning and Integration should be submitted to the STC on Justice and Legal Affairs prior to submission to the Executive Council;
- viii) Specific details should be provided on the recommendation requesting that Member States allocate 0.15% of their budget to statistics related activities.

55. The Director of the Economic Affairs Department provided clarifications as follows:

- i) All Member States interested in hosting the African Inclusive Markets Excellence Centre are invited to address their offers to the Commission, which will then be examined by the Office of the Legal Counsel based on set criteria under the statutory provisions;
- ii) The Ministerial Follow-Up Committee on the Implementation of Agenda 2063 coordinates all activities relating to Agenda 2063 and Reports thereon to the Executive Council;
- iii) The STC on Finance, Monetary Affairs, Economic Planning and Integration decided to propose that 0.15% of national budgets should be retained for the development of statistics;
- iv) The Pan-African Investment Code would be submitted to the STC on Justice and Legal Affairs prior to consideration by the Executive Council;
- v) It is important that the Executive Council adopt the Revised Strategy for the Harmonization of Statistics in Africa (SHaSAII) and the African Inclusive Markets Excellence Centre (AIMEC).

Recommendations

56. The PRC:

- (i) Took note of the Report presented;
- (ii) Recommended the submission of the Draft Rules of Procedure of the STC on Finance, Monetary Affairs, Economic Planning and Integration to the STC on Justice and Legal Affairs prior to its submission to the Executive Council;
- (iii) Requested the Commission to submit the draft revised Pan African Investment Code (PAIC) to the STC on Trade, Industry and Minerals, as well as the relevant STC's, for consideration and refer to the STC on Legal and Justice Affairs for further consideration prior to their submission to the Executive Council; ;
- (iv) Recommended the adoption by the Executive Council of the Revised Strategy for the Harmonization of Statistics in Africa (SHaSAII);
- (v) The process for the selection of the Member State to host the African Inclusive Markets Excellence Centre (AIMEC) should be carried out in conformity with the relevant criteria.

(vi) Report of the 2nd Ordinary Session of the Specialized Technical Committee on Communication and Information and Communication Technologies (STC-CICT-2) Addis Ababa, Ethiopia, 20-24 November 2017 – Doc. EX.CL/1046 (XXXII)

57. The Report was presented by the Director of the Department of Infrastructure and Energy. After the presentation, the following observations were made:

- i) The Commission should be represented throughout STC meetings by the elected officials in charge of the relevant STC, particularly at ministerial level. Even partial absence of Commissioners from the ministerial segment cannot be justified;
- ii) The highlights of the Declaration on Internet Governance should be outlined in order to facilitate comprehension of the key challenges of internet governance;
- iii) Points with financial implications should be identified in the Declaration;
- iv) Further information should be provided on DotAfrica and the relation with general communication and information technology issues shown.

58. The Director of the Department of Infrastructure and Energy provided clarifications as follows:

- i) None of the recommendations had financial implications. Provisions were included in the 2018 budget for the implementation of the activities mentioned;
- ii) The main concern was to elevate the Internet Project to the status of flagship project of the African Union;
- iii) DotAfrica was a tool that allowed Africa to retain its identity and use the same internet domain across the Continent.

Recommendations

59. The PRC:

- (i) Took note of the Report presented;

- (ii) Noted that since none of the activities mentioned in the Report had financial implications, the Report would not be submitted to the Executive Council.
- (iii) Recommended that the Executive Council consider and adopt the Declaration on Internet Governance adopted by the STC.

(vii) Report of the 4th Meeting of African Union Ministers of Trade, Niamey, Niger, 1-2 December 2017 – Doc. EX.CL/1047 (XXXII)

60. The Report was presented by the Director of Trade and Industry. After the presentation, the following observations were made:

- i) The President of the Republic of Niger, H.E. Issoufou Mohamadou was commended for his personal commitment and efforts to promote and advance the Continental Free Trade Area (CFTA) Project, of which he is the Leader;
- ii) Seven (7) Member States entered reservations on the Draft Protocol of the duly signed texts of which were submitted to the AU Commission. The reservations were not annexed to the Report, although they were mentioned in Paragraph 34 of the Report;
- iii) Some delegations wanted to know whether the reservations referred to concerned the quorum or the Report as a whole;
- iv) With regard to the convening of an Extraordinary Session of the Assembly in March 2018 for the launching of the CFTA, divergent positions emerged:
 - Nigeria was of the opinion that the CFTA could be launched in March 2018, as proposed in the Report, particularly since the proposal remained a recommendation of the Ministerial Meeting held under the auspices of the President of the Republic of Niger, the Leader of the CFTA;
 - Other delegations, while stressing their support for the CFTA, noted the extremely short time before the March 2018 deadline, and the significant resulting financial implications. They proposed that the launching be scheduled for the June/July 2018 Summit;
 - Additionally, concerns were raised regarding the procedural issues, including consideration of the Report by the relevant STC. In this regard, and as the PRC did not have the mandate to reject a Ministerial Report, it would be advisable to await the Report of the President of Niger to the 30th Ordinary Session of the Assembly January 2018, in his capacity as Leader of the CFTA.

- v) The rights of Member States to be represented by plenipotentiaries in the CFTA Negotiations should be recognized and respected;
- vi) Focus should be on the effective implementation of the CFTA Roadmap.

61. The delegation of the Republic of Niger expressed the gratitude of the Government of his country to about fifty Member States that participated in the Ministerial Meeting in Niamey, not forgetting the African Union Commission, and more specifically the Department of Trade and Industry.

62. The delegation paid tribute to the memory of Ms Miriam Omoro, the linchpin of the CFTA, who succumbed to illness while working tirelessly to advance the CFTA Project. It once again expressed its heartfelt condolences to the Commission and her family.

63. The Director of the Department of Trade and Industry provided the following clarifications:

- i) Delegations were asked to enter their reservations precisely, but the required criteria had not been respected;
- ii) The CFTA Leader, the President of the Republic of Niger, indicated that the Extraordinary Summit would be hosted by a Member State, which would bear the costs for the organization and holding of the Summit. In addition, many partners had expressed their willingness to provide financial support for the launching of the CFTA. The funding issue would not be a concern;
- iii) The Meeting of the Ministers of Trade meeting in Niamey decided that March 2018 was an appropriate date for the launching of the CFTA. It would be difficult for the PRC to question the decision;
- iv) Member States had the sovereign right to appoint their plenipotentiary representatives to the CFTA Negotiations. Invitations would be sent to the Ministers of Trade of Member States to participate in scheduled meetings;
- v) A decision of policy organs authorized the Ministers of Trade to hold their meetings on the CFTA and to submit their reports directly to the Executive Council without going through the STC on Trade;
- vi) Expressed appreciation to the Government of Niger for the assistance provided to the late Ms Omoro during the Ministerial Meeting held in Niamey;
- vii) Concerning the reservations entered by the delegations of the Member States on procedural issues and the Outcomes of the Meeting, there was a

quorum since the fifty-one (51) Member States were represented by duly accredited delegates;

- viii) A note on the financial and structural implications of the process would be submitted to the Extraordinary Summit scheduled for March 2018 for consideration and adoption;
- ix) The Roadmap for the process was respected. A calendar of meetings for the period January to June 2018 was prepared, and the Protocols annexed to the CFTA would be considered for finalization according to the timetable agreed upon.

Recommendations:

64. The PRC:

- (i) Took note of the Report presented;

(viii) Report of the 4th Conference of African Ministers Responsible for Civil Registration, Nouakchott, Mauritania, 4-8 December 2017 – Doc. EX.CL/1074(XXXII)

65. The Report was presented by the Commissioner for Economic Affairs.

66. After the presentation, the following observations were made:

- i) The delegation from Mauritania thanked the United Nations Economic Commission for Africa (UNECA), the African Development Bank (AfDB) and all Member States that took part in the Conference of Ministers in Nouakchott. It stressed the importance of civil registration as an instrument for planning and development;
- ii) Although the importance of civil registration was acknowledged, concerns were raised regarding the proposal to establish a Specialized Technical Committee (STC) specifically on issues related to civil registration and vital statistics;
- iii) Such an establishment would contravene the decisions of the policy organs limiting the number of STCs to 14 and would be in contradiction with the rationalisation process implemented by the ongoing institutional reform;
- iv) The Conference of African Ministers Responsible for Civil Registration should be incorporated into an already existing STC;

- v) Furthermore, Paragraph 5 of the Declaration calls for “*the establishment of a Sub-Committee responsible for civil registration under the relevant Specialized Technical Committee of the African Union*”;
- vi) Envisage establishing mobile civil registration stations in remote areas to ensure the registration of babies born in rural and remote areas;
- vii) Envisage the possibility of organising an immersion and training workshop for officials of civil registration units to exchange experiences;
- viii) Provide justifications for the selection of 10 August as Civil Registration and Vital Statistics Day (paragraph 18 of the Declaration);
- ix) Provide figures for the paragraphs of the Declaration whose implementation would have financial implications in order for the policy organs to take a well-informed decision;
- x) A session of the Conference of Ministers is scheduled for Lusaka, Zambia, whereas the policy organs have already cancelled all ministerial conferences, with the exception of two;
- xi) Provide the references of the decision requesting Member States to allocate 0.15 % of their budget to civil registration.

67. The Commissioner and the Director of the Department of Economic Affairs provided the following clarifications:

- i) It was essential to organize mobile civil registration; in order to generalise the practice of such registration a workshop would be held in Nouakchott this year to build the capacity of Member States in civil registration and vital statistics, under the leadership of the African Union Commission, in collaboration with the AfDB, ACBF, UNECA and other partners;
- ii) The Conference on Civil Registration brought together several Ministers (Finance, Economy, Health, etc.), hence the proposal to establish an STC to give it the opportunity to meet every year rather than every other year as initially decided upon by the First Conference of Ministers held in 2012, due to the importance of issues related to civil registration;
- iii) Member States expressed the wish that part of the 0.15 % to be allocated to statistics-related issues at national level would be earmarked for civil registration;
- iv) The institution of 10 August as Civil Registration and Vital Statistics Day was aimed at sensitising citizens on the importance of civil registration and its role in development programming.

Recommendations

68. The PRC:

- (i) Took note of the Report presented;
- (ii) Recommended that the Executive Council endorses the Nouakchott Declaration adopted by the 4th Conference of African Ministers Responsible for Civil Registration.
- (ix) Declaration of the 10th Ordinary Meeting of the Specialized Technical Committee on Defence, Safety and Security (STCDSS), Addis Ababa, Ethiopia, 9 January 2018 – Doc. EX.CL/1072 (XXXII)**

69. The Declaration on Defence, Safety and Security was presented by the Commissioner for Peace and Security. Following the presentation, the following observations and comments were made:

- i) Member States noted the need to align some paragraphs of the Declaration, namely paragraphs 3 (c) and 3 (0) to reflect what was agreed by the STC and as correctly presented by the Commissioner;
- ii) There was need for regular updates to the PRC on the operationalization of the African Standby Force.

70. The Commissioner for Peace and Security indicated that the referred paragraphs of the Declaration will be corrected and assured the PRC that regular updates will be made to the PRC as requested.

Recommendation

71. The PRC:

- (i) Recommended the Declaration of the 10th STC on Defence, Safety and Security for adoption by the Assembly through the Executive Council.
- (x) Report of the 3rd Ordinary Session of the Specialized Technical Committee on Justice and Legal Affairs, Addis Ababa, Ethiopia, 6-15 November 2017: Consideration of the Draft Legal Instruments and Recommendations Approved by the Meeting – Doc. EX.CL/1048 (XXXII)**

72. The Report was presented by the Legal Counsel who indicated that the draft legal instruments considered and adopted by the STC should be recommended to the Executive Council for consideration and adoption. Some of them should be submitted to

the Assembly for consideration and adoption. Following a proposal to amend the STC report in order to include the recommendations of a workshop on AU treaties' promotion which took place as a side event on the margins of the STC meeting, the Legal Counsel explained that the report as adopted by the Ministers does not include those recommendations and the report cannot be amended by PRC or OLC.

Recommendations:

73. The PRC:

- (i) Took note of the Report;
- (ii) Recommended the draft legal instruments to the Executive Council for consideration and adoption;
- (iii) The draft legal instruments which require adoption by the Assembly should be submitted to the latter.

SECTION V: REPORTS OF THE COMMISSION, OTHER AU ORGANS AND AU SPECIALIZED AGENCIES

a) REPORTS OF THE COMMISSION

(i) Report of the Commission on the Status of Implementation of Previous Decisions of the Executive Council and the Assembly - Doc. EX.CL/1049 (XXXII)

74. The Report of the Commission on the Implementation of Previous Decisions of the Executive Council and the Assembly was presented by the Secretary General of the Commission, after which comments, observations and requests for clarification were made as follows:

- i) It was impracticable to consider the Table annexed to the analytical report. It was therefore proposed to take note of the analytical report and entrust the Commission with the responsibility of evaluating the Table;
- ii) Efforts should be made to reduce the number of decisions adopted at each Summit in line with the relevant decisions on rationalization of AU Summits as well as taking into account the ability and capacity to implement them;
- iii) All draft decisions must be accompanied by budgetary and structural implications to avoid unnecessary requests of supplementary budget;

- iv) Member States expressed concern on the increasing number of decisions being adopted despite the decision of the Assembly to rationalize AU Summits and to reduce parallel events;
- v) Member States should take an active role in ensuring the implementation of decisions. In this regard, it is proposed that some decisions be taken bi-annually or once in three years;
- vi) The Commission was encouraged to follow up on implementation of decisions and to prepare questionnaires to AU Organs and institutions in order to assess how decisions are being implemented;
- vii) Clarification was sought on how the rates on implementation of the decisions was derived;
- viii) SADR noted that an Assembly decision on the Report of the Peace and Security Council was missing from the Table;
- ix) Eritrea stated that there were pending issues under decisions EX.CL/Dec. 899 (XXVIII) and EX.CL/Dec. 967(XXXI) concerning the denial of visas by the Host Government for Eritrean staff to the AU and a diplomatic official and staff members of Permanent Mission of Eritrea to AU and UNECA. Eritrea considered this as a violation of the Headquarters Agreement and General Convention on the Privileges and Immunities of the OAU. The Host Government responded by indicating that an update of all outstanding issues from the Report of the PRC Sub-Committee on Headquarters and Host Agreements will be made to the Sub-Committee when a meeting is convened.

75. The following clarifications were provided by the Secretary General:

- i) The proliferation of decisions is a matter to be handled through the joint efforts of both the Commission and Member States and solutions should be identified pending the outcomes of the institutional reforms;
- ii) Financial implications should be reflected in draft decisions tabled to policy organs for consideration. It was indicated that Departments/Directorates would be sensitized on the preparation of financial documents in advance;
- iii) Preparations for Summits must start ahead of time and parallel events will be rationalized;
- iv) The Commission will strive to disseminate the working documents within the time frame set by the Rules of Procedure of the policy organs.

- v) Assured SADR that the decision Assembly/AU/Dec.644(XXIX) of July 2017 on the Report of the Peace and Security Council will be added to the table.

76. The PRC:

- (i) Took note of the analytical report presented, taking into account that the table of decisions annexed continue to be the responsibility of the Commission;
- (ii) Acknowledged the progress made on the implementation of decisions;
- (iii) Requested the strict adherence to decisions by the Executive Council and Assembly, especially as they relate to the rationalization of AU Summits;
- (iv) Called upon the Commission to rationalize the number of decisions being adopted at each Summit and the number of side events;
- (v) Requested the Commission to include a detailed analysis on causes of the low implementation of decisions and the responsibilities of the Commission and Member States;
- (vi) Recommended that legal, financial and structural implication be systematically reflected in each draft decision to be adopted by the policy organs;
- (vii) Recommended that the Commission, in close collaboration with the PRC, identify innovative methods to evaluate and follow up on the implementation of decisions;
- (viii) Recommended the Report and the draft decision to the Executive Council for consideration.

**(ii) Report of the Commission on Palestine and the Middle East –
Doc. EX.CL/1050 (XXXII)**

77. The Report was presented by the Director of Political Affairs. Subsequently, comments and observations were made as follows:

- i) The latest developments in Palestine and the Middle East are alarming and have dimmed the prospects of moving forward the peace process in the region;

- ii) There is need to further mobilize and reinforce the African Union's support to the Palestinian people and its cause, through engaging the international community to preserve international legality;
- iii) Amend the paragraph on the US initiative on the peace process in the Middle East;
- iv) Africa should renew its strong commitment and solidarity to the Palestinian cause and ensure the continent is united on the matter;
- v) The draft Declaration should be reviewed and revised to ensure accuracy on the latest political developments in the region;
- vi) A new paragraph should be added to the draft Declaration on the UN General Assembly's Decision of 21 December 2017 regarding the status of Jerusalem.

78. Responding to the comments and observations made, the Commissioner for Political Affairs assured the PRC that the proposed amendments to the Report and the draft Declaration would be taken into account. She further echoed the AU's firm position on Palestine, which will continue to be pursued with the international community to safeguard international legality and the peace process. She concluded by urging Member States to, individually and collectively, continue to support the Palestinian cause as it has been going on for far too long.

Recommendation

79. The PRC:

- (i) Recommended to the Executive Council the Draft Declaration on the Situation in Palestine and the Middle East including the PRC's inputs for consideration.

**(iii) Report of the Commission on the Humanitarian Situation in Africa
- EX.CL/1051 (XXXII)**

80. The Report on the Humanitarian Situation in Africa was presented by the Commissioner for Political Affairs. Subsequently, comments and observations were made as follows:

- i) The Commission was commended for the improved and elaborate report on the overall humanitarian situation in Africa and was urged to continue to do same;

- ii) The Report reveals the unfortunate reality that the humanitarian situation in Africa is not improving, and thus calls for concerted and united efforts by the continent;
- iii) The data and figures provided in the report are, in some cases, not up-to-date and accurate, and the necessary corrections must be done in accordance with the international statistics;
- iv) The burden of humanitarian crisis in Africa must be shared with the international community, through providing the appropriate assistance and support;
- v) Addressing the root causes of forced displacement is key to finding durable solutions, which in turn must be reinforced by political will and implementing of existing policy frameworks;
- vi) The Donors Pledging Conference to mobilize resources, which was planned for 2017, be set for a definite date;
- vii) The continent should tackle the root causes of refugees situation and find final solutions for conflicts generating refugees;
- viii) The current humanitarian situation in Africa urgently calls for the establishment of an African Humanitarian Agency;
- ix) Gratitude was expressed to the people and governments of all the Member States hosting refugees, IDPs and migrants, as well as to those providing humanitarian assistance;
- x) Member States who developed relevant policies, provided financial contribution or support in nature or regularised refugees and migrants should be cited in the report and commended for their efforts;
- xi) The Commission was commended for the efforts, in collaboration with international stakeholders, in addressing the issue of stranded migrants in Libya through providing assistance in the voluntary repatriation;
- xii) The Libyan authorities must be encouraged to continue their efforts to defend the migrants who are victims of torture and degrading treatment, and to provide the necessary support to concerned Member States to repatriate their nationals;
- xiii) Due to the devastating impact of the Fall Armyworm on food security in some Southern African countries, a comprehensive response to address the issue and avert hunger must be elaborated by the relevant Departments within the Commission;

- xiv) The Report should be submitted to the Executive Council to agree on concrete steps in addressing the root causes of displacement and irregular migration in Africa.

81. In response, the Commissioner for Social Affairs provided a detailed brief on the Commission's response to the plight of stranded migrants in Libya. She especially reassured the meeting that AU's response came much earlier than the media reports of alleged human being trafficking and auctioning of migrants in Libya. The Commissioner highlighted the different measures and initiatives that the Commission, together with international organizations, have put in place to facilitate the voluntary and safe repatriation of migrants, including the establishment of a tri-partite Task Force with the UN and the EU. She also expressed appreciation to the Libyan authorities who have extended full support to the Commission and Member States throughout the process. She concluded by urging all concerned Member States to ensure that returning migrants are received with dignity and a proper reintegration process.

82. Subsequent to the provided explanations, delegations made additional comments and observations as follows:

- i) The issue of alleged human being trafficking in Libya is not necessarily connected to the government, rather it is due to an unstable situation and criminal groups operating in the country;
- ii) Member States are urged to continue taking the necessary measures, in close collaboration with UN International Organization on Migration, to identify and document their nationals in Libya to facilitate their repatriation, despite the challenges;
- iii) The efforts by the Libyan authorities to rescue and host migrants should be further highlighted in the Report;
- iv) The delegation of Morocco stated that Paragraph 17 of the Report included an indication which was contrary to international law. Although the Commission was not able to provide the proof that it had conducted an opinion poll among refugees, it gave the response mentioned in the Report;
- v) The Algerian delegation stated that according to universal practice, it is the countries of asylum that provide statistics on refugees under their jurisdiction. Although in certain contexts census operations could be carried out with the agreement of the country of asylum, with regard to the Sahrawi refugees, it was a different issue. In fact, the « census » of Sahrawi refugees is an integral part of the Settlement plan, which for over a decade, had reached an impasse. The census is fundamental to progress in the implementation of the Plan.

83. The Commissioner for Political Affairs then provided the following response and clarifications:

- i) All comments and observations have been noted and will be reflected to improve the Report;
- ii) Concrete actions should be proposed to the Policy Organs to address the root causes of displacement and migration in Africa;
- iii) The concern for accurate statistics and data is a serious challenge for the Commission since it receives figures from the Member States while it is difficult to have the exact numbers of refugees due to their unpredictable movement;
- iv) While Member States hosting and willing to host refugees and migrants should be commended, it is also important to support them and encourage others to open their doors to displaced persons;
- v) Conflicts are not the only root cause of displacement, natural disasters and terrorism are also major factors;
- vi) The Government of Libya is making tremendous efforts to assist in the repatriation of migrants, despite the suffering of their own people at the hands of ISIS terrorist group and other criminal forces;
- vii) The Commission is taking steps to finalize the holding of a Donors Pledging Conference in the foreseeable future;
- viii) The humanitarian situation in Africa is complex and fast-changing, it is, therefore, difficult to include all its root causes and implications.

Recommendations

84. The PRC:

- (i) Took note of the Report presented;
- (ii) Commended the efforts made by all Member States hosting refugees, migrants and IDPs as well as the Commission for the concrete actions undertaken in dealing with the humanitarian situation in Africa;
- (iii) Requested the Commission to update the figures in the report related to refugees as per national and international statistics;
- (iv) Stressed the need for continued efforts on the humanitarian situation in the continent in close collaboration with the AU Member States and the relevant

stakeholders in order to tackle the root causes of the situation of refugees and migrants in the framework of political solutions of the real factors generating such situations;

- (v) Also, commended the measures taken by the Government of Libya including in collaboration with the Commission to resolve the situation of migrants in Libya and strongly condemns the degrading treatments of migrants by the criminal groups in this country;
- (vi) Urged countries of origin of migrants to control their borders to stem the flow of irregular migration;
- (vii) Expressed appreciation to Member States who provided financial and other support in handling the situation of refugees and migrants in different Member States.

(iv) Report of the Commission on the Hosting of the Secretariat of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) - EX.CL/1052 (XXXII)

85. A presentation on the Report was made by the Director of the Social Affairs.

86. Following the presentation, Lesotho and Sudan appreciated the facilitation provided by the Commission and indicated that consultations on the hosting of the ACERWC are still on-going in order to reach a consensus. PRC was informed that the further consultations between the two countries will take place on the margins of the Executive Council

87. The PRC:

- (i) Took note of the follow up report of the African Union Commission on the offers by member states to Host the Secretariat of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC);
- (ii) Called upon the two countries to continue their consultations on the margins of the Executive Council with the view to reach a consensus.

(v) Report of the Commission on the implementation of the Solemn Declaration on Gender Equality in Africa (SDGEA)

- 12th Report on the Implementation of the SDGEA;
- 11th Synthesis of Reports of Member States on the Implementation of the SDGEA – **Doc. EX.CL/1053 (XXXII).**

88. The Director of Women and Gender Development presented the report of the Commission on implementation of the Solemn Declaration on Gender Equality in Africa. Subsequently, observations and comments were made as follows:

- i) The Commission should harmonize the reporting procedures and period in order to assist Member States in complying with the reporting mechanisms;
- ii) The Commission should engage Member States that have entered reservations to the Maputo Protocol with a view to having them withdrawn;
- iii) Applauded the campaign towards the elimination of Mother to Child HIV Transmission (MTCT). However, clarification was sought about the availability of financial resources to sustain the campaign;
- iv) There was need for the report to address the rights of the society at large and not only women in order to ensure the involvement of all in the improvement of the socio-economic situation of women;
- v) The Women, Gender and Development Directorate was requested to undertake analysis and work together with Permanent Representatives of Member States in Addis Ababa to ensure sustainable progress. Women Ambassadors based in Addis Ababa could play an important role in championing these efforts;
- vi) Information on some of the campaigns being undertaken should be disseminated to all, for example, voluntary HIV screening;
- vii) The recommendations should come out clearly in the Report;
- viii) In view of Assembly Decision/AU/Dec. 582(XXV), it was proposed that the draft decision on the matter should be considered by the Executive Council and not the Assembly.

89. Responding to the comments and observations made, the Director of Women and Gender Development indicated that the STC on Gender Equality and Women's Empowerment considered the issue of harmonization of the reporting procedures and assured Member States that the observations made during consideration of the report will be taken into account.

Recommendations

90. The PRC:

- (i) Took note of the Report presented;

- (ii) Commended Member States that are implementing policies to promote gender equality;
- (iii) Requested the Commission to formulate a gender policy that does not focus exclusively on the rights of women but is based on the overall improvement of the socio-economic context, since gender includes both women and men;
- (iv) Requested the Commission to harmonize the format of reports to be submitted by Member States in order to facilitate their use;
- (v) Urged Member States to complete the questionnaires which are addressed to them accurately in order for the general report to reflect situations on the ground;
- (vi) Requested the Commission to carry out more analytic work and request the contribution of the Permanent Representatives to the African Union in improving the drafting of questionnaires and ensuring monitoring and evaluation of the results on the ground;
- (vii) Requested the Commission to ensure extensive publicity on campaigns conducted, including that on voluntary HIV/AIDS testing by communicating the dates and venues in good time. The financial implications of the campaigns should be calculated for all practical purposes;
- (viii) Requested the Commission to work with Member States towards withdrawing the reservations entered on the Maputo Protocol and sensitize them in order to avoid reservations being entered on the Protocol in future;

(vi) Report on the Implementation of the Decision on the Offer of the Republic of Zambia to Host the Secretariat of the Economic, Social and Cultural Council (ECOSOCC)

• ECOSOCC Strategic Plan 2017/2018 - EX.CL/1054 (XXXII)

91. The Presiding Officer of ECOSOCC presented the draft Strategic Plan of ECOSOCC while a representative from the Directorate of CIDO presented the Report on Implementation of Executive Council Decision on the Relocation of ECOSOCC.

92. Following the presentations, the following observations were made:

- i) Zambia reaffirmed its commitment towards the hosting of ECOSOCC and highlighted its contribution towards the hosting of ECOSOCC Secretariat, namely an interim office, three vehicles, a house, security arrangements for the office, secondment of officers to be paid by the Zambian Government and a ten acre plot with a title deed in the name of the AU;

- ii) Zambia informed PRC that the architectural design for the office were also ready and that it will be handed over to the AU during the Summit;
- iii) The Executive Council should be requested to grant authority to approve the budget arising out of the relocation to the PRC considering the urgency of the matter;
- iv) The performance of ECOSOCC since its establishment has not been up to the expectation of Member States. In this regard, the Commission was requested to implement Executive Council decision EX.CL/Dec.849 (XXV) that requested the Commission to conduct an in-depth study on its functioning since its inception;
- v) ECOSOCC is an important organ that is expected to drive the people to people engagement;
- vi) ECOSOCC should be empowered to conduct accreditation processes of civil society organizations in line with international best practices.

93. The Directorate of CIDO provided the following clarifications:

- i) A consultative meeting with various stakeholders including the PRC was undertaken in October 2017 where a conceptual framework and terms of reference on the conduct of the in-depth study were developed;
- ii) The in-depth study is planned to take place in the first quarter of 2018;
- iii) ECOSOCC has planned to develop the accreditation criteria in 2018.

94. The PRC:

- (i) Took note of the Report on Implementation of Executive Council Decision on the Relocation of ECOSOCC;
- (ii) Commended the Government of Zambia for its commitment towards the hosting of the Secretariat of ECOSOCC and the efforts undertaken so far;
- (iii) Appealed to the Commission and ECOSOCC, in collaboration with Member States, to expedite the conduct of the in-depth study on the functioning of ECOSOCC since its inception;
- (iv) Requested the Executive Council to grant authorization to the PRC to approve the relocation budget of ECOSOCC.

(vii) Inaugural Biennial Review Report of the African Union Commission on the Implementation of the Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods - EX.CL/1055 (XXXII)

95. The Report was presented by the Commissioner for Rural Economy and Agriculture. Subsequently, observations and comments were made as follows:

- i) The classification of countries within regions should be consistent with the agreed geographical distribution of the AU regions;
- ii) The report was not factually correct to indicate that Eritrea was having difficulties in implementing CAADP. The correct factual situation was that Eritrea did not submit the required data as well as participate in the training.

96. Clarification was provided that as Eritrea did not submit the required data and participate in the training, it was impossible to assess Eritrea during the review.

Recommendations

97. The PRC:

- (i) Took Note of the Report presented;
- (ii) Also took note that the Prime Minister of Ethiopia, Leader on CAADP would submit a report to the Assembly.

(viii) Report of the Commission on the Establishment of the African Union High Council of Local Authorities (AU-HCAL) - EX.CL/1056 (XXXII)

98. The Report was presented by the Commissioner for Political Affairs. Although the relevance of the High Council of Local Authorities as a consultative organ within the African Union Governance Architecture was formally acknowledged, and the offer by the Government of Senegal to host the Secretariat of the Council and bear the financial expenses during the first two years of its functioning was commended, there were divergences on the procedure for forwarding the report to the policy organs, as well as certain substantive issue relating to the mandate of the High Council.

99. A group of Member States pointed out that:

- i) The establishment of the High Council of Local Authorities should be carried out within the framework of the African Union Institutional Reforms, the process of which would be in January 2019;

- ii) The financial and structural implications of the establishment of the High Council of Local Authorities should be considered upstream by the PRC Sub-Committees on Structures and on Financial Matters before submitting the issue to the Executive Council through the competent STC;
- iii) Some paragraphs of the Report raised the issue of consistency with the national laws of Member States as well as that of constitutionality in that they give a continental advisory organ powers of representation and decision-making on behalf of the local authorities of Member States, whereas the latter do not have a uniform model of local governance;
- iv) The Commission should provide more information on the operating costs of the High Council of Local Authorities beyond the first two years to be borne by Senegal.

100. Another group of Member States supported the direct submission of the establishment of the High Council of Local Authorities to the Executive Council and stressed the following:

- i) The Senegalese delegation reaffirmed the validity of the offer made by its country to host the Secretariat of the High Council of Local Authorities and to bear its operating costs for the first two years;
- ii) The High Council of Local Authorities was officially established by Decision EX.CL/Dec.839(XXV) of the 25th Ordinary Session of the Executive Council held in Malabo, Equatorial Guinea from 20 to 24 June 2014, and the Report thereon was prepared in conformity with the provisions of the Decision;
- iii) Direct submission of the issue to the Executive Council was perfectly justified since the PRC did not have the capacity to revise Decision EX.CL/Dec.839(XXV) of the Executive Council;
- iv) It was up to the Executive Council to decide whether the issue had been referred to it in conformity with the relevant statutory procedure;
- v) The Executive Council would decide whether or not it was appropriate to refer the issue to the AU Assembly;
- vi) Considering its advisory aspect, the role of the High Council did not impinge on the powers and competences of the local authorities of Member States and could be adapted to all the models of political governance.

101. The Commissioner for Political Affairs and the Director of the Political Affairs Department took note of the observations of the delegations on the issue and indicated

that the role of the High Council would not have an impact on the competences of local authorities in Member States.

102. Faced with the persistence of divergences on the procedure for the submission of the report to the Executive Council, the opinion of the Office of the Legal Counsel was sought.

103. In his intervention, the representative of the Office of the Legal Counsel referred to the provisions of Decision EX.CL/Dec.839(XXV), which request the Commission to submit the draft statute and proposed budget of the High Council of Local Authorities to the Assembly. He then recalled the statutory provisions governing the modalities for hosting African Union organs.

104. In conclusion, he referred the issue to the PRC, which was responsible for deciding whether or not the Report should be submitted to the Executive Council.

Recommendations

105. The PRC:

- (i) Took note of the Report presented;
- (ii) Requested the Commission to define the mandate of the High Council of Local Authorities in such a way that it is constitutionally acceptable by Member States;
- (iii) Also requested the Commission to submit the financial, legal and structural implications of the establishment of a secretariat would have, for consideration by the competent structures.

(ix) Report of the Commission on the Hosting of the African Minerals Development Centre (AMDC) - EX.CL/1075(XXXII)

106. The Report was introduced by the Director of Trade and Industry, subsequently a representative of the Department presented the Evaluation Mission Report to Host the African Minerals Development Centre (AMDC), after which, comments and observations were made and sought clarification as follows:

- i) The Commission and the team of experts that conducted the evaluation missions were commended for the quality report based on well-balanced criteria and requirements, which provide sufficient evidence for the Executive Council to make an informed decision;
- ii) There is need to ensure consistency in the scoring for Guinea and to align the translation of the report in the different languages;

- iii) The delegation of The Sudan indicated that the financial situation and the visa regulations will improve and that the Statute of AMDC will be signed on the margins of this Summit;
- iv) Since AMDC is a Specialized Agency of the AU, selection of the host country should be based on competency and technical merit to facilitate the implementation of the African Mining Vision and the full utilization for the benefit of Africa;
- v) The grading and scoring criteria should be used as a golden standard when selecting host country of AU centres and institutions;
- vi) The Report should be submitted to the Executive Council for consideration, taking into account the proposed amendments and alignments.

107. The Director of Trade and Industry responded by expressing appreciation for the feedback on the Report and assured the alignment of translation into the different languages based on the English version.

Recommendations

108. The PRC:

- (i) Took note of the evaluation report to host the African Minerals Development Centre (AMDC);
- (ii) Commended the Commission for the balanced report and the scoring criteria;
- (iii) Recommended to the Executive Council to consider the outcomes of the evaluation report and decided on the host country of the AMDC.

b) REPORTS OF OTHER ORGANS

(1) AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS (AfCHPR) – Doc. EX.CL/1057 (XXXII)

- (i) Activity Report of the African Court on Human and Peoples' Rights (**AfCHPR**);
- (ii) Consideration of the Study on the Trust Fund of the Court;
- (iii) Consideration of the Report on the Amendment of Decision **EX.CL/Dec.967(XXXI)**.

109. The 2017 Activity Report of the African Court on Human and Peoples' Rights (AfCHPR) was presented by the President of the Court. The President of the Court

informed PRC that consideration of the Report on the Amendment of Decision EX.CL/Dec.967 (XXXI) should be postponed to the next Summit.

110. Subsequent to the presentation, comments and observations were made as follows:

- i) Member States should provide for 100% of the Court's funding for its 2019 Budget in line with the relevant decisions on the financing of AU organs to ensure their independence and integrity and that the same should be reflected in the draft decision;
- ii) The Court should develop criteria for establishing partnerships;
- iii) The need for the Host Country to expedite the construction of the building of the permanent seat of the Court;
- iv) In conformity with Executive Council Decision EX.CL/Dec. 842 (XXV), the Court should ensure the urgent operationalization of the Trust Fund for the Court. In particular, various Member States emphasised that the Trust fund would ensure the avoidance of undue interference and ensure independence of the court and should therefore be given a priority;
- v) Regarding the case of Libya, the PRC was informed of the ongoing efforts of Libya's commitment to comply with the decisions and rulings of the Court;
- vi) The Court was requested to highlight on the efforts being undertaken to increase the number of ratifications and the Declaration under Article 34 (6) of the Court's Protocol;
- vii) The Host Country informed the PRC that the Court, the Host Government and AUC will hold a tripartite meeting in order to resolve all the issues related to the construction of the permanent premises;
- viii) Many delegations assured the Court that they were committed to implementing the decisions and rulings issued by the Court;
- ix) The need to include timeframes on the study on the establishment of a Trust Fund for the Court under Para 2 of the draft Decision;
- x) Concerns were raised by Rwanda on the lack of impartiality of the Court in the cases regarding Rwanda. In this regard, Rwanda informed PRC that the non-execution of the Court orders on provisional measures was deliberate in relation to the court accepting applications from genocide fugitive convicts. In addition Rwanda requested that paragraph 10 of the draft Decision, relating to the report of the African Court on Human and Peoples Rights related to the refusal of the United Republic of Tanzania and the

Republic of Rwanda to comply with orders for provisional measures ordered by the Court be deleted;;

- xi) There is a need for conducting a human resource and management audit due to the reported malpractice regarding the recruitment, promotion of Staff Members of the Court. The human resource audit report should also be presented to the next meeting of the PRC in July 2018;
- xii) The making of Declaration under Article 34 (6) of the Court Protocol is a prerogative of Member States and therefore it should not be seen as a challenge for the Court as indicated in the Report;
- xiii) The naming and shaming of Member States should be avoided to the extent possible as this does not create a conducive environment between the Court and Member States. In this regard, it was proposed that the Court should have other channels of dialogue with Member States on challenges being faced by the Court.

111. The President of AfCHPR provided clarifications as follows:

- i) The funding received by the Court, which is used exclusively for sensitization purpose is only received from the European Union through the GIZ. This funding process is conducted in accordance with AU processes and procedures and adopted by the Assembly;
- ii) The Court took note of the efforts undertaken by the various Member States in the implementation of the Court's decisions and noted that a formal acknowledgement can only be made by the Court once the Member States have submitted formal reports to the Court;
- iii) In regard to low level of ratification, the Court noted while efforts have been undertaken through sensitization, the ultimate decision to sign, ratify or make Declarations remains the prerogative of Member States;
- iv) The Court has a duty to consider cases brought before it. However, the objections made by the Republic of Rwanda should be made during the time allocated for hearing. This will ensure the Court to review the allegations made and decide in an impartial manner;
- v) It is within the mandate of the Court to cite names of member States which are not complying with the court's Orders in the decisions made on the reports of the Court;
- vi) An appeal was made to Member States to allow the Court to discharge its mandate with independence and impartiality.

Recommendations

112. The PRC:

- (i) Took Note of the 2017 Activity Report of the African Court on Human and Peoples' Rights for the period 1 January – 31 December, 2017;
- (ii) Commended States Parties in their efforts to implement the Court's decisions and further called for closer collaboration in addressing pending issues;
- (iii) Decided that Paragraph 10 of the Draft Decision relating to the report of the African Court related to the refusal of the United Republic of Tanzania and the Republic of Rwanda to comply with orders for provisional measures ordered by the Court be deleted;
- (iv) Also requested the Court to develop a policy on dealing with partners in documented, transparent, accountable and verifiable ways that member states are confident do not interfere with the Court's independence and impartiality and submit for consideration and approval by the policy organs by July 2018;
- (v) Urged the Commission to conduct a human resources and management audit in order to ensure that the Court has the required capacity to execute its mandate and to address any human resource challenges that may be faced by the Court and report to the policy organs by July 2018;
- (vi) Recommended that Member States should provide 100% of the Court's funding starting from the 2019 Budget;
- (vii) Recommended that the Report on the Amendment of Decision EX.CL/Dec.967 (XXXI) be postponed to the next Summit;
- (viii) Further recommended the report and the draft decision with the proposed amendments for the consideration of the Executive Council.

(2) AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS (ACHPR) – Doc. EX.CL/1058 (XXXII)

Activity Report of the African Commission on Human and Peoples' Rights (ACHPR)

113. The 43rd Activity Report of the African Commission on Human and Peoples' Rights (ACHPR) was presented by the Chairperson of the Commission, after which comments and observations were made as follows:

- i) Congratulated the Chairperson on her election and wished her a fruitful work during the mandate;
- ii) Noted that the pillars of the AU are based on the compliance to human rights and Member States have the obligation to conform with these principles;
- iii) Recalled the Executive Council's decision EX.CL/Dec.887(XXVII) of June 2015 regarding the withdrawal of the observer status of the Coalition of African Lesbians (CAL) and the review of its criteria for granting Observer Status to NGOs taking into account the fundamental African values, identity and good traditions. Regrettably, the PRC noted that the Commission did not take any action to implement the decision;
- iv) Concerns were raised on the lack of communication between the ACHPR and the PRC. In this regard, the PRC commended the ACHPR for proposing a retreat between the two and proposed the establishment of an open-ended Committee to address some of the pending matters;
- v) The relevant decisions of the Assembly on the financing of all AU Organs to ensure their independence should be implemented;
- vi) The report of the ACHPR should also focus on positive progress that have been undertaken in Member States;
- vii) Encouraged the Court to conduct field visits and dialogues with Member States so as to find solutions to some of the challenges;
- viii) Some delegations proposed the postponement of the report until some of the issues have been resolved while others were of the view that the challenges raised should assist the Commission in improving its work;
- ix) The ACHPR should verify allegations before publishing them in its Activity Reports;
- x) Some delegations raised specific concerns as follows:
 - a) Morocco, Comoros and Senegal proposed the deletion or amendment of paragraph 55 of the Report and paragraph 5 of the draft Decision. They emphasized that what was required was dialogue between the Kingdom of Morocco and the ACHPR on the issue as agreed at the 34th Session of Executive Council of July 2017;

- b) Kenya respects the rule of law and the obligation on human rights under human rights, international legal instruments to which it is a state party;
- c) The Gambia assured the PRC that the new Gambian Government is committed to constructing permanent premises of the ACHPR and that a task force has been established. The Gambia should therefore be given time to finalize the ongoing efforts;
- d) Zimbabwe indicated that the Press Statement issued by the ACHPR on 21 November 2017 on the change of government was misplaced as the transition of power in Zimbabwe was in compliance with the Constitution of the Country. It was further noted that Zimbabwe remains committed to the principles laid down in the AU legal instruments and that of the SADC;
- e) The SADR noted that paragraph 55 of the Report and paragraph 5 of the draft Decision regarding the implementation of Executive Council Decision EX.CL/Dec.689(XX) requesting the ACHPR to carry out a mission to the territory referred to by the AU as the Sahrawi Arab Democratic Republic and by the United Nations as Western Sahara, under the control of the Kingdom of Morocco (Morocco), with a view to investigating human rights violations, are a true reflection of the current realities. It further invited the Kingdom of Morocco to comply with the decision of the AU Policy Organs. This view was supported by Algeria, Angola, Zimbabwe, Nigeria and Namibia;
- f) The delegation of Tanzania noted that the Government of the United Republic of Tanzania sends 18.7 billion every month for providing free education to school going children from kindergarten to secondary level. It further noted that, the policy does not prohibit parents from taking their girls to private schools after they have given birth. It was also noted that punishment is also provided by the law against anyone who impregnate a student. The United Republic of Tanzania observed that the issue regarding eviction of pastoralists in Kilosa and Mvomero is before the East African Court of Justice and cannot be discussed in this meeting so as to not prejudice the matter. With regards to the stigmatization against people living with HIV, the Government of the United Republic of Tanzania has established a Unit in every Public Hospital for providing free medical attention, including counselling and to people living with HIV in the country;
- g) The delegation of Egypt objected to the removal of the PRC recommendation to establish an open ended working group on ACHPR.

114. The Chairperson of ACHPR responded to issues raised as follows:

- i) That it was not the ACHPR that seized the Court for an advisory opinion on the decision of the Executive Council on the withdrawal of observer status of CAL but the Centre of Human Rights (University of Pretoria). The ACHPR will therefore consider the concerns of the PRC on the non-implementation of the Executive Council decision and report back to PRC during the next session;
- ii) The ACHPR had reviewed its criteria for granting observer status to provide that only African NGOs and NGOs operating in Africa may be granted observer status;
- iii) The ACHPR remains committed to work in close collaboration with the Policy Organs;
- iv) The need for a dialogue between the PRC and the ACHPR was acknowledged and that the ACHPR was ready to work with Member States in order to address their concerns;
- v) The ACHPR is aware that even though the primary responsibility to respect human and peoples' rights falls on States, individuals and communities have some responsibilities as well;
- vi) The Commission was ready to undertake a dialogue with the Kingdom of Morocco regarding the implementation of the policy organs decisions on the fact-finding mission;
- vii) Expressed concern that the open ended working group was premature and may undermine the protection of human and peoples' rights on the continent and proposed that the planned retreat should address the existing challenges and way forward.

Recommendations

115. The PRC:

- (i) Took note of the 43rd Activity Report of the ACHPR;
- (ii) Requested Member States and ACHPR to cooperate during the investigations of complaints and requested the Commission to employ due process in discharging its mandate, most notably, through depending on judicial, reliable sources, and exercise its mission with professionalism, impartiality and neutrality;

- (iii) Expressed rejection to the non-implementation of the decisions of policy organs related to the withdrawal of observer status to the Coalition of African Lesbians (CAL) and requested the ACHPR to comply with the decision without further delay;
- (iv) Recommended to have a Joint Retreat between PRC and ACHPR to engage a constructive joint reflection on the working methods of the ACHPR, to improve the dialogue and the relationship with the Organ;
- (v) Encouraged Member States to participate at the Sessions of the Commission;
- (vi) Recommended the Report and the amended draft decision for the consideration of the Executive Council.

**(3) AFRICAN UNION ADVISORY BOARD ON CORRUPTION (AUABC) –
Doc. EX.CL/1059 (XXXII)**

- (i) Activity Report of the African Union Advisory Board on Corruption (AUABC);
- (ii) Consideration of the Concept Note on the African Anti-Corruption Year (Project 2018);
- (iii) Consideration of the Draft Strategic Plan of the African Union Advisory Board on Corruption (AUABC) 2017-2021.

116. The Activity Report of the African Union Advisory Board on Corruption (AUABC) was presented by the Chairperson of the AUABC. After the presentation, the following observations were made:

- i) The AUABC, in collaboration with Member States and the Commission, should develop measures to recover illicit funds flowing outside Africa and other stolen assets lying abroad;
- ii) There is an outstanding recommendation to change the name of the Board from AUABC to Advisory Board on Anti-Corruption and the reasons for the delay in changing the name has not been provided to Member States;
- iii) States Parties and Member States were urged to implement anti-corruption activities considering the theme of the Summit for 2018;
- iv) It was worrisome that the AUABC, an integrity body, should have a qualified audit opinion in the Audit Report;
- v) The Activity Report and the Strategic Plan did not include any evaluation of its operations since establishment and the deliverables for the planned activities;

- vi) There was need for increased interaction between States Parties and the AUABC on the reporting mechanisms to ensure that reports are submitted;
- vii) The AUABC should implement recommendations of Audit Reports related to the recovery of irregular expenses;
- viii) The draft decision need to capture the activities to be carried out in 2018 in line with the theme of the year;
- ix) Whether it was not a conflict of interest for the AUABC to receive funding from the private sector as stated in paragraph 25 of the Concept Note of Project 2018.

117. The following clarifications were provided by the Chairperson of the AUABC:

- i) The name of AUABC is provided under Article 22 of the African Union Convention on Preventing and Combating Corruption. The AUABC will consult the Office of the Legal Counsel on how the name can be changed;
- ii) The Strategic Plan for 2017-2021 was informed based on an assessment of the 2011-2015 Strategic Plan and took into account the relevant decisions of the policy organs. Furthermore, the plan was developed through an inclusive process involving, inter alia, the national anti-corruption bodies;
- iii) The AUABC is having challenges in performing its mandate due to inadequate staff and also because the members of the Board do not serve full time.

Recommendations

118. The PRC:

- (i) Took note of the Report;
- (ii) Demande en outre au Conseil de lui soumettre un rapport sur la mise en œuvre du rapport d'audit à sa prochaine session;
- (iii) Further requested the AUABC to engage the Office of the Legal Counsel on the processes required for the change of name of the Board to "Advisory Board on Anti-Corruption";
- (iv) Recommended the Report and the draft decision with the necessary improvements in light of observations by PRC for the consideration of Executive Council.

(4) REPORTS OF AU SPECIALIZED INSTITUTIONS - EX.CL/1060 (XXXII)

Activity Report of the African Risk Capacity Agency (ARC)

119. The Report was presented by a Representative of the African Risk Capacity (ARC) Agency. Subsequently, comments and observations were made, and clarifications sought as follows:

- i) The ARC was established in 2012 when 41 Member States convened a Conference in Pretoria, South Africa;
- ii) The establishment of a Ministerial Committee to support the mandate of ARC given its important role per the ARC Establishment Agreement which identifies the objectives of the ARC Agency as “assisting Member States to reduce the risk of loss and damage caused by extreme weather events and natural disasters affecting Africa’s population by providing targeted responses to disasters in a more timely, cost-effective, objective and transparent manner;
- iii) Regular exchanges between the AU Commission and ARC are encouraged to facilitate synergies and complementarities;
- iv) The proposed Fund to address emergencies in Africa and the MoU signed between ARC and the African Development Bank (AfDB) should be clarified further;
- v) The implications and process of integrating ARC into the AU Commission should be spelt out more clearly.

120. In response, the Commissioner for Rural Economy and Agriculture, indicated that the proposal to integrate ARC into the Commission will create duplications. The Commission already has mechanisms and programmes in place for disaster risk management, which instead be built on and strengthened. She also stressed the need for ARC to engage with the Commission through existing platforms and instruments such as the STC on Agriculture, Rural Development, Water and Environment and the Committee of African Heads of State and Government on Climate Change (CAHOSCC).

121. The Representative of ARC provided clarifications and responses to the comments. She pointed out the proposal is to strengthen and deepen the work with the Commission to create greater awareness and garner more political support among the AU and its Member States to further assist ARC in delivering on its original vision and mandate. ARC Representative clarified that the MoU signed between ARC and AfDB was geared towards providing a premium financing mechanism for countries and supporting the establishment of requisite public policies to support improved disaster

risk management. She concluded by assuring the meeting that ARC will continue to engage with the Commission through the relevant channels, and to provide direct technical assistance to and sensitise the Member States.

Recommendations

122. The PRC:

- (i) Took note of the Report of the African Risk Capacity (ARC) Agency and requested ARC to continue engagement and collaboration with the Commission to fight climate disaster on the continent;
- (ii) Requested the Commission to engage with ARC to develop concrete mechanisms and instruments of collaboration to galvanize more awareness and political support among Member States;
- (iii) Recommended the Activity report to the Executive Council for consideration.

SECTION VI: CONSIDERATION OF THE DRAFT AGENDA OF THE 32ND ORDINARY SESSION OF THE EXECUTIVE COUNCIL AND THE DRAFT AGENDA OF THE 30TH SESSION OF THE ASSEMBLY OF THE AFRICAN UNION

123. The PRC adopted the draft agenda of the 32nd Ordinary Session of the Executive Council and the draft Agenda of the 30th Ordinary Session of the Assembly of the African Union with amendments.

SECTION VII: CONSIDERATION OF THE DRAFT DECISIONS AND DECLARATIONS OF THE EXECUTIVE COUNCIL

124. The PRC considered the Draft Decisions of the 32nd Ordinary Session of the Executive Council, made amendments and recommended the Draft Decisions to the Executive Council.

SECTION VIII: ADOPTION OF THE REPORT OF THE PERMANENT REPRESENTATIVES' COMMITTEE (PRC)

125. The PRC met on Wednesday 24 January 2018 and adopted its Report.

SECTION IX: ANY OTHER BUSINESS

126. Nothing was discussed under this Agenda Item.

SECTION X: CLOSING

127. The General Dean, the Representative of the Republic of Cameroon, personally, and on behalf of all members of the PRC commended the Chairperson of the PRC, whose tenure had come to an end. He applauded the outstanding qualities the Chairperson had demonstrated throughout her term of office, which enabled her to remain constant in the pursuit of her goals. She was able to skilfully manage the discomfort she should have experienced as a result of the structural inertia that characterized the duties of the Chair of the PRC. The PRC would continue with the uncompleted work she had initiated to improve its working methods. She would also contribute to the task as she returned to her initial professional capacity as member of the PRC.

128. The closing statement by the Chairperson of the PRC focused on two key words: gratitude and thanks. She said she felt honoured by the support she received from her peers, the leadership of the Commission, the Secretary General of the Commission, whose commitment and availability she commended, and all the staff of the Commission. Special mention was made to the interpreters for their sense of duty. At the time when she was handing over to the Permanent Representative of Rwanda, she expressed satisfaction at the knowledge that the reform process, launched under the mandate of Professor Alpha Condé, would be continued with even greater determination to achieve the objectives of the African Union.

129. She commended the high quality of deliberations right from the opening of the advance session of the PRC, and highlighted the latter's contribution to the forthcoming sessions of the Executive Council and the Assembly. It was with great emotion that she declared the 35th Ordinary Session of the Permanent Representatives' Committee closed.

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