

**AFRICAN UNION**

**الاتحاد الأفريقي**



**UNION AFRICAINE**

**UNIÃO AFRICANA**

---

Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: [www. Africa-union.org](http://www.Africa-union.org)

---

**PERMANENT REPRESENTATIVES' COMMITTEE  
TWENTY-SECOND ORDINARY SESSION  
23 - 24 June 2011  
Malabo, EQUATORIAL GUINEA**

**PRC/Rpt(XXII)**

**REPORT**

## TABLE OF CONTENTS

<u>Title</u>	<u>Content</u>	<u>Page</u>
<b>Section I</b>	Introduction	<b>1</b>
<b>Section II</b>	Consideration of the Activity Report of the Commission	<b>4</b>
<b>Section III</b>	Consideration of the Report of the Permanent Representatives' Committee (PRC)	<b>6</b>
<b>Section IV</b>	Consideration of the Draft Budget for 2012	<b>15</b>
<b>Section V</b>	Consideration of the Recommendations of the PRC on the Report of the Commission on the Implementation of Previous Decisions of the Executive Council and the Assembly	<b>15</b>
<b>Section VI</b>	Other Reports	<b>16</b>
<b>Section VII</b>	Consideration of the Reports of the Sub-Committees of the Executive Council	<b>40</b>
<b>Section VIII</b>	Consideration of the Reports of other AU Organs	<b>40</b>
<b>Section IX</b>	Elections	<b>47</b>
<b>Section X</b>	Items proposed by Member States	<b>47</b>
<b>Section XI</b>	Any Other Business	<b>55</b>
<b>Section XII</b>	Date and Venue of the 20 <sup>th</sup> Ordinary Session of the Executive Council	<b>55</b>
<b>Section XIII</b>	Adoption of the Decisions of the 19 <sup>th</sup> Ordinary Session of the Executive Council	<b>55</b>
<b>Section XIV</b>	Consideration of the Draft Decisions and Declarations of the 17 <sup>th</sup> Ordinary Session of the Assembly	<b>56</b>
<b>Section XV</b>	Consideration of the Draft Agenda of the 17 <sup>th</sup> Ordinary Session of the Assembly	<b>56</b>
<b>Section XVI</b>	Closing Ceremony	<b>57</b>
<b>Annexes</b>		

## **DRAFT REPORT OF THE TWENTY-SECOND ORDINARY SESSION OF THE PERMANENT REPRESENTATIVES' COMMITTEE (PRC)**

### **SECTION I**

#### **a) INTRODUCTION**

1. The Twenty-Second Ordinary Session of the Permanent Representatives' Committee (PRC) was held from 23 to 25 June 2011 in Malabo, Equatorial Guinea, under the chairmanship of H.E. Dr. Ruben MAYE NSUE MANGUE, Ambassador of the Republic of Equatorial Guinea in Ethiopia and Chairperson of the Permanent Representatives' Committee (PRC).

2. However, as is the practice, the PRC had earlier held meetings from 06 to 16 June 2011 in Addis Ababa, Ethiopia during which it:

- (i) Reviewed the work programme for the preparatory meetings;
- (ii) Reviewed and updated the Draft Agendas for the 22<sup>nd</sup> Ordinary Session of the PRC, 19<sup>th</sup> Ordinary Session of the Executive Council and 17<sup>th</sup> Ordinary Session of the Assembly (23 June to 1<sup>st</sup> July 2011) and the Provisional Programme of Events (13 June to 2 July 2011), Malabo, Equatorial Guinea;
- (iii) Also considered several working documents on the items proposed for consideration by the 19<sup>th</sup> Ordinary Session of the Executive Council and the Assembly alongside the corresponding Draft Decisions in accordance with Rule 4:1 (c) of the Rules of Procedures of the PRC.

3. In the course of the preparatory meetings, the Chairperson of the PRC, in his capacity as the Host of the forthcoming Summit in Malabo, regularly briefed the PRC on the status of logistics preparations for the Summit and assured the PRC that all logistics concerns would be addressed and all delegations would be given appropriate attention.

#### **b) OPENING CEREMONY**

- i) **Statement by H.E. Dr. Ruben MAYE NSUE MANGUE, Ambassador of the Republic of Equatorial Guinea in Ethiopia and Chairperson of the Permanent Representatives' Committee (PRC)**

4. In his opening statement, the Chairperson of the PRC commended the Committee for the work accomplished and the commitment and cooperation exhibited during the preparatory stage of the 22<sup>nd</sup> Ordinary Session. He observed that 70% of the work had been accomplished in Addis Ababa. He welcomed them to Malabo.

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

5. On his part, the Chairperson of the Commission expressed gratitude to the Government and people of Equatorial Guinea for the warm welcome and hospitality and excellent facilities provided to the various delegations. He underscored the importance of the outcome of the last PRC/AUC Retreat held in Nazareth from 31<sup>st</sup> March to 2<sup>nd</sup> April 2011, especially the improvement of the working methods and working relations between both Organs.

6. He deplored the fact that the 2012 Draft Budget would not be adopted during this session owing to some delays in the preparation of the relevant documents. He further regretted the fact that unlike the previous budget, the discussions on the Draft Budget 2012 were held in the unavoidable absence of some members of the Commission. He commended the Sub Committee on Structures for accepting the revised structure for the Commission and that this would facilitate the implementation of the Strategic Plan 2009/2012.

7. He explained that the various challenges facing the continent have placed huge responsibilities on both the PRC and the Commission. He stressed the need for the AU to continue to speak with one voice. He expressed optimism that collectively the challenges facing the AU could be overcome. He seized the opportunity to commend the PRC for the hard work done in Addis Ababa. He acknowledged the support provided by Member States, other Organs as well as Partners. He concluded his statement by wishing the Committee successful deliberations.

**iii) Statement by H.E. Pastor Micha Ondo Bile, Minister of Foreign Affairs of the Republic of Equatorial Guinea.**

8. On behalf of the Government and people of the Republic of Equatorial Guinea, the Minister welcomed all the participants to Malabo and said it was a source of pride and joy for them to host an AU Summit for the first time in its history. He hoped that Malabo would provide a fertile ground for important decisions that would benefit the people of Africa.

9. He thanked all delegations that have made the journey to take part in these deliberations. He commended the PRC and AUC for the preparatory work accomplished in Addis Ababa and confirmed that the Government of Equatorial Guinea on its part has spared no effort in ensuring that all measures are put in place for a successful Summit. He reiterated the vision of Equatorial Guinea as stated by President Obiang Nguema Mbasago on assumption of the Chair in January 2011.

10. He emphasized the importance financial resources in the attainment of the objectives of the Union and for that there was need to secure Alternative sources of funding. He looked forward to the PRC as initiator of a successful dialogue and wished

all participants fruitful deliberations. On that note he declared the 22<sup>nd</sup> Ordinary Session of the PRC open.

### **c) ATTENDANCE**

11. In attendance were the following Member States: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Comoros, Congo, Cote D'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Liberia, Libya, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, SADR, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe.

### **d) ADOPTION OF THE AGENDA**

12. The PRC adopted the following agenda:

- (i) Opening;
- (ii) Consideration of the Report of the PRC Sub-Committees:
  - A. Report of the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters, including the Draft Budget for 2011:
    - a) On the Draft Budget for 2012
    - b) On the review of the PRC/Executive Council Decisions on the sale of the AU New York Building
    - c) On the proposal to rent/sell the AU Office Building in Brussels
  - B. Report on the activities of the Sub-Committee on Multilateral Cooperation;
  - C. Report of the Sub-Committee on Structures;
  - D. Report of the Sub-Committee on Conferences and Programmes;
  - E. Report of the Sub-Committee on Refugees, Returnees and Internally Displaced Persons in Africa;
  - F. Report of the Sub-Committee on Contributions;
  - G. Report of the Sub-Committee on Economic and Trade Matters;
  - H. Report of the Sub-Committee on NEPAD.
- (iii) Consideration of the working documents and draft decisions in preparation for the 19<sup>th</sup> Ordinary Session of the Executive Council, Malabo, Equatorial Guinea, 26-28 June;
- (iv) Any Other Business.

**e) ORGANIZATION OF WORK**

**13.** The PRC adopted the following working hours:

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

**SECTION II: CONSIDERATION OF THE ACTIVITY REPORT OF THE COMMISSION – Doc. EX.CL/656(XIX)**

**14.** The report was presented by the Deputy Chairperson of the Commission. He indicated that the Commission's activities, during the period under review, drew inspiration from the Strategic Plan 2009-2012 that was adopted by the Assembly in July 2009. He further stressed that the activities were undertaken within the ambit of the four pillars of the Plan, namely Peace and Security; Integration, Development and Cooperation; Shared Values; and Strengthening the institutions.

**15.** The Deputy Chairperson further explained that the Commission has shifted from activities-based to result-based performance. He underscored the fact that in order to achieve the set objectives, the full support of Member States was necessary in mobilizing the necessary financial resources for programme execution. He concluded by highlighting the achievements made in the area of service delivery, following the introduction in early 2011 of reforms, initiatives and Tools; all aimed at enhancing the Commission's capacity, efficiency and effectiveness as well as improving on the overall Administrative and Financial Management.

**16.** At the end of the presentation, comments and observations were made as follows:

- (i) The Commission was commended for the quality of the comprehensive report;
- (ii) The report should be consistent, dynamic and updated to include the events that took place well before the reporting period;
- (iii) The Commission should give as much attention to development issues as it does to Peace and Security issues, in view of the improved Peace and Security situation on the continent;
- (iv) The Commission should apprise Member States of the outcome of the comparative study conducted on electoral mechanisms for addressing electoral complaints and disputes, and also report as early as possible on election observation activities to Member States;
- (v) There is need to pursue a coordinated effort and resource mobilization for the Great Green Wall Project;

- (vi) Agricultural productivity by Member States should be boosted towards attaining food sufficiency and food security, as well as the achievement of youth employment in the process;
- (vii) There is need for the Commission to conclude work early on alternative sources of funding in order for the Union to effectively execute its mandate;
- (viii) Clarification was sought on the nature of the relationship between the AU and the United States within the framework of AGOA?

**17.** In response, the Chairperson, the Deputy Chairperson complemented by other members of the Commission clarified as follows:

- (i) The Commission will make effort to update the Activity Report in a consolidated manner taking into account the dynamic environment. However, there is need to respect the time lines needed for finalization, production and translation of the report;
- (ii) Efforts towards achieving Peace and Security remain a major pre-occupation of the Union taking into account its importance in the attainment of sustainable development on the continent;
- (iii) The study on electoral mechanisms for resolving electoral conflicts has been concluded in the SADC region and work is still on-going in the other regions;
- (iv) The outcome of election observation and monitoring in Senegal is available and will be forwarded to the Republic of Senegal after the Summit;
- (v) Efforts are ongoing to ensure a coordinated approach to the mobilization of financial resources for the Great Green Wall Project as well as for boosting agricultural productivity to improve youth employment;
- (vi) The Panel set up to work with Member States on Alternative Sources of Financing the African Union will commence work in July 2011 and the outcome of its consultation will be submitted to the executive organs of the Union at the AU Summit in January 2012;
- (vii) AGOA is a unilateral arrangement initiated by the United States aimed at boosting Trade, and has the possibility of gestating into a real Partnership.

**18.** In conclusion, the PRC endorsed the report and recommended to the Executive Council the following:

- (i) Take note of the comprehensive report of the Chairperson of the Commission on the activities undertaken since the last Summit of January 2011;

- (ii) Request the Commission to move, as from January 2012, from a 6-monthly Activity Report to an Annual Report which should be more focused on strategic issues in an analytical, all-encompassing, action and result-oriented manner, rather than activity-based. However, at each Summit, the Chairperson of the Commission should submit an executive summary;
- (iii) Support the draft Decision presented when the PRC considered the report of the Joint AU/UNECA Conference of Ministers of Finance, Economic Planning and Development;
- (iv) Request that the report of the Panel of Eminent Personalities on Alternative sources of funding the Union should be thoroughly discussed during the next Summit in January 2012;
- (v) In view of the importance of the report of the Chairperson of the Commission, the PRC should be given sufficient time to consider it appropriately and be provided with the Annual Report in the future in good time.

### **SECTION III: CONSIDERATION OF THE REPORTS OF PRC SUB-COMMITTEES:**

#### **A. Report of the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters, including the Draft Budget for 2011 - Doc.EX.CL/655(XIX)i**

**19.** The report was presented by H.E. Mr. Kwesi Quartey, Ambassador of the Republic of Ghana to the African Union and Chairperson of the Sub-Committee on Administrative, Budgetary and Financial Matters.

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

- (i) As recommended by the Sub-Committee, consideration of the draft 2012 Budget should be deferred till after the Malabo Summit and an extraordinary session of the Executive Council convened in September 2011;
- (ii) The legal implications of the deferral of the budget consideration should be clarified in light of the Assembly decision to change the budget cycle;
- (iii) Funds should be identified for the convening of an extraordinary session of the Executive Council since this had not been provided for in the 2011 Budget;
- (iv) The report should be amended to reflect the participation of the following Member States in the meeting of the Sub-Committee: Algeria, Mozambique,



Namibia, Niger, Nigeria, Rwanda, Sierra Leone, Swaziland Tunisia and Uganda;

**21.** In conclusion, the PRC endorsed the report and recommended to the Executive Council the following:

- (i) Take note of the report of the Sub-Committee and endorse its recommendations;
- (ii) Recommend that an extraordinary session of the Executive Council be convened in September 2011 to consider the Draft Budget for 2012;
- (iii) Request the Assembly to delegate to the Executive Council the authority to adopt the 2012 Budget on its behalf.

**B. Report of the Sub-Committee on Structures – Doc. EX.CL/655(XIX)ii**

**22.** The Report was presented by the Chairperson of the Sub-Committee on Structural Reforms, H.E. Mr. Pierre Juste Mounzika-Ntsika, the Ambassador of the Republic of Congo.

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

- (i) Need to recognize the urgent need to finalize the proposed structure of NEPAD Secretariat;
- (ii) Need to concretize the management of the Partnerships by immediately establishing a functional management structure at the Commission;
- (iii) Submit the proposed structure as adopted by the PRC-Sub Committee to the Executive Council, for consideration;
- (iv) Appropriate for the Division for the Coordination and Management of the AU Partnerships to be headed by a P5;
- (v) Reduce the number of P3 positions to three by merging two of the proposed sections and keep only two P2 officers for the Division.

**24.** In response to the concerns raised, the Commission provided clarification as follows:

- (i) The organizational structure of the Multilateral Cooperation Coordination and Management Unit has been adopted by the PRC Sub-Committee on Structures, hence the need for the PRC to consider submitting it to the Executive Council for consideration and adoption;

25. In conclusion, the PRC recommends to the Executive Council to:

- (i) Adopt the Report of the Sub-Committee;
- (ii) Take note of the recommendations therein;
- (iii) Request the sub-Committee on Structural Reform to continue with its action so as to conclude its consideration of the proposals on the reform of the structures of the Commission and other organs of the African Union, and re-submit a full report as soon as possible for consideration by PRC;
- (iv) However, pursuant to the implementation of Executive Council Decision EX.Cl/Dec. 512(XV) taken in Kampala regarding the Division for the Coordination of Partnerships, endorse the recommendations of the Sub-Committee on the structure of this Unit for consideration and adoption by the Executive Council, with a plan for gradual establishment of this Division over a period of three years effective from January 2012.

**C. Report of the activities of the Sub-Committee on Multilateral Cooperation – Doc. EX.CL/655(XIX)iii**

26. The report was presented by the H.E. Montcho Ferdinand, Ambassador of the Republic of Benin, in his capacity as the Rapporteur of the Sub-Committee.

27. After the presentation, comments and observations were made and clarification sought as follows:

- (i) The Sub-Committee should be commended for the quality of the report and its recommendations, and for working closely with the Commission in the implementation of projects and activities within the framework of Africa's Strategic Partnerships;
- (ii) Need for the Commission to elaborate a follow-up mechanism for the Africa-India Forum Summit, and submit it to the Sub-Committee for consideration;
- (iii) Need for the full involvement of Member States in India's scholarship programme for African post-graduate students in the field of agriculture;
- (iv) Why the structure recommended by the Sub-Committee for the proposed Partnership Coordination and Management Unit was not annexed to the report;
- (v) Why two items namely, the Global Review of Africa's Strategic Partnerships and AU Representational Offices have repeatedly been withdrawn from the PRC Agenda.

**28.** In response, the Representative of the Sub-Committee and the Commission provided clarifications as follows:

- (i) An effective follow-up mechanism to implement projects and activities of the Africa-India partnership is imperative. The Commission will work on it in close collaboration with the Sub-Committee and the PRC;
- (ii) All Member States have roles to play in administering India's scholarship programme and the Commission will ensure that all information is made available to Member States;
- (iii) The Structures Sub-Committee will present to the PRC the structure agreed upon with the Sub-Committee on Multilateral Cooperation;
- (iv) The studies on the Global Review of Africa's Strategic Partnerships and AU Representational Offices are being finalized and should be ready for consideration by the PRC and the Executive Council in January 2012.

**29.** In conclusion, the PRC endorsed the report and recommended to the Executive Council the following:

- (i) Express its appreciation to the Sub-Committee on Multilateral Cooperation;
- (ii) Adopt the report and recommendations contained therein;
- (iii) Welcome the outcome of the 2<sup>nd</sup> Africa-India Forum Summit and request the Commission to ensure its effective implementation in close collaboration with Member States.

**D. Report of the Sub-Committee on Conferences and Programmes – Doc. EX.CL/655(XIX)iv**

**30.** The Chairperson of the Sub –Committee on Conferences and Programs, H.E.Dr. Monica Juma, made a presentation to the PRC in which she noted that, although the Sub Committee had made some progress, it could not finalize and adopt its report on time due to delay occasioned by non-compliance by a majority of the Departments of the Commission in terms of submission of the necessary information to guide discussion on the proposed Calendar of Meetings for 2012. While recommending that necessary measures be taken and lessons be learned from such delay in order to avoid a reoccurrence, she sought the guidance of the Committee in view of the fact that the work of the Committee formed the basis for the work of the Sub-Committee on Administrative, Finance and Budgetary matters.

**31.** After extensive discussion, the PRC decided the following:

- i) That in view of the lack of full submission of necessary information, the Sub Committee could not finalise its work before the Malabo Summit;
- ii) The PRC also mandated the Chair of the PRC to meet with the Chair of the AUC to explain the situation, and seek clarification of the implications of non-compliance the some Departments that holds back the work of the PRC with far reaching implications;
- iii) That the Sub-Committee resume after the Malabo Summit, to finalise its work and adopt its report.

32. The PRC was consequently unable to consider the report of the Sub-Committee on Conferences and Programs.

**E. Report of the Sub-Committee on Refugees, Returnees and Internally Displaced Persons in Africa – Doc. EX.CL/655(XIX)v**

33. The Report was presented by H.E. Mull Katende, Ambassador of the Republic of Uganda in his capacity as Rapporteur of the Sub-Committee.

34. After the presentation, there were discussions on the following items:

- (i) Refugees and internally displaced persons belong to two different terminological and legal categories. The difference in terminology is essential for the quest for solutions which have to take into account the specific aspects of each category;
- (ii) The Report did not take into account the situation of persons displaced for reasons other than war (natural disasters, floods, etc) ;
- (iii) Bottlenecks in the ratification of the Kampala Convention on Internally Displaced Persons can be attributed to the diversity of ratification procedures in force in Member States;
- (iv) The duties of refugees towards their host countries are not adequately highlighted;
- (v) The prize formerly awarded to refugee host countries in recognition of their sacrifices no longer exists ;
- (vi) It is important to take into account the burden endured by host countries which, most often, are also confronted with the phenomenon of poverty;
- (vii) The issue of refugee integration in their respective host countries should be envisaged from an approach based on varied criteria reflecting the diversity of specific situations;

(viii) The identification of the underlying causes of the refugee phenomenon should be a constant concern.

**35.** The rapporteur made the following clarifications:

- (i) The Kampala Convention on the Protection and Assistance to Internally Displaced Persons makes all the terminological differences relating to the categories of refugees and/or internally displaced persons;
- (ii) Only through a comprehensive approach to the issue of refugees and internally displaced persons can a solution be found to the burden of host countries;
- (iii) It is necessary to find a formula for compensating host countries, failing the re-introduction of the best host country prize;
- (iv) Although the Kampala Convention has not yet been ratified by an adequate number of countries, Member States already implementing the provisions of the said Convention are encouraged to continue doing so.

**36.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following :

- (i) Take note of the Report;
- (ii) Express its appreciation to the Sub-Committee for the work done, including the successful missions they have undertaken in Liberia, Sierra Leone and Zimbabwe;
- (iii) Further express its gratitude to countries such as Sierra Leone and Tanzania for its integration programme towards refugees and encourage other Member States emulate such examples;
- (iv) Reiterate the appeal to all Member States for a speedy signing, ratification and domestication of the AU Convention on IDPs as well as the implementation of the Plan of Action of the 2009 Kampala Summit on Refugees, Returnees and IDPs in Africa when resources so permit;
- (v) Stress the need to decisively address the root causes for the phenomenon of refugees and IDPs;
- (vi) Increase the human and financial resources of the Commission, thereby allowing for better management of human issues
- (vii) Propose the reactivation of the Awards to countries having outstandingly promoted integration programmes of refugees.

**F. Report of the Sub-Committee on Contributions – Doc. EX.CL/655(XIX)vi**

**37.** The report was presented by the Chairperson of the Sub-Committee on Contributions, H.E. Mr. Joseph Nsengimana, Ambassador of the Republic of Rwanda.

**38.** After the presentation, members of the PRC made comments and observations as follows:

- (i) Commended those Member States that have honoured their financial obligation for the year;
- (ii) Need for the Commission to update the annex stating the contributions made by Member States as some countries reported to be in arrears of payment had met their obligations;
- (iii) Need for the Commission to evolve better ways of collecting contributions from Member States;
- (iv) Why collection from Partners is slow;
- (v) What effort the Commission is making to correct the notion that Partners funds are not being properly accounted for?
- (vi) Why the name of Morocco (a non-Member State) features on the annex on the status of contributions;
- (vii) Need for additional explanation on Annex 3 regarding Contribution Received in 2011.

**39.** In response to the observations made, a representative of the Commission made clarification as follows:

- (i) More Member States have fulfilled their commitments but this came after the Sub-Committee's report on contributions had been finalized but the list will be updated to reflect this before consideration by the Executive Council;
- (ii) The Commission has evolved an accounting procedure for reporting on the use of Partners funds and this should encourage them to honour their pledges as appropriate;
- (iii) The little amounts indicated against some Member States is a shortfall arising from transaction cost and exchange rate differences;
- (iv) The mention of Morocco in the Statement of Contribution is purely for accounting purpose to reflect the arrears owed as at the time it withdrew from the then OAU.

**40.** In conclusion, the PRC endorsed the report and recommended to the Executive Council the following:

- (i) Take note of the report on Contributions and the recommendations therein;
- (ii) Congratulate those Member States that have fully paid their contributions under the 2011 Financial Year or paid in advance part of their contribution for 2012 Financial Year;
- (iii) Congratulate Equatorial Guinea for pledging voluntary contribution to the programme of the African Union;
- (iv) Call on Member States that are yet to make their contributions to do so in order to alleviate the financial constraints facing the Union;
- (v) Extend the temporary exemption granted to the Democratic Republic of Congo;
- (vi) Maintain the sanction placed on the following countries, namely:
  - Central African Republic;
- (vii) Express appreciation to Partners that have honoured their pledges and call upon those yet to make their contributions to do so.

**G. Report of the Sub-Committee on Economic and Trade Matters – Doc. EX.CL/655(XIX)vii**

**41.** Consideration of this item was deferred.

**H. Report of the Sub-Committee on NEPAD - Doc. EX.CL/655(XIX)viii**

**42.** The report was presented by the Ambassador of the Republic of Algeria, Chairperson of the Sub-Committee.

**43.** Following the presentation, comments and observations were made and clarification sought as follows:

- (i) The integration of NEPAD into the structures and processes of the African Union was meant to promote complementarity and avoid duplication. Every effort should be made to achieve that goal;
- (ii) Steps should be taken to abide by the recommendation in paragraph 64 of the report, calling on the NEPAD Planning and Coordinating Agency (NPCA)

to submit to the Heads of State and Government appropriate and updated documentation in order to enlighten them on progress made so far;

- (iii) NPCA's role should not be limited to implementation. Rather, it needs to assume a planning function as well;
- (iv) The NEPAD Sub-Committee had emphasized the need to submit the proposed organizational structure of NPCA to the PRC Sub-Committee on Structures for examination before the Malabo Summit. Information was sought on whether this was done;
- (v) NPCA needs an appropriate structure that will ensure effectiveness and efficiency in carrying out its mandate.

**44.** In response, the Chairperson of the Sub-Committee provided clarifications as follows:

- (i) The Heads of State and Government of the Union had taken a very clear decision of the role of the NPCA vis- a-vis other Organs of the Union. Therefore, there was no ambiguity on what the responsibilities of NPCA were;
- (ii) NPCA and Regional Economic Communities should serve as the implementation arm while the Commission focuses on policy formulation;
- (iii) Duplication of activities should be avoided at all cost;
- (iv) The Chairperson of the Sub-Committee had consulted the Commission and members of the Structures Sub-Committee on the need to examine the proposed NPCA Structure before the Malabo Summit. However, due to time constraints, it was not possible to schedule the required meetings for a detailed examination.

**45.** In conclusion, the PRC endorsed the report and recommended to the Executive Council the following:

- (i) Take note of the report and recommendations of the Sub-Committee;
- (ii) Call upon the AU Commission to harmonize the structure, programmes and projects as well as the budget of NEPAD in order to avoid duplication, pursuant to Decision Assembly/AU/Dec.283(XIV);
- (iii) Request the NEPAD Coordination Unit to endeavour to avail the PRC Sub-Committee all the necessary details and documentation to facilitate their work;



- (iv) Request NPCA to submit to the Heads of State and Government appropriate and updated documentation within the framework of the special NEPAD session in Malabo, in order to enlighten the Heads of State and Government on the progress so far made by NEPAD.

**SECTION IV: CONSIDERATION OF THE DRAFT BUDGET FOR 2012 – EX.CL/657(XIX)**

**46.** The PRC could not consider the Draft Budget 2012. It however endorsed the recommendations of the Advisory Sub Committee on Administrative, Budgetary and Financial Matters as re-elected under Paragraph 21 above.

**SECTION V: CONSIDERATION OF THE RECOMMENDATIONS OF THE PRC ON THE REPORT OF THE COMMISSION ON THE IMPLEMENTATION OF PREVIOUS DECISIONS OF THE EXECUTIVE COUNCIL AND THE ASSEMBLY – Doc. EX.CL/658(XIX)**

**47.** The Report was presented by a representative of the Commission.

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

- (i) The report is concise and informative, and the Commission should be commended for the good work.
- (ii) The report should reflect the recommendation of the COMEDAF to locate the Institute on Water and Energy of the Pan African University, in Algeria;
- (iii) The report on Assembly Decision: Assembly/AU/Dec 292 (XV), relating to the finalization of study on the implications of empowering the African Court on Human and People's Rights to try international crimes has not been implemented and should be reported as such;
- (iv) The report should not be limited to Decisions of the two immediate past Summits;
- (v) The status of the Decisions on Green Wall should be included in the report.

**49.** In response to the concerns raised, the Commission provided clarification as follows:

- i) The recommendation of COMEDAF to locate the Pan African University Institute on Water and Energy in Algeria would be reflected on the Report;
- ii) The status of the Decision Assembly/AU/Dec 292 (XV) on the finalization of study on the implications of empowering the African Court on Human and People's Rights to try international crimes, would be reported accordingly;

- iii) The need to include reports on the implementation of other previous Decisions and not limited to only the last two immediate past Summit Decisions has been noted;
- iv) The status of the Decisions on Green Wall would be included in the future report on implementation of previous Decisions.

**50.** In conclusion, the PRC endorsed the report and recommended to the Executive Council the following:

- (i) Take note of the Report;
- (ii) Note that the 3<sup>rd</sup> PRC-AUC Retreat in Nazareth in April 2011 made recommendations on the ways and means of making the process for the adoption and implementation of decisions more effective;
- (iii) Stress the need to reduce the number of decisions mainly through the rationalization of the items on draft agendas and studying the legal, financial and structural implications prior to the adoption of decisions;
- (iv) Invite the Commission to include in the report on the actions undertaken within the framework of decisions on the Great Green Wall Project.

## **SECTION VI: OTHER REPORTS**

### **1) Report of the 4<sup>th</sup> Joint Meeting of the AU Conference of Ministers of Economy and Finance and the ECA Conference of African Ministers of Finance, Planning and Economic Development, 24-30 March 2011-EX.CL/659(XIX)**

**51.** The report was presented by a representative of the Commission.

**52.** During the ensuing debate, the following comments and observations were made and clarification sought:

- (i) The Conference was commended for the value it added to the on-going work of the Union by discussing a very relevant theme (the role of the state in economic transformation) and tackling very relevant development issues such as good governance, statistics, MDGs and health financing;
- (ii) Explanation was sought on the new thinking with respect to the role of the state in economic transformation. Africa should come up with a common position on this subject;
- (iii) An update should be given regarding the status of the setting up a high level Panel of Eminent Personalities to engage Member States on the issue of alternative sources of financing;

- (iv) All the necessary technical work on alternative sources of financing had already been done. What is now required is the will on the part of Member States to take a definitive political decision on the matter. The Commission should also do more to reassure Member States that funds would be better managed. The Commission should give guidance to the relevant Policy Organs on the way forward;
- (v) The nature, scope and objectives of the Integration Fund referred to in Paragraph 29, bullet 6, should be clarified;
- (vi) Clarification should be given regarding the pan-African disaster risk pool (Resolution L5);
- (vii) Clarification was sought on the status of the establishment of the Financial Institutions, particularly the African Monetary Fund;
- (viii) The Experts Report should also be made available to Member States;
- (ix) The request to the AU Commission to institutionalise the Conference of African Ministers Responsible for Civil Registration and Vital Statistics (Resolution L4, paragraph 8) is misguided as the Commission does not have that mandate;
- (x) The idea of sharing excess human resource capacity (e.g. in the medical field) was hailed as an appropriate recommendation that would strengthen integration. This should be explored in all fields, not just the medical field.

**53.** The representative of the Commission clarified as follows:

- (i) The Panel on Alternative Sources of Financing was in the process of being set up. Identified personalities include H.E. Salim Ahmed Salim, former Secretary General of the OAU and H.E. Olusegun Obasanjo, former President of the Federal Republic of Nigeria. The Panel is expected to commence work in August 2011 and submit a report to the January 2012 Ordinary Session of the Assembly;
- (ii) Technical studies on alternative sources of financing have reached their limit. What is now needed is a political decision. It is only through alternative sources of financing that the Union can move away of its increasing dependence on partner funds to finance important integration and development programmes;
- (iii) The decision to set up an Integration Fund has been endorsed by the relevant Policy Organs of the Union, following its recommendation by the Conference of African Ministers in charge of Integration held in Yaounde. The objective is to finance Africa's integration which continues to face dire funding challenges;

- (iv) The importance of developing statistics in Africa cannot be overemphasised. Reliable statistics are needed to track MDGs and inform development policy decisions, among others. Member States were called upon to sign and ratify the African Charter on Statistics;
- (v) Several innovative options of development financing continue to be explored. Some practical examples include tax on air tickets, which is already being implemented in some African countries, and tax on financial transactions;
- (vi) Regarding the Protocol on the African Monetary Fund, agreement has already been reached on the draft text by the legal experts. An Experts Meeting to discuss the Statutes initially scheduled for 8 and 9 June has been postponed to 27-28 July 2011. Following its consideration, both the Statutes and Protocol will be presented for consideration by Ministers of Finance, Planning and Economic Development during the first half of 2012 before presentation to the Policy Organs for adoption. Members of the PRC were requested to share the information on the postponement of the experts meeting on the Statutes with their respective capitals;
- (vii) The Protocol on the African Monetary Fund has already been adopted. An Experts Meeting to discuss the Statutes initially scheduled for 8 and 9 June has been postponed to 27-28 July 2011. Members of the PRC were requested to share that information with their respective capitals;
- (viii) The Experts Report of the Conference of Ministers would be made available to Member States;
- (ix) Regarding the pan-African disaster risk pool, work on a feasibility study which was initially envisaged to be completed by May 2011 was still on-going. Consequently, the consultation meeting scheduled has been postponed to September/October 2011 to allow time for the completion of the study.

**54.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Take note of the report and its recommendations, the Ministerial Statement and the 11 Resolutions on the various themes discussed;
- (ii) Underline the imperative need to provide the African Union with predictable, reliable and sustainable resources to enable it fulfil its mandate;
- (iii) Request the Panel of Eminent Personalities to speed up their efforts with a view to submitting its report as soon as possible;

(iv) Pursue actively the effective implementation of the various decisions of the Assembly regarding alternative sources of financing the Union to undertake all necessary arrangements for the Assembly to take a final decision on this critical issue at its Ordinary Session in January 2012;

(v) Place the item under **Part B** of the agenda of the Executive Council.

**2) Report of the 19th Ordinary Session of the AU Conference of Ministers of Industry (CAMI-19), Algiers, Algeria, 30-31 March 2011 – Doc. EX.CL/660(XIX)**

**55.** The Report was presented by a representative of the Commission.

**56.** During the discussions, the following observations were made and questions raised:

(i) The importance of the financial stake of negotiations on mining concessions for Member States warrant appropriate technical assistance for the latter during the negotiations. Often, because the necessary expertise is lacking, Member States are subjected to the harsh laws of concessionaires;

(ii) Africa's industrialization should be conceived together with youth employment.

(iii) The establishment of an industrialization fund necessarily entails an increase in the financial burden of Member States. Moreover, the report does not clearly state if the said fund will operate at national or continental level;

(iv) The Report does not explicitly mention concrete projects which, if implemented, could guarantee the effective industrialization of the continent;

(v) Without statistical data showing the proportion of farmland to be earmarked for biofuel production in Africa, nothing can really justify the recommendation relating to the reduction of lands allocated for biofuel for the benefit of food crop production

**57.** The representative of the Commission provided the following responses to the questions raised.

(i) The value added chain which is at the centre of the issue of industrialization in Africa, is a means of generating employment. To this approach should be added all the concrete projects planned under the Agribusiness and Agro-industries Development Initiative for Africa (ID3A). The CAMI approach therefore takes account of the issue of employment;

- (ii) The Conference recognized the necessity and urgent need to renegotiate mining concessions granted by Member States in order to restore balance between the interests of all stakeholders;
- (iii) Industrialization projects need to be backed by a special fund. At national level, such a fund should enable individual creative ideas to take root through the implementation of the projects underlying them. The fund can therefore operate at both the national and continental levels.

**58.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Take note of the Report and its recommendations as well as the Algiers Declaration on Enhancing the Competitiveness of African Industries through increased and improved Value Addition ;
- (ii) Stress the need to speed up implementation of the Assembly Declaration on Accelerated Industrial Development of Africa (AIDA);
- (iii) Underline the need for harmonization in establishing Funds within the AU;
- (iv) Place the item under **Part A** of the agenda of the Executive Council.

**3) Report of the 8<sup>th</sup> Session of the Labour and Social Affairs Commission, Yaoundé, Cameroon, 11-15 April 2011 – Doc. (EX.CL/661(XIX))**

**59.** The report was presented by a representative of the Commission.

**60.** At the end of the presentation, the following comments and observations were made:

- (i) What form the basis of the prescribed 2% annual reduction rate of youth unemployment?
- (ii) Whether the Ministerial Conference should hold biennially.

**61.** The representative of the Commission provided answers to the queries raised. Complemented by the Commissioner for Human Resource, Science and Technology, he pointed out that the prescription of a 2% annual reduction in youth unemployment was borne out of the study on the Youth Decade, which had been endorsed by the Executive Council in its previous session. The figure is an existing commitment and determination by Member States to achieve that objective.

**62.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Take note of the report and the Yaoundé Declaration;
- (ii) Maintain the frequency of one session every two years, of the Labour and Social Affairs Commission meeting;
- (iii) Place the item under **Part B** of the agenda of the Executive Council.

**4) Report of the 5<sup>th</sup> Session of the AU Conference of Ministers of Health, Windhoek, Namibia, 17-21 April 2011 – Doc. EX.CL/662(XIX)**

**63.** The report was presented by a representative of the Commission.

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

- (i) The report did not establish an appropriate link between Climate Change and Health in accordance with the theme of the Conference;
- (ii) Need for the Union to carry out an inventory of Special Funds in existence in order to avoid unnecessary duplication;
- (iii) Need for full participation of Member States in the Conference in order to own the process;
- (iv) What informed the decision by the Ministerial Conference to have a CARMMA week in November 2011?
- (v) What is the safety level of the use of dichlorodiphenyltrichloroethane (DDT) in eradicating malaria in Africa, considering that the World Health Organization had banned its use in the 1960s? Some delegations were of the opinion that relevant experts should be tasked to research on the use of DDT because of its hazardous properties.

**65.** In response to the enquiries, the Commission provided clarifications as follows:

- (i) The Ministerial Conference upheld the theme of the meeting, which was on the impact on climate change on health and development in Africa;
- (ii) The proposal to establish an African Solidarity Fund was futuristic and not necessarily of an immediate nature;
- (iii) The decision to have the CARMMA week in November 2011 was taken by the Ministerial Conference;
- (iv) The safety level of DDT has been considered by the Ministerial Conference and relevant experts; hence it is being prescribed for use in eradicating malaria in Africa.

**66.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Take note of the report and its recommendations as well as the Windhoek Declaration;
- (ii) Call on all Member States to endeavour to attend scheduled sectoral Ministerial Conferences to ensure greater participation and ownership;
- (iii) Stress the need for harmonization in establishing Special Funds within the African Union;
- (iv) Place the item in **Part B** of the agenda of the Executive Council.

**5) Report of the First Extraordinary Session of the AU Conference of Ministers of Education (COMEDAF IV), Nairobi, Kenya, 11 – 13 May 2011 – Doc. EX.CL.685(XIX)**

**67.** Consideration of this item was deferred, however, PRC was of the view that the recommendation to locate the Institute of Water and Energy of the Pan African University in Algeria should be brought to the attention of the Executive Council for consideration. A draft Decision to that effect would be prepared by Algeria in consultation with the Commission.

**6) Conclusions of the Third Joint Retreat between the Permanent Representatives' Committee (PRC) and the African Union Commission (AUC), Nazareth, Ethiopia, 31<sup>st</sup> March – 2<sup>nd</sup> April 2011 – Doc. EX.CL/663(XIX)**

**68.** The Secretary General to the Commission presented the Report on these conclusions.

**69.** The presentation was followed by comments and observations as follows:

- (i) The Report should lay more emphasis on the recommendations adopted by consensus without necessarily repeating the conduct of discussions;
- (ii) Security during Summits is the exclusive responsibility of the Host Government;
- (iii) The Commission should implement the decision taken at the January 2011 Summit of the AU on alternative funding sources;



- (iv) The PRC should be fully involved in AU Summit preparatory activities. Accordingly, its representative should be a member of all evaluation missions to the country hosting the Summit;
- (v) The mandate of the PRC warrants it to have a say in the financial and administrative management of the Commission. Therefore, the PRC is not interfering in anything;
- (vi) Several recommendations that were adopted do not feature in the Report;
- (vii) The Draft Decision accompanying the Report should contain all recommendations on which consensus was reached in Nazareth.

**70.** In response to the concerns expressed by the PRC on the content of the Report and Draft Decision, the Secretary General to the Commission pledged to review the report to include the amendments proposed. It was also agreed that the Regional Deans and any interested delegation could contribute towards enriching the Report by submitting proposals to the Commission.

**71.** The Report was thus reviewed during the regular session at Malabo. Delegations which took the floor commended the Commission for having reflected in the new version of the report and the draft decision annexed to it, the amendments adopted at the first review on 07 June 2011 and made the following observations:

- (i) “The spirit of Nazareth”, in view of improving working methods, involves a thorough review of shortcomings, both of the PRC and the Commission as well as those that mark the relations between the two organs. Taking account of these shortcomings and the willingness to overcome them by all parties will allow the AU to achieve its statutory missions;
- (ii) The new methods of work identified, which concern essentially the sound management of time should become more entrenched in practice;
- (iii) To this end, it was envisaged to set up an orientation coalition, comprising the Chairperson of PRC, Regional deans, the Chairperson of the Commission, and departmental Directors charged with the responsibility of monitoring the implementation of these decisions;
- (iv) Issues already settled by the decisions of the Assembly, such as the number of Summits per year cannot be called into question by the Nazareth conclusions. The PRC, however, can reflect on the specialization of sessions in January and June and then define differentiated formats for them;
- (v) The draft decision should be purged of any provisions contrary to the rules of procedure of the PRC;

- (vi) The Abuja Treaty raises the legal question of its legitimacy in light of the Constitutive Act establishing the AU;
- (vii) Article 2 of the draft decision does not specify what “guidelines” it is referring to;
- (viii) The issues that were not discussed during the retreat should not be reflected in the draft decision.

**72.** The Commission provided the following responses:

- (i) All proposed amendments have been noted and will be included in the revised draft decision;
- (ii) The question of the naming of ministerial conferences was not raised during the retreat;
- (iii) The number of sessions of the Summit per year was set by a decision of the Assembly in 2004;
- (iv) The Abuja Treaty is still in force except for those of its provisions that conflict with the Constitutive Act;
- (v) Decision 318 of the Assembly requires the Commission, in cooperation with the PRC, to develop “guidelines for the preparation and adoption of decisions”.

**73.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Adopt the final conclusions of the retreat PRC/AUC of Nazareth (March 31 to May 2, 2011);
- (ii) Emphasize the urgent need to improve the working methods both of the PRC, the Commission and the working relations between the two organs. In this regard, members of the PRC and those of the Commission should renew and fulfil their commitment to respect “the spirit of Nazareth”;
- (iii) Propose that the two organs should put in place a joint follow-up mechanism to assess the implementation of the conclusions of the third AUC-PRC retreat held in Nazareth in March-April 2011;
- (iv) Adopt the revised draft decision submitted for this purpose.

**7) Report of the Commission on the Status of OAU/AU Treaties- Doc. EX.CL/664(XIX)**

- 74.** The report was presented by a representative of the Commission.
- 75.** During the ensuing debate, the following comments and observations were made:
- (i) Concern was expressed over the slow pace of ratification of Treaties. Some reflection was needed on the manner in which Treaties are generated;
  - (ii) The implications of continental treaties on national sovereignty was a factor explaining the reluctance to sign and ratify treaties. However, this should not be the case and Member States should be prepared to accept the fact that every treaty will surely impinge on sovereignty, one way or the other;
  - (iii) The problem of lack of capacity in the Ministries of Justice at national level was also identified as a possible cause. The possibility of providing the requisite technical support at that level should be considered;
  - (iv) The Commission should investigate how the issue of ratification is addressed in similar organizations with a view to improving the situation at the AU;
  - (v) The appeal dealing with promoting the signature, ratification and accession to AU Treaties, should be extended to all the Organs of the AU, not just the four specified;
  - (vi) The actual number of signatories to the Kampala Convention should be clarified;
  - (vii) One delegation was in the process of ratifying the African Maritime Transport Charter, and clarification was sought as to whether this process should continue or the ratification process of the Revised Charter should be initiated.
- 76.** The representative of the Commission clarified as follows:
- (i) Paragraph 171 will be amended to extend the appeal to all Organs of the Union to assist in promoting the signature and ratification of Treaties;
  - (ii) It would be preferable to ratify the Revised Maritime Charter. However, since this will automatically replace the initial Charter once it enters into force, the process initiated should continue.
- 77.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Take note of the report and its recommendations;
- (ii) Reiterate appeal to Member States to speedily sign, ratify and domesticate OAU/AU Treaties in conformity with earlier Decisions taken by the Executive Council and Assembly;
- (iii) Reiterate appeal to the Pan-African Parliament and other relevant AU Organs to lead campaigns of sensitisation of Member States to speed up signature and ratification;
- (iv) Place the item under **Part A** of the agenda of the Executive Council

**8) Progress Report of the Commission on the Implementation of Assembly Decision Assembly/AU/Dec.341(XVI) on the Transformation of the African Union Commission into the African Union Authority – Doc. EX.CL/665(XIX)**

**78.** The report was presented by a representative of the Commission.

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

- (i) What has been the financial implication of holding the Experts meetings;
- (ii) The report of the 4<sup>th</sup> Experts Meeting attached in annex should be removed from the submission to be made to the Executive Council;
- (iii) What difference would the transformation make if it will not introduce a fundamental change of mandate;
- (iv) The pace of progress in the implementation of the Decision on transformation has been slow;
- (v) The experts should consider consolidating all the reports to produce one document;
- (vi) Need to determine if the African Union wanted the proposed integration associated with the transformation or not.

**80.** In addressing the concerns raised, the representative of the Commission responded as follows:

- (i) The estimated amount to hold the meetings of the Experts so far has been US\$50,000- per meeting;
- (ii) The annexed 4<sup>th</sup> report of the experts would be detached from the submission to the Executive Council;

- (iii) The PRC may review the substantiveness of the on-going process on transformation, for the consideration of the Executive Council and the Assembly;
- (iv) The progress in the implementation of the Decision on transformation has been slow but with concrete results;
- (v) The experts would at the end of their several meetings consolidate the report as required;
- (vi) The issue of the resolve of the Member States to transform and integrate should be decided upon by Member States themselves.

**81.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Take note of the progress Report on the efforts so far made as work in progress;
- (ii) Encourage the Commission and the Experts of Member States to speed up their efforts with a view to finalizing the review of the Legal Instruments and submitting them to the Conference of Ministers of Justice/Attorneys General and subsequently to the Assembly through the Executive Council;
- (iii) Request the Commission to submit comprehensive financial implications related to the process and the associated meetings;
- (iv) Place the item under **Part B** of the agenda of the Executive Council.

**9) Progress Report of the Commission on the Implementation of Decision Assembly/AU/Dec.227 (XII) on the Specialised Technical Committees - Doc. EX.CL/666(XIX)**

**82.** The report was presented by a representative of the Commission.

**83.** After the presentation, the following observations were made:

- (i) The Specialized Technical Committees (STCs) have a decisive role to play in the Continent's integration process;
- (ii) The Constitutive Act only mentions seven out of the fourteen STCs proposed;
- (iii) The operationalization of the STCs will entail the elimination of ministerial conferences in their present state;

- (iv) The different STCs were not harmonized in terms of activity content, number of sub-committees, budget and frequency of meetings;
- (v) The different bureaus of the STCs should meet, not to deliberate, but exclusively for coordination purposes;
- (vi) The Constitutive Act should be revised according to the new configuration of STCs and decisions should be taken to record the disappearance of certain STCs;
- (vii) The PRC Sub-Committees should also be aligned on the new configuration of STCs;
- (viii) Some STCs, such as those in charge of gender, agriculture, water and climate change, should meet annually due to the nature of the issues they deal with;
- (ix) No explanation was given for choosing 2013 as the date for the operationalization of STCs;
- (x) Draft Rules of Procedure for the STCs should be elaborated;
- (xi) The budget estimates should go through the normal adoption procedure before any approval by the appropriate policy organ.

**84.** The representative of the Commission provided the following clarifications:

- (i) The proposals for STCs were prepared by the departments, hence the disparities in terms of content, budget and frequency of meetings;
- (ii) The choice of 2013 for the entry into force of the STCs is due to budget considerations, since the draft budget for 2012 did not take into account the financial implications of the establishment of the STCs;
- (iii) The STCs will prepare their respective rules of procedure which will then be submitted for the consideration of the relevant policy organs.

**85.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Take note of the Report, the proposed detailed activities of the STCs and recommendations made in it as well as the financial implications deriving from various STCs;
- (ii) Approve in principle the proposed activities which should be reviewed for further consideration;

- (iii) Agree that the financial implications be considered on the basis of actual costs and other factors such as venues of the meetings through the normal process;
- (iv) Approve the proposed Coordinating Mechanism of the STCs made up of the Bureaus of various STCs;
- (v) Decide that STCs shall meet once every two years, except for the two STCs mentioned in the Report (Finance, Monetary, Economic Planning, Women & Gender, Defence and Security);
- (vi) Direct that STCs will be convened and serviced by the e Commission to ensure synergy with all other organs and in particular the Executive Council;
- (vii) Complete the work by January 2012 and Request the Commission to begin the operationalization of STCs in January 2013;
- (viii) Abolish the Sectoral Ministerial Conferences;
- (ix) Place the item under **Part B** of the agenda of the Executive Council.

#### **10) Report of the Commission on the Situation in the Middle East and Palestine – Doc. EX.CL/667(XIX)**

**86.** The report was presented by a representative of the Commission.

**87.** Subsequent to the presentation, the following comments and observations were made:

- (i) Fatah and Hamas, the two rival factions in Palestine, were commended for their reconciliation efforts and were encouraged to continue on that path;
- (ii) Egypt was commended for facilitating the reconciliation process between the two factions and for opening the Rafah Crossing, hence easing the difficult humanitarian situation caused by Israel's blockade of Gaza;
- (iii) The continuation of land grabbing and atrocities inflicted on the Palestinian people by Israel was condemned by many delegations;
- (iv) Many delegations expressed support to the two-state solution and, in this regard, called on African Member States to recognise the Palestinian State if they have not already done so. President Mahmoud Abbas is expected to formally seek recognition of the Palestinian State at the next UN General Assembly;

- (v) President Obama's recent statement on the US Administration's position on the Israel-Palestine situation was hailed as a step in the right direction;
- (vi) The report and accompanying draft decision should make reference to the relevant UN Resolutions on the matter.

**88.** In response, the representative of the Commission confirmed that the draft declaration contained all the key issues raised during the debate.

**89.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Take note of the report and its recommendations;
- (ii) Reiterate the unflinching support to the Palestinian people in their struggle for an independent State of Palestine on their land within the borders;
- (iii) Welcome the recent agreement between the Fatah and Hamas on their national reconciliation and encourage them to strengthen their ranks to ensure early attainment of their independent and sovereign country;
- (iv) Express appreciation to the Arab Republic of Egypt for reopening the Rafah Border with Gaza which will greatly improve the livelihood of the people of Gaza;
- (v) Call for early resumption of the peace negotiations between Palestinian and Israeli parties;
- (vi) Encourage all AU Member States to recognise the Palestinian State, if they have not already done so;
- (vii) Place the Report under **Part B** of the Executive Council agenda (to enable further discussions at Council as is the practice).

**11) Report of the Commission on the Humanitarian Situation in Africa – Doc. EX.CL/668(XIX)**

**90.** The report was presented by a representative of the Commission.

**91.** Subsequent to the presentation, the following comments and observations were made:

- (i) Efforts should be made to limit the scope of the report to the humanitarian dimension, avoiding political aspects;



- (ii) The news that some Africans caught up in the Libya conflict were accused of being mercenaries was expressed as a concern which needed to be addressed;
- (iii) The information on paragraph 17 of the report, listing countries hosting Ivorian refugees should be amended to include Sierra Leone;
- (iv) The AU's efforts in helping address the plight of victims was acknowledged. However, the Union should do more;
- (v) The report should reflect the fact that the return of migrant workers from Libya affects countries beyond North Africa;
- (vi) The International Organization on Migration (IOM) and the UN Refugee Agency were commended for their efforts in easing the plight of migrants by facilitating their return home, among others;
- (vii) A number of delegations questioned the accuracy of the statistics presented in the report. The capacity of the Commission to collect and analyse accurate and reliable statistics should be enhanced;
- (viii) The report should be more analytical in highlighting the root causes of refugee problems as well as the proportions of refugees attributable to each cause identified. It should also be clearer on proposed recommendations on the way forward;
- (ix) The report should highlight best practice measures taken by various countries that host refugees and internally displaced persons;
- (x) Concern was expressed over the slow pace of signature and ratification of the AU Convention the protection assistance of Internally Displaced Persons. Member States should be encouraged to sign and ratify the Convention;
- (xi) The Commission was commended for on-going efforts to popularise the Convention, including the recent regional consultations undertaken;
- (xii) All Member States were called upon to take active part in the commemoration of the World Refugee Day on 20 June;
- (xiii) The AU needs to do more to address the Saharawi refugee situation.

**92.** The representative of the Commission clarified as follows:

- (i) The figures presented in the report were collected from recognised UN Agencies such as UNHCR and were therefore reliable. The Commission had no capacity to collect statistics on the ground;

- (ii) As much as possible, effort was made to limit the scope of the report to humanitarian issues. However, in order to make it analytical, there is sometimes need to address the political dimension;
- (iii) As requested, the relevant sections of the report will be amended for more clarity.

**93.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Take note of the Report;
- (ii) Call upon all Member States to sign, ratify and implement the AU Convention on the Protection and Assistance of Internally Displaced Persons in Africa;
- (iii) Stress the need for all Member States, other stakeholders and international partners to facilitate the implementation of the Plan of Action from the Kampala Special Summit on Refugees, Returnees and IDPs in Africa;
- (iv) Request the Commission to update the status of Saharawi Refugees;
- (v) Express appreciation to the countries in the neighbourhood of Libya and Cote d'Ivoire which have generously received thousands of refugees during the crises in these two countries and also appreciate the support provided by UNHCR and IOM;
- (vi) Stress the need to strengthen the capacity of the Commission to handle such important issues as Refugees, Returnees and IDPs;
- (vii) Place the item under **Part B** of the agenda of the Executive Council.

**12) Report of the Commission on the Preparatory Meetings for the theme of the 17<sup>th</sup> Ordinary Session of the Assembly of the Union "Accelerating Youth Empowerment for Sustainable Development", Addis Ababa, Ethiopia, 1-9 April 2011 - Doc. EX.CL/669(XIX)**

**94.** The report was presented by a representative of the Commission.

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

- (i) The report should be redrafted in a concise and reader friendly manner and without preface and acknowledgement;

- (ii) The format for the debate should be clarified as well as the use of a moderator;
- (iii) There is need to ensure a continuity of the Youth development program post Malabo Summit;
- (iv) A Young Professional Program should be introduced at the level of the Commission to encourage youth development.

**96.** In addressing the concerns raised, the representative of the Commission clarified as follows:

- (i) The Commission would review and submit a concise report;
- (ii) The format for the debate would be similar to that of Kampala Summit and a moderator has been identified;
- (iii) A mechanism would be established to ensure continuity of Youth development and consultations would be undertaken on how to introduce the Young Professional Program at the Commission.

**97.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Take note of the report and the conclusions of the preparatory meetings on the Theme of the Malabo Summit on the “Youth” and the report of the African Youth Summit Forum;
- (ii) Underline the importance of the youth in the process of socio-economic transformation of the various countries;
- (iii) Call upon Member States to speed up the signing, ratification and domestication of the African Youth Charter;
- (iv) Stress the need to increase financial support to youth activities at national, regional and continental levels;
- (v) Request the Commission to review the Report for submission to the Executive Council with a clearer presentation.
- (vi) Place the item under **Part B** of the agenda of the Executive Council.

**13) Progress Report of the Commission on the Implementation of Decision Assembly/AU/Dec.334(XVI) on the implementation of the Decisions on the International Criminal Court (ICC) – Doc. EX.CL/670(XIX)**

**98.** The progress report was presented by the Legal Counsel who provided an update of developments that occurred since the last reporting period.

**99.** After the presentation, members of the PRC made comments and observations and sought clarification as follows:

- (i) The Commission was commended for the quality of the progress report and the recommendations contained therein;
- (ii) Article 16 of the Rome Statute should have general application in order to avoid selective application and the possible externalization of internal domestic conflicts which could jeopardize peace and security on the continent;
- (iii) Need for a critical reflection as to the value of the international judicial system to Africa's interests and whether African States Parties to the Rome Statute should consider withdrawing or suspending their membership in the ICC or remain therein to engender reform of the system and thereby influence its decision-making processes;
- (iv) What is the state of play with respect to filling the position of ICC Prosecutor whose elections is scheduled for December 2011? It was the position of many delegations that the Gambian candidate should be nominated and supported to occupy the position in order to address Africa's concerns;
- (v) Need not to reopen debate on the ICC's request to establish its Liaison Office at the AU Headquarters in Addis Ababa, in view of the selective treatment of Africans for alleged crimes committed in Africa;
- (vi) Need to broaden the request by the AU to the UN Security Council to defer the proceedings initiated against President Bashir of The Sudan to include Cote d'Ivoire, Libya and Kenya;
- (vii) Is there a disconnect and disharmony between the AU Commission, the Union's Representational Office to the UN and the African Group in New York regarding the implementation of Assembly's Decisions on the ICC.

**100.** In response to the enquiries, the Commission provided clarification as follows:

- (i) The process of giving competence to the African Court of Justice and Human Rights to deal with serious international crimes committed on African soil is being concluded;

- (ii) An ICC request to establish its Liaison Office at the AU Headquarters in Addis Ababa, Ethiopia, has been deferred in compliance with the Assembly Decision taken in July 2010 in Kampala, Uganda;
- (iii) The proposal to nominate and support a credible African as candidate for the position of ICC Prosecutor in December 2011 will be considered by the Ministerial Committee on Candidatures;
- (iv) There is good communication and collaboration between the AUC, the Union's Representational Office to the UN and the African Group in New York on the implementation of Assembly's Decisions on the ICC. However, there is need for the African Group to pursue Africa's interests at the UN Security Council and to fully implement Assembly Decisions;
- (v) The Commission has been consistent in articulating the position of the AU on the ICC at all International fora whenever the issue was raised. Africa is not in support of impunity but rather against the double standards applied by the ICC.

**101.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Take note of the progress report and its recommendations;
- (ii) Stress the need to pursue all efforts and explore ways and means of ensuring that the request of the AU to the UN Security Council to defer the proceedings initiated against President Bashir of The Sudan be respected;
- (iii) Also stress the need to pursue all efforts in ensuring that the request for a deferral of the ICC investigations and prosecution in relation to the 2008 post-election violence in Kenya is properly addressed in accordance with Article 16 of the Rome Statute;
- (iv) Request the Group of African States Parties in New York and in the Hague to closely follow-up the implementation of Assembly's Decisions on the ICC;
- (v) Pursue the reflection on how best Africa's interests can be fully defended and protected in the international judicial system and to actively study the implementation of AU Assembly's Decision on the extension of criminal competence to the African Court of Justice and Human Rights to deal with serious international crimes committed on African soil;
- (vi) Reaffirms that by receiving President Bashir of The Sudan, Chad, Djibouti and Kenya were acting in implementation of relevant Assembly Decisions.

**14) Report of the Commission on the AU-UN Ten Year Capacity Building Programme (TYCBP) – Doc. EX.CL/671(XIX)**

**102.** The report was presented by a representative of the Commission.

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

- (i) The report did not contain recommendations;
- (ii) It was appreciated that the report stressed the need for AU ownership of the process; the need to mobilize resources and the involvement of RECs;
- (iii) The heading of the report should be changed to take into account the main issues embodied in the report (triennial review and outcome of the 11<sup>th</sup> Session of the Regional Coordinating Mechanism (RCM));
- (iv) The need was expressed to have regular reports on Triennial reviews and sessions of the Regional Coordinating Mechanism (RCM);
- (v) Whether the programme was of any benefit to the Commission and if so, the achievements should be spelt out;
- (vi) The programme must be results based and should clearly articulate specific themes and targets to be achieved;
- (vii) The Commission should circulate the report of the Consultants.

**104.** In addressing the concerns raised, the representative of the Commission clarified as follows:

- (i) All the pertinent comments made would be included in the report;
- (ii) The lack of achievements in respect of implementation was attributable to the absence of clear cut activities to be implemented by both AU-UN. The report of the Consultants on Triennial Review would be circulated as requested.

**105.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Welcome the submission for the first time of the report of the Commission on the AU-UN Ten Year Capacity Building Programme (TYCBP) to the Policy Organs of the African Union;

- (ii) Take note of the recommendations of the 11<sup>th</sup> Session of the RCM and in particular, request the UN system to buttress the implementation of the TYCBP through the provision of adequate, regular and sustained funding;
- (iii) Recognize the important contribution that the TYCBP can make to the enhancement of the capacity of the AU Commission to effectively deliver on its mandate to assist in the development of the continent;
- (iv) Welcome the renewed efforts being made by the AU Commission, the UN system and other members of the RCM to enhance the implementation of the TYCBP, including the on-going AU-UN joint process to elaborate a capacity building programme of work for the AU Commission, based on the Strategic Plan and priorities of the AU Commission;
- (v) Request that regular reports be provided by the Commission to the Executive Council on the programme and that such reports focus more on results and concrete deliverables beyond the institutional and organizational issues;
- (vi) Place the item under **Part A** of the agenda of the Executive Council.

**15) Progress Report of the Commission on the implementation of Decision EX.CL/Dec.573(XVII) on the Institutional Architecture for Infrastructure Development in Africa – Doc. EX.CL/672(XIX)**

**106.** The report was presented by a representative of the Commission.

**107.** The PRC as a whole felt that the initiative of an Institutional Architecture for Infrastructure Development in Africa was an idea to be supported and encouraged. Discussions however highlighted the following shortcomings:

- (i) The proposed Architecture was limited to the identification of the different organs which it was composed of, thus giving the impression that it would correspond merely to an increase in the bureaucratic apparatus;
- (ii) Member States were more interested in the concrete results of the Architecture to be reflected in an improvement of infrastructure in the Continent;
- (iii) The Institutional Architecture did not include any indication of programme or project. The structural organization proposed should normally be derived from the nature and quantity of programmes and projects envisaged;
- (iv) Interaction between the different levels, which are the Commission, NEPAD, the RECs and Member States, was not taken into account;

- (v) The financial implications of the establishment of the Architecture were not indicated;
- (vi) It would be necessary to call on the support of all partners such as the African Development Bank (AfDB) and other donors, thereby ensuring that the final text of the Architecture incorporates all points of view on the basis of which a consensual road map could be worked out;
- (vii) The report did not capitalize on all that already exists in the area of infrastructure on the ground. No reference was made to the Programme for Infrastructure Development in Africa (PIDA), or to the Heads of State High-Level Committee on Infrastructure.

**108.** The representative of the Commission provided the following answers:

- (i) The report covered all infrastructure projects in Africa in terms of their coordinated management;
- (ii) Programmes and projects would be addressed in the report on PIDA;
- (iii) The NEPAD Agency had not completely entered into its operating stage and the modalities of cooperation between the RECs and the Agency were yet to be defined;
- (iv) The coordination mechanism proposed in the Architecture was intended to regulate relations between the different bodies in charge of infrastructural issues in Africa in order to avoid overlapping or duplication of roles.

**109.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) To take note of the report and its recommendations on the establishment of the Institutional Architecture for Infrastructure Development in Africa (IADA) and to consider it as work in progress;
- (ii) To request the AU Commission to further collaborate with the pertinent institutions in Africa in order to develop a comprehensive report on IADA.

**16) Progress Report on the Implementation of Decision Assembly/AU/Dec.354(XVI) on the Roadmap in preparation of the hosting of the Global African Diaspora Summit – Doc. EX.CL/686(XIX)**

**110.** The report was presented by the representative of Commission

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



- (i) The report was limited to North American, Caribbean and European African Diaspora leaving other regions such as Latin America which is one of the potential regions;
- (ii) The roadmap lacks vision;
- (iii) Results of the consultative processes were not outlined in the report;
- (iv) Need to build relationships with African Diaspora in other continents and to encourage them to invest in Africa.

**112.** In addressing some of the issues raised, the representative of the Commission clarified as follows:

- (i) Welcomed the comments and observations made and which he confirmed would be incorporated in the report;
- (ii) The report was not only limited to Europe, others regions were also targeted;
- (iii) The vision of the Diaspora Initiative is outlined in the Assembly Decision as well as Article Q of the Initiative.

**113.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Take note of the progress report on the implementation of the Roadmap and Assembly Decision on the Global African Diaspora Initiative process;
- (ii) Also take note of the efforts and contributions of all the stakeholders that have devoted considerable attention towards the implementation of the Assembly Decision;
- (iii) Solicit the continued support of the Member States in order to consolidate this important effort in implementing the Assembly Decision on the Global African Diaspora consultative process.

**SECTION VII: CONSIDERATION OF THE REPORTS OF THE SUB-COMMITTEES OF THE EXECUTIVE COUNCIL**

- 1) **Consideration of the Report of the Ministerial Committee on Candidatures – Doc. EX.CL/673(XIX)**
- 2) **Consideration of the Progress Report on the Activities of the Ministerial Panel on the Election of Members of the Commission in January 2012 - Doc. EX.CL/674(XIX)**

**114.** These reports are to be submitted to the Executive Council by the Ministerial Committees.

**SECTION VIII: CONSIDERATION OF THE REPORTS OF OTHER AU ORGANS**

- 1) **Consideration of the Report of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) – Doc. (EX.CL/675(XIX)**

**115.** The Report was presented by the Chairperson of the ACERWC.

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

- (i) Need for all Member States to join hands in the protection and promotion welfare of the Africa child;
- (ii) Need to provide the ACERWC the necessary recourses and budgetary provisions required for the implementation of their mandate;
- (iii) The numerous acts of violation of the rights of the African child require urgent attention;
- (iv) The report should reflect the realities on the ground;
- (v) The African child must have access to education, health and food;
- (vi) The ACERWC should call for submission of reports early enough to enable early submission by countries;
- (vii) The ACERWC should solicit the cooperation of the relevant key players.

**117.** In response to the concerns raised, the Chairperson of ACERWC provided clarification as follows:

- (i) Budget constraints had limited the activities of ACERWC;

- (ii) The ACERWC would embark on field visits to ascertain the actual situation of the children if adequate resources were made available;
- (iii) Agree with the position that the African children should have access to welfare;
- (iv) The ACERWC would continue to relate well with the Civil Society and other actors working towards the promotion of the welfare and rights of the African children.

**118.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Take note of the Report and the recommendations therein, and encourage the African Committee of Experts in its efforts to promote the rights of the child;
- (ii) Commend the Member States which have discharged their obligations by submitting timely reports on implementation of the African Charter on the Rights and Welfare of the Child, and request all Member States to do the same;
- (iii) Urgently appeal to Member States to ratify the African Charter as speedily as possible if they have not already done so;
- (iv) Request the African Committee of Experts to henceforth to present a full picture of the situation by country;
- (v) Underscore Decision EX.CL/Dec.441(XIII) on allocation of an autonomous budget to the Committee under the 2012 budget.

**2) Consideration of the Report of the Pan-African Parliament (PAP) – Doc. EX.CL/676(XIX)**

**119.** The report was presented by a Member of the Bureau of the Pan-African Parliament (PAP).

**120.** At the end of the presentation, members of the PRC made comments and observations as follows:

- (i) Need for the report to be consistent, factual and reflective of the actual political situation in Member States;
- (ii) The Arab Republic of Egypt welcomes the expected solidarity visit of the PAP Bureau to Egypt following the recent uprising that took place in that country;

- (iii) It is not realistic to suggest a specific time for adopting the PAP Protocol when work on it has not yet been concluded.

**121.** Responding to the issues raised, the representative of the PAP indicated as follows:

- (i) Effort will be made in the future to properly reflect situations in Member States such as the recent political transformation that took place in Tunisia and Egypt;
- (ii) The solidarity mission of the PAP to the Arab Republic of Egypt will take place in due course;
- (iii) The deadline of January 2012 proposed for adopting the PAP Protocol is anticipatory.

**122.** In conclusion, the PRC recommended to the Executive Council to:

- (i) Take note of the report of the Pan-African Parliament (PAP) and recommendations therein as well as the activities undertaken during the period under review;
- (ii) Stress the need to speed up the process of the revision of the PAP Protocol to enable this Organ to play its mandate in an effective manner;
- (iii) Recall the previous Decisions of the Executive Council relating to structural and financial matters and request the Sub-Committee on Structural Reforms and the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters to study the PAP proposals and submit appropriate recommendations to the PRC for consideration;
- (iv) Take note of the proposal from the PAP to review the financial rules applicable to them but stress the need to observe the existing Rules and Regulations of the Union.

**3) Consideration of the Report of the Economic, Social and Cultural Council (ECOSOCC) – Doc. EX.CL/677(XIX)**

**123.** The report was presented by the Presiding Officer of the Assembly of ECOSOCC.

**124.** At the end of the presentation, the PRC took note of the report and recommended to the Executive Council to:

- (i) Take note of the report;
- (ii) Encourage ECOSOCC to pursue efforts in the implementation of its mandate in accordance with its Status and the various Decisions of the Executive Council.

**4) Consideration of the Report of the African Commission on Human and Peoples' Rights (ACHPR) – Doc. EX.CL/678(XIX)**

**125.** Owing to technical constraints, the Report was not transmitted to the PRC. In the circumstance, the PRC could not formulate recommendations thereon. It recommended that consideration of the Report be postponed to the next Session of the Executive Council due to take place in January 2012.

**5) Consideration of the Report of the African Court on Human and Peoples' Rights (AfCHPR) – Doc. EX.CL/679(XIX)**

**126.** The report was presented by the President of the African Court on Human and Peoples' Rights.

**127.** The presentation gave rise to the following observations:

- (i) The review of activities presented proved that the Court was well into its operational stage. It should therefore be supported in terms of budgetary allocation and approval of the structure proposed by the Registrar. Full operationalization of the Court will provide Africa with the means to counter foreign interference in the affairs of the Continent through the partiality of the prosecutor of the ICC, who in all probability, limits his area of intervention to Africa;
- (ii) The Protocol establishing the Court has still not been ratified by the requisite number of Member States. The latter are expected to ratify and internalize the provisions of the instrument in their respective national legislations;
- (iii) In addition to the problem of the appropriate financial resources that the Court should be provided with for optimum functioning, is that of the extension of its mandate to include criminal jurisdiction. Such an extension however presupposes the completion of the process of merging the Court on Human and Peoples' Rights and the Court of Justice. The Court will then have full jurisdiction to hear cases of criminal offences.
- (iv) For no apparent reason, the Court was having difficulties implementing the budget code that had been approved by the competent organ for the 2011 financial year on the new status of judges;
- (v) The new structure proposed by the Registrar of the Court should have been considered since 2009, in conformity with the decision of the policy organs. It is therefore imperative that a deadline be set for the exercise to be completed.

**128.** In his response, the President of the Court provided clarifications on the jurisdiction of the Court and the proposed merging of the Court on Human and Peoples' Rights and the Court of Justice.

**129.** In conclusion, the PRC adopted the report and recommended to the Executive Council the following:

- (i) Take note of the report and the recommendations contained therein as well as the activities undertaken during the period under review;
- (ii) Reiterate the call for Member States that have not yet done so to sign and ratify the Protocol establishing the Court;
- (iii) Requests the Court to execute the 2011 budget with regard to the status of judges;
- (iv) Request the Sub-Committee on Structural Reforms to consider the proposed structure submitted by the Court and make appropriate recommendations to the PRC;
- (v) Encourage the Court and the African Commission on Human and Peoples' Rights to work in close collaboration in their respective mandates to promote and protect human rights in the Continent;
- (vi) Stress the need to accelerate studies on the proposed extension of the Court's jurisdiction to include criminal offences in conformity with the Assembly decision on the issue;
- (vii) Encourage Member States that have not yet done so to deposit the declaration accepting the Court's jurisdiction to receive petitions from individuals and NGOs, thus seizing the Court directly after exhausting internal means of recourse.

**6) Consideration of the Report of the AU Advisory Board on Corruption – Doc. EX.CL/680(XIX)**

**130.** The report was presented by a representative of the African Union Advisory Board on Corruption.

**131.** During the ensuing debate, members of PRC made the following comments and observations:

- (i) Preventing and combating corruption is critical to the attainment of the continent's socioeconomic development objectives;

- (ii) A number of Member States have created Anti-corruption Boards and devised instruments to fight corruption. Such examples should be followed across the continent;
- (iii) It is important that independence, transparency and credibility of the Advisory Board on Corruption be maintained;
- (iv) Members of the Advisory Board should always uphold the highest ethical standards in the discharge of their duties. The possibility of declaring assets and liabilities at the time of assuming duties should be considered;
- (v) The Advisory Board should not rely solely on the use of questionnaire in collecting information. Other credible and efficient methods should be employed;
- (vi) In paragraph 17 of the report, Member States should be urged rather than encouraged to sign and ratify the Convention on Preventing and Combating Corruption.

**132.** In response to the observations made, the representative of the Advisory Board made clarifications as follows:

- (i) Corruption is one of the vices impacting negatively on the continent's socio-economic development and is of key concern to all African countries;
- (ii) Member States were reassured that transparency and high ethical standards characterized the members of the Advisory Board;
- (iii) The Advisory Board had adopted code of conduct to prevent conflict of interest and uphold its credibility;
- (iv) In the execution of the numerous activities envisaged in the Advisory Board's 2011-2015 Strategic Plan, various instruments for information collection would be used, not just questionnaire.

**133.** At the end of the debate, PRC endorsed the report of the Advisory Board on Corruption and recommended to the Executive Council as follows:

- (i) Take note of the Report and its recommendations;
- (ii) Stress the need for the African Union to support collectively all efforts aimed at combating corruption;
- (iii) Encourage the AU Advisory Board on Corruption to actively pursue its activities in fulfilment of its mandate and in the implementation of the AU Convention on Preventing and Combating Corruption;

- (iv) Urge Member States that have not yet done so to sign, ratify and domesticate the AU Convention on Prevention and Combatting of Corruption.

**7) Consideration of the Report of the AU Commission on International Law (AUCIL) – Doc. EX.CL/681(XIX)**

**134.** This Report was presented by the Chairperson of the African Union Commission on International Law (AUCIL).

**135.** The presentation was followed by the observations hereunder:

- (i) The AU should submit a request for inclusion in the agenda of one of the ordinary sessions of the United Nations General Assembly, the issue of reparations to Africa for the sufferings inflicted on it by the practice of slavery;
- (ii) The programme of work and strategic plan mentioned in the Report were not attached hereto. The PRC therefore did not come up with recommendations on these documents as it did not consider them. Moreover, the Plan of Action does not require the blessing of the policy organs to be implemented given its nature as an internal document;
- (iii) Validation of the AUCIL Strategic Plan 2010-2013 is still predicated on compliance with the consideration procedures to which all the documents to be recommended to the policy organs are subject;
- (iv) Consideration of the Strategic Plan 2010-2013 and the programme of work should simultaneously address the study of the budget required for their respective implementation.

**136.** The Chairperson of the AUCIL provided the following clarifications:

- (i) The United Nations General Assembly has already been seized of a request for reparations for the misdeeds of slavery by the Government of Saint Lucia supported by Ghana. The African Union is free to reactivate the issue if it deems the action necessary;
- (ii) The Strategic Plan 2010-2013 is available, though not annexed to the Report. The density of its content which has made it a voluminous document, does not lend itself to a brief summary.

**137.** In conclusion, the PRC adopted the Report and recommended to the Executive Council the following:



- (i) Take note of the report, the studies undertaken so far and the recommendations thereon;
- (ii) Encourage the AUCIL to pursue actively its activities in fulfilment of its mandate;
- (iii) AUCIL to submit its proposals on the Work Programme and the 2010-2013 Strategic Plan through the Sub-Committee on Conferences and Programmes.

## SECTION IX: ELECTIONS

- 1) **Election of Eleven (11) Member of the African Union Commission on International Law (AUCIL) – Doc. EX.CL/682(XIX)**
- 2) **Election of Five (5) Members of the African Commission on Human and People’s Rights (ACHPR) – Doc. EX.CL/683(XIX)**

138. These items are for the consideration of the Executive Council.

## SECTION X. ITEMS PROPOSED BY MEMBER STATES

- 1) **Decision on AU “decision-making process, lack of implementation of decisions, and the need to uphold and respect the integrity of Summit decisions by all Member States of the Union (*Item proposed by the Republic of Namibia*) – Doc. EX.CL/684(XIX) Add.1**

139. The item was presented by H.E. **Ms Kakena Nangula**, the Ambassador of the Republic of Namibia.

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

- (i) The Namibian initiative should be supported as it would help to minimize breach and violation of the decisions of the policy organs;
- (ii) There was need to amend Para 8 of the draft decision accompanying the proposal.

141. In addressing the comments raised, the Ambassador of the Republic of Namibia welcomed all the comments made and assured the PRC that their constructive inputs would be incorporated to strengthen the proposal.

142. In conclusion, the PRC adopted the proposal and recommended to the Executive Council the following:

- (i) Take note of the proposal and the Draft Decision submitted on it;
- (ii) Recommend the item for consideration of the Executive Council.

**2) Conclusions of the International Symposium on the Fiftieth Anniversary of the Independence of African countries (Item proposed by the Republic of Benin) – Doc. EX.CL/684(XIX) Add.2**

**143.** The item was presented by H.E. **Mr. Montcho Ferdinand**, the Ambassador of the Republic of Benin.

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

- (i) Proposal was welcome as it encapsulates the historical past of the struggle for African independence;
- (ii) Concerns raised previously by some Member States and discussed with Benin were not included in the proposal;
- (iii) The proposal did not pay tribute to the ordinary African citizens who sacrificed their lives for the liberation of Africa;
- (iv) The selective approach of mentioning few Africa liberation heroes in the proposal was inappropriate. There is need to include all heroes who fought tirelessly for the liberation of Africa;
- (v) The Commission should be requested to obtain a record of the proceedings of the Berlin Conference where the Colonial masters discussed the fate of Africa.

**145.** In addressing some of the issues raised, the Ambassador of the Republic of Benin responded as follows:

- (i) The comments and contributions made by Member States were welcomed and would assist to enrich the proposal;
- (ii) There was an error in the Draft Decision, this would be rectified and a revised draft distributed for consideration;
- (iii) All the names of the fathers of the liberation struggle were mentioned during the Symposium but were inadvertently left out in the proposal.

**146.** In conclusion, the PRC adopted the proposal and recommended to the Executive Council the following:

- (i) Take note of Benin's proposal and the draft decision submitted to the Conference in this respect;
- (ii) Highlight the importance of the theme which is a reminder of the common history forged on great solidarity and other great values aimed at safeguarding Africa's dignity and contribution to the consolidation of global peace and liberty;
- (iii) Pay tribute to the illustrious African combatants who made a heavy sacrifice for the liberation, independence and dignity of Africa;
- (iv) Encourage the launch of a study on the contributions of great African figures to the emancipation of the continent;
- (v) Recommend Benin's proposal for consideration by the Executive Council.

**3) Africa's preparation for the United Nations Conference on Sustainable Development (Rio+20): Common Positions and Strategies in the face of the challenge of Green Economy and International Governance of the Environment (Item proposed by the Republic of Congo) – Doc. EX.CL/684(XIX) Add.3**

**147.** The report was presented by H.E. the Ambassador of the Republic of Congo.

**148.** During the ensuing debate, the following comments and observations were made and clarification sought:

- (i) The initiative is commendable and should be supported due to the significance of environmental issues to Africa's development;
- (ii) Lack of proper coordination is usually a problem that Africa faces at global fora. This initiative is therefore a step in the right direction;
- (iii) Efforts should be made to ensure that various initiatives complement each other;
- (iv) Africa continues to face significant environmental threats and therefore, all necessary measures should be taken to ensure Africa's full participation at the Rio Conference in June 2012 and be part of the process of reaching a consensus definition on the green economy;
- (v) A proposal by a well-known author for the establishment of an International Tribunal on the Environment, working on the principle of paying for one's pollution deserves much attention;

- (vi) The representative of Kenya expressed her country's wish to co-sponsor the proposal by the Republic of Congo;
- (vii) The suggestion that the Headquarters of UNEP or the proposed World Environmental Organization be retained in Nairobi was strongly supported by delegations;
- (viii) More information was sought on the status, mandate and objectives of the proposed World Environmental Organization (WEO) and its links to the existing UNEP;
- (ix) UNEP, as a programme, is no longer adequate to address the huge environmental challenges the world is facing. The idea of setting up the WEO was therefore supported;
- (x) Concern was expressed over the fact that the paper raises numerous questions but makes no attempt to provide answers;
- (xi) More information was sought on the proposed coordination meeting scheduled for October 2011 (mentioned in paragraph 29);
- (xii) The Conference in Rio would be an opportunity for African participants to draw inspiration from the successes recorded by Brazil in green development;
- (xiii) The AU Offices worldwide should be more active in providing relevant information on ongoing discussions on issues of relevance to the continent. In this regard, the AU Representation to the UN should have been more forthcoming with information on preparations for Rio+20. A representative of that Office should be invited to the January 2012 Summit to brief the Policy Organs on the status of negotiations on reaching a common position within the framework of G77+China.

**149.** A representative of the Commission, complemented as follows:

- (i) The proposal is welcome, in view of the need for adequate coordination and speaking with one voice;
- (ii) Many lessons could be drawn from the process of coming up with a common position on climate change;
- (iii) Concern was expressed over the endorsement of the outcome of two workshops on the subject in paragraph 3 of the draft decision. These had not been considered by the relevant structures (AMCEN) and it was therefore premature to have their outcomes endorsed;

- (iv) The coordination role of the Republic of Congo should be streamlined with existing structures.

**150.** In response to the issues and queries raised, the Ambassador of the Republic of Congo stated as follows:

- (i) The reference to the two workshops in paragraph 3 of the draft decision would be expunged as proposed by the Commission;
- (ii) There should be strong advocacy for the Headquarters of UNEP or a future World Environmental Organization to be retained in Nairobi;
- (iii) The offer of co-sponsorship by Kenya was highly welcome and appreciated. This would send a clear political message to the rest of the world;
- (iv) The proposed coordination meeting scheduled for October 2011 will take place at the UNECA in Addis Ababa.

**151.** In conclusion, the PRC made the following recommendations to the Executive Council :

- (i) Take note of the content of the proposal of the Republic of Congo on Africa's preparation for the UN Conference on Sustainable Development (Rio+20), including the need to develop common position and strategies as well as the draft decision submitted;
- (ii) Urge Member States and the African Group to actively participate in the UN Conference (Rio+20) with a view to promoting and defending the interests of Africa with regard to the green economy and sustainable development and with the full involvement of AMCEN;
- (iii) Stress the need for Africa to coordinate all its initiatives and activities pertaining to environment and climate change matters;
- (iv) Recommend that any restructuring concerning the global governance of environmental issues recognise the existing institutions and in particular the need to maintain in Nairobi, Kenya, the headquarters of the future body to be responsible for environment matters in replacement of UNEP. .

**4) Jacques Diouf Prize for Food Security (Item proposed by the Republic of Mali and co-sponsored by the Republic of Malawi) - Doc. EX.CL/684(XIX) Add.4**

**152.** The item was presented by the Ambassador of the Republic of Mali and complemented by the Ambassador of the Republic of Malawi. They underlined the necessity of the Prize as a tribute to Dr. Jacques Diouf for his meritorious service at the

helm of the United Nations Food and Agriculture Organization (FAO) and to serve as a motivation to other Africans in position of authority to perform creditably. The institution of the Prize would also encourage Member States and agricultural Institutions to pay particular attention to agriculture with a view to improving food productivity and security.

**153.** After the presentation, most delegations commended the initiative and recommended it to the Executive Council. Other delegations pointed out the need to further elaborate the modalities, the management framework and the structures for operationalizing the Prize, including resource mobilization and detailed clarification of the roles of the Secretariat, the Selection Committee and the Screening Committee. There was also a suggestion to increase the Prize amount from US\$10,000 in order to serve as an incentive.

**154.** In response, the Ambassador of the Republic of Mali thanked all delegations for supporting the proposal and stressed that the detailed modalities for operationalizing the Prize would be worked out subsequently by the Commission and interested partners such as the FAO.

**155.** In conclusion, the PRC adopted the proposal and recommended to the Executive Council the following:

- (i) Take note of the proposal by the Republic of Mali, co-sponsored by the Republic of Malawi, as well as the draft Decision submitted on it;
- (ii) Congratulate Dr. Jacques Diouf on his outstanding performance during his three (3) terms of office as Director-General of the FAO and his remarkable commitment to Africa's Agriculture development and food security;
- (iii) Invite Member States and all Partners to support the proposed "Jacques Diouf Prize" through voluntary contributions and to ensure its financial and environmental sustainability;
- (iv) Stress the need for further elaboration by the Commission of modalities for operationalizing such a Prize, including regarding resource mobilization, the management framework and structures as well as fine-tuning the criteria to be applied for the Prize Award;
- (v) Endorse the proposal by the Republic of Mali and the Republic of Malawi.

**5) Support to the Draft Resolution of the 66th Ordinary Session of the General Assembly of the Organisation of the United Nations prohibiting female genital mutilation worldwide (Item proposed by the Burkina Faso) - Doc. EX.CL/684(XIX) Add.5**

**156.** The draft resolution was presented by the Ambassador of Burkina Faso.

**157.** The PRC almost unanimously welcomed the initiative taken by Burkina Faso to have the United Nations General Assembly adopt a resolution prohibiting female genital mutilation (FGM) worldwide.

**158.** The ensuing discussions were along the same lines and highlighted reasons for supporting the draft resolution as follows:

- (i) Female genital mutilation constitutes a violation of the rights of women and its prohibition is in keeping with the general context of legal protection of African women and girls;
- (ii) The problem of FGM should not be addressed solely by legislative means due to the disparities that frequently exist between legislative and regulatory provisions and practices on the ground;
- (iii) FGM is often a question of cultural and ancestral practices which are resistant to time. Hence the imperative need to include an educational and sensitization component to the arsenal of repressive measures;
- (iv) Most African countries where FGM is carried out have passed appropriate laws and at continental level there are pertinent legislations in place. The originality of the proposal of Burkina Faso lies in its initiative to table the debate on FGM before the United Nations;
- (v) The criminalization of practices relating to FGM should however be accompanied by measures for the retraining and integration of excision “professionals” to take into account the loss of income caused by prohibition of the practice.

**159.** In conclusion, the PRC adopted the proposal and recommendations to the Executive Council the following:

- (i) Take note of the proposal of Burkina Faso and the relevant draft decision;
- (ii) Recognize that Female Genital Mutilation (FGM) is a flagrant violation of fundamental rights of women and of the letter and spirit of the African Charter on the Human and People(s) rights and on the Rights of Women;
- (iii) Strongly support the adoption by the forthcoming Sixty-Sixth Session of the UN General Assembly of a Resolution prohibiting FGM and Call upon all Member States to enforce the prohibition of this practice in their countries.

**6) Project for the Establishment of the African Centre for Excellence in Information and Communication Technologies (ICT) in Tunis, Tunisian Republic (Item proposed by the Tunisian Republic) - Doc. EX.CL/684(XIX) Add.7**

**160.** The item was presented by the Ambassador of the Republic of Tunisia who provided detailed project proposal and profile of the Centre, which aims at narrowing the digital divide between Africa and the rest of the world and help achieve economic growth on the continent.

**161.** After the presentation, most delegations commended the initiative and recommended it to the Executive Council. Other delegations made comments and observations and sought clarification as follows:

- (i) What are the principles and parameters that necessitated the location of the Centre in Tunis and whether the Centre met the conditions to become an African project?
- (ii) How does Tunisia intend to finance the establishment and running of the Centre in spite of the assurance that it would not have financial implications on the budget of the Union?
- (iii) What do the figures shown in the table annexed to the project proposal represent?
- (iv) Can similar Centres be located in the other regions of the continent in order to give it a continental character?

**162.** In response, the Ambassador of the Republic of Tunisia thanked all delegations for supporting the proposal and provided clarifications to queries raised as follows:

- (i) The project would be funded through public finance and will not have any financial implications on AU Budget. He promised to provide more information to Member States regarding the table annexed to the proposal, in due course;
- (ii) The suggestion to establish similar Centres in the other geographical regions of the continent would be channelled to relevant authorities in Tunisia for consideration.

**163.** In conclusion, the PRC adopted the proposal and recommended to the Executive Council the following:

- (i) Take note of the proposal by the Republic of Tunisia and the draft Decision submitted on it;



- (ii) Stress the strategic importance of ICT in socio-economic development and attainment of the MDGs on the continent;
- (iii) Take note that the proposed Centre to be established in Tunisia will not have financial implications for the budget of the Union and express its appreciation for the efforts of Tunisia in this respect;
- (iv) Request Tunisia to provide more information on its financial plan for the establishment of such a Centre and its sustainability.

#### **SECTION XI: ANY OTHER BUSINESS**

**164.** Two issues were discussed under this agenda item:

- i) Use of Spanish as a an official and working language of the AU: The representative of the Republic of Equatorial Guinea recalled that the matter had been discussed in previous Summits of the AU and requested that urgent and practical modalities be put in place so that the use of Spanish as an official and working language may become effective;
- ii) The Africa-South America (ASA) Summit process: The representative of the Republic of Equatorial Guinea further informed the PRC that, so far, two Summits had been held with respect to the ASA Process; the last being in Venezuela in September 2009. The next was scheduled to take place in Libya in 2011. He intimated that with the ongoing political crisis in Libya, it may be difficult for this Summit to be held there. He informed the PRC of the offer of the Republic of Equatorial Guinea to host the next ASA Summit, in order not to interrupt this important process.

**165.** The PRC took note of the request on the use of Spanish as an official and working language of the AU as well as the offer to host the next ASA Summit, and in this regard, requested the Government of Equatorial Guinea to formalize its request, in accordance with the Rules of Procedure.

#### **SECTION XII: DATE AND VENUE OF THE 20<sup>TH</sup> ORDINARY SESSION OF THE EXECUTIVE COUNCIL**

**166.** This item will be considered by the Executive Council.

#### **SECTION XIII: ADOPTION OF THE DECISIONS OF THE 19<sup>TH</sup> ORDINARY SESSION OF THE EXECUTIVE COUNCIL**

**167.** This item will be considered by the Executive Council.

**SECTION XIV: CONSIDERATION OF THE DRAFT DECISIONS AND DECLARATIONS OF THE 17<sup>TH</sup> ORDINARY SESSION OF THE ASSEMBLY**

**168.** This item will be considered by the Executive Council.

**SECTION XV: CONSIDERATION OF THE DRAFT AGENDA OF THE 17<sup>TH</sup> ORDINARY SESSION OF THE ASSEMBLY**

**169.** The PRC discussed this item and established the agenda in accordance with the Rules of Procedure of the Executive Council.

**SECTION XVI: ADOPTION OF THE REPORT**

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

**CLOSING CEREMONY**

**171.** In his closing remarks, the Chairperson of the PRC thanked all the delegations, the Commission, interpreters and translators for their cooperation and contribution to the success of the deliberations. He then declared the 22<sup>nd</sup> Ordinary Session of the PRC closed.

**AFRICAN UNION UNION AFRICAINE**

**African Union Common Repository**

**<http://archives.au.int>**

---

Organs

Council of Ministers & Executive Council Collection

---

2011

# Permanent Representatives' Committee Twenty-First Ordinary Session

African Union

African Union

---

<http://archives.au.int/handle/123456789/4492>

*Downloaded from African Union Common Repository*