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Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone 517 700 Fax : 517844

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**PERMANENT REPRESENTATIVES' COMMITTEE**  
**Tenth Ordinary Session**  
**28 – 29 June 2005**  
**Sirte, LIBYA**

PRC/Rpt (X)

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

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**I. INTRODUCTION**

1. The Tenth Ordinary Session of the Permanent Representatives' Committee (PRC) was held at the Headquarters of the African Union Commission in Addis Ababa, Ethiopia from 15 to 22 June 2005, and in Sirte, Libya from 28 to 30 June 2005, chaired by Mr. Olusegun Akinsanya, Ambassador of the Federal Republic of Nigeria and Chairperson of the Committee.
2. The following Member States of the Committee attended: Algeria, Angola, Bénin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, SADR, Senegal, Sierra Leone, South Africa, The Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe. The list of Participants is attached as an annex.

**(a) Opening Ceremony**

3. The Chairperson of the PRC welcomed all the delegations and members of the Commission, and declared the deliberations of the Tenth Ordinary Session of the Committee open. He then indicated that the Agenda proposed by the Commission did not meet the expectations of all the delegations in so far as the Committee was to begin consideration of all the items on its Agenda, supported by the different reports based on the agenda items that had been previously considered.
4. Following this intervention, the Cameroonian delegation requested that the PRC observe a minute of silence in memory of the late Nzo Ekeganki, former Secretary General of the OAU, who passed away in Cameroon on 3 June 2005. The Chairperson of the PRC intimated that the Committee had not received any prior information about the death of the former Secretary General. He paid tribute to the deceased, then invited the meeting to observe a minute's silence in his memory.
5. The Chairperson of the PRC subsequently invited the Ambassador of the Great Socialist People's Libyan Arab Jamahiriya, Mr. Ali A. Awidan, to provide additional information on the logistical and other arrangements made by his country within the framework of the organization in Libya of the Fifth Ordinary Session of the Assembly of the Union. Mr. Ali A. Awidan pointed out that his intervention was in addition to the information already provided by the Deputy Chairperson of the Commission following his visit to Libya. He said that in view of the constraints in Libya, the delegations were requested to limit the number of participants in the deliberations of the Assembly. He intimated that Libya was in the process of considering, together with the Commission, the possibility of

reducing the number of invitations. While hoping that delegations would be cut down, the Ambassador of Libya stressed that the principle of high-level representation should be respected. He informed the PRC that participants who so wished could obtain their visas beforehand, and that concerning transport, he was liaising with the Libyan authorities to organize a chartered flight for the staff of the Commission and delegates traveling from Addis Ababa.

6. After thanking Ambassador Awidan for his presentation, members of the PRC asked for clarifications. The Ambassador was principally requested to provide details on which meetings would be held in Tripoli and which ones in Sirte. Other details were requested on the procedure for the issuing of identity cards, the number of persons expected by the Libyan authorities for the different meetings (PRC, Executive Council, and Assembly), shuttles from Tripoli to Sirte, and the information brochure to be distributed to delegations. At the end of discussions, the Chairperson of the PRC indicated that there were still many issues to be clarified and proposed that an update of information on the preparations for the Assembly in Libya be provided once again during the deliberations of the PRC.

**(b) Organization of Work**

7. The Committee adopted the following working hours:

Morning: 10.00hours – 13.00hours  
Afternoon: 15.00hours – 19.00hours

**(c) Adoption of the Agenda**

8. The PRC considered and adopted the Agenda, which is attached to the present report.

**(d) Celebration of the Day of the African Child on 16 June 2005**

9. The Chairperson of the PRC informed the delegations of the invitation that the Commission had addressed to Member States to participate in the celebration of the Day of the African Child on 16 June 2005. In view of the importance of this Day, the PRC therefore decided to resume its deliberations in the afternoon of 16 June.

**AGENDA ITEM II: REPORTS OF THE COMMISSION AND OTHER ORGANS**

**Agenda Item II – 1: Chairperson and Member States' Progress Report on the Implementation of the Solemn Declaration on Gender Equality in Africa- Doc. EX.CL/170(VII)**

10. In presenting the item, the Representative of the Commission recalled the first Heads of State and Government Debate on Gender in July 2004, and the

Solemn Declaration on Gender Equality in Africa (SDGEA) it adopted at the end of that debate.

11. The PRC was informed that five (5) Member States had submitted their first annual reports under paragraph 12 of the Declaration, namely, South Africa, Mali, Egypt, Nigeria and the Sudan. The presentation also highlighted the Technical Consultative Meeting held in May 2005 that considered a draft monitoring and reporting framework as well as guidelines for reporting to facilitate the reporting obligation of Member States. These draft documents would be further considered by experts' and ministerial meetings which were slated for October 2005. The Commission also called attention to the Gender Policy Framework being developed by the Commission, a process that was expected to be completed within the next eighteen (18) months.
12. The report focused on strengthening the capacity of national gender machineries to effectively implement their mandate under the SDGEA, and made several recommendations in that regard.
13. In the ensuing discussion, PRC welcomed and commended the Commission for the comprehensive report. The PRC agreed with the various recommendations aimed at making gender equality a reality in Africa. The development of a monitoring framework and reporting guidelines was welcomed as it would ease the work of Member States. The need to strengthen national and regional gender machineries was stressed. The importance of mainstreaming gender issues in the MDG review process, and the need to link the African Peer Review Mechanism (APRM) and the SDGEA processes were underscored. While welcoming the legislative measures to provide gender equality, the PRC underlined the need to go beyond law to other follow-up measures to guarantee social transformation.
14. The PRC recalled the consultations which the Commission had been requested to undertake regarding revitalization of the Pan-African Women's Organization (PAWO) as the first continental pan-African women's organization which played a historical role during the struggle for the decolonization of Africa. The PRC requested that a report on the consultations be placed before the Executive Council in 2006, and that this should be reflected in the decision. It also requested that the Commission should initiate and support gender budgeting in its programmes. The Nigerian delegation informed the PRC of the African Women Leaders Think-Tank Meeting that had been convened in Otta, Nigeria, in April 2005 as the contribution of the Current Chairman of the AU towards implementation of the SDGEA. The outcome had been forwarded to the Commission, for consideration by the PRC and the Executive Council. Some delegations stressed the need to protect the status of the AU as an inter-governmental institution.
15. In her response, the Representative of the Commission pledged that the Commission would take all on-going processes into account in its elaboration of a monitoring framework and reporting guidelines, especially the APRM.

Regarding developing capacities of national and regional gender machineries, she indicated that the gender policy and gender mainstreaming plan being drafted would identify gaps and weaknesses in gender machineries at all levels. On the status of the Nigerian initiative, she informed the PRC that the Commission would circulate all reports from Member States in the languages in which they had been received, including the Road Map submitted by Nigeria. She also informed the PRC that two missions to PAWO Headquarters would be taking place soon to define future collaboration.

16. The PRC took note of the report and commended it for the consideration of Council.

**2. The Delhi Declaration on Maternal, Newborn and Child Health- Doc. EX.CL/171(VII)**

17. In her presentation, the Commissioner for Social Affairs explained that the Declaration was included on the agenda because it directly addresses MDGs 4 and 5 and is relevant to the Draft Roadmap being developed by the AUC in collaboration with WHO/AFRO as well as to the Continental Action Plan for Sexual and Reproductive Health being elaborated in partnership with IPPF, both of which will be considered by the Conference of African Ministers in Botswana in October 2005. In addition, the Assembly would be discussing an item on "Saving African Children" in the current Summit which subject was closely related to the Delhi Declaration.
18. She noted that the AUC and five (5) Member States attended the three day high-level meeting that culminated in this Declaration, which among other things, acknowledged high figures of maternal and child mortality and calls on donors to contribute US\$9 billion annually towards maternal and child health programmes in order to attain MDGs 4 and 5. Finally, she indicated that the Declaration was being brought to the attention of the Executive Council for information.
19. In the ensuing debate, some delegations requested the Commission to clarify the procedures followed in introducing the Agenda item since the Declaration was not emanating from AU processes. It was contended that the information contained therein could have been incorporated in the document dealing with the MDGs review process so as not to set a precedent that would be difficult to manage in the future by simply placing documents discussed elsewhere onto the agenda of PRC. It was also stated that documents emanating from non-AU fora should be reviewed and processed by the Commission before submission to Member States.
20. In her response, the Commissioner took note of the concerns raised by delegations, and agreed that it was indeed possible to integrate this issue in the MDGs process, adding that the Declaration was put on the agenda for information purposes only. At this juncture, the Chair requested the Legal Counsel to provide a legal opinion on the issue. The Legal Counsel explained that according to the Rules of Procedure for the PRC, Executive Council and the

Assembly, agenda items can be proposed by other organs of the Union and the Commission is one of them. He also clarified that the AUC may come across information that it might wish to bring to the attention of Member States either through the Report of the Chairperson or by introducing it as an agenda item for information.

21. At the end of the debate, the PRC noted the importance of the issues raised in the Delhi Declaration, especially in relation to the implementation of the MDGs and stated that some of them could be used without necessarily referring to the Declaration. The PRC however requested that in the future, the Commission should ensure that the placement of items on its agenda should strictly conform to the letter and spirit of the Rules of Procedure.

**3. Report of the Chairperson on the Status of OAU/AU Treaties- Doc. EX.CL/172(VII)**

22. In introducing this item, the representative of the Commission drew attention to the fact that this was a regular item on the agenda of the Executive Council for the purposes of sensitizing Member States on the need to expeditiously sign, ratify or accede to and implement OAU/AU treaties. Of thirty-one treaties adopted since the inception of the OAU, nineteen were in force, two of them provisionally. The signing week instituted by the Chairperson of the AU Commission continues to be highly successful. Moreover, texts of the OAU/AU Treaties and the status of signature and ratification/accession were available on the AU website. He noted that three Member States, namely, Benin, Chad and Ghana had signed all the OAU/AU Treaties.
23. In the debate that ensued, the meeting commended the Chairperson and the Commission for all the efforts made to ensure early entry into force of OAU/AU treaties and for popularising the treaties through, in particular, the AU Website and the annual signing week.
24. The meeting emphasised the need for the Commission to find out why there was delay by Member States in signing and ratifying OAU/AU treaties that they had freely adopted. In this regard, the following factors were identified:
  - inconsistencies between the various linguistic texts, all of which are supposed to be authentic, particularly the Arabic and Portuguese texts;
  - The complex procedures for ratification or accession stipulated in the constitutions of Member States, coupled with the incompatibility of certain treaties with national legislation;
  - inadequate human resources in relevant government departments of Member States dedicated to the preparation of cabinet or parliamentary papers to facilitate the consideration of treaties by competent authorities.
25. It was emphasised that although the political will and commitment existed to ratify or accede to and implement OAU/AU treaties, Member States should consider

ways of accelerating the process. In addition, the following observations were made:

- the Commission should ensure that all treaties are available on the AU Website in an easily accessible manner;
  - the Commission should take into account the observations made relating to the structure of the report for future reporting;
  - Member States should cooperate with the Commission by sending information relating to their constitutional procedures for ratification or accession to enable the Commission finalise the study on the matter as requested by Council.
26. As to the on-going exercise of reviewing the OAU/AU treaties, the meeting requested the Commission to finalise and distribute to all Member States the study it had prepared containing proposals on the way forward.
27. The representative of the Commission explained that the Commission was in the process of addressing the problem of inconsistencies in the various linguistic texts through, *inter alia*, giving primary consideration to lawyers with strong abilities in the various AU working languages. He informed the meeting that in response to a Note Verbale requesting Member States to advise the Commission of their respective constitutional provisions governing ratification of or accession to treaties, only eight responses had so far been received. The Commission would develop, after receipt of a sufficient number of responses, a harmonised procedure for consideration by Member States, which would assist in expediting the ratification or accession process.
28. At the end of the debate, the meeting made the following recommendations:
- To take note of the report;
  - To commend the Chairperson of the Commission for the initiatives and efforts aimed at encouraging Member States to become State Parties to the OAU/AU treaties;
  - To appeal to Member States to prioritise and accelerate signature, ratification of and accession to OAU/AU treaties;
  - To request the Commission to fast-track the review and harmonization in the different languages.
4. **Progress Report on the Implementation of the Project for the Creation of a Unified Telecommunications Numbering Space for Africa – Doc. EX.CL/174 (VII)**
29. In this presentation, the representative of the Commission recalled the main objectives of the project and stated that a preliminary study of the project proposed the creation in two phases of the unified numbering space. He added that a meeting organised on 22 – 24 March 2005 adopted the methodology proposed by the Commission for the feasibility study and recommended that the

main international players be involved since the project was a unifying factor. The same meeting also identified the major activities to be undertaken.

30. Following the presentation of the document by the Commission, the PRC commended the clarity, relevance and the conciseness of the report. Various speakers made statements on:

- the importance of the project and its integrating character, but also its technical complexity;
- the need for the e-Africa Commission of NEPAD to be involved, to ensure a synergy of action and complementarity between the creation of a United Telecommunications Numbering Space and NEPAD projects in the telecommunication sector;
- the imperative need for Member States to make the effort to finance the project, particularly in view of the modest budget involved;
- the need to recognize the private sector, which has become a very active player in many countries following the opening up of telecommunications and the ongoing privatization in the sector;
- the rapid technological developments within the telecommunications sector and the possibility that the outcomes of the project will be obsolete on account of the two-year implementation deadline;
- the project's relevance and the tangible contribution it would make to resolving Africa's telecommunication problems.

31. The PRC members sought clarifications on the following issues:

- The identity of the Experts that have conducted the feasibility study and that of those Experts that have participated in the meeting of 22-24 March, 2005 which was convened by the Commission in Addis Ababa;
- The non-organisation of a meeting of Ministers in charge of telecommunications;
- Lack of apparent linkage between the proposed Establishment of the Unified Telecommunications Numbering Space and the NEPAD and RASCOM Telecommunications Projects;
- The existence or non-existence of a single code in the different regions of the world and the reason why Africa should be pioneer in that respect;
- Circulation of the various documents (studies, report, and report of the experts meeting) among the States.

32. As regards the need to submit the Project to the Ministers in charge of Telecommunications, it was proposed that this should be done on the margins of the meeting of Ministers of Telecommunications that will be held in Dakar in September 2005.
33. In reply to the various questions raised, the Commission indicated that the document presented was an interim report intended to inform the PRC about the progress of the Project. The Commission recalled that the project was addressed by Decision EX.CL/Dec.101 (V), taken at the 5<sup>th</sup> Session held in July 2004 so it was considered inappropriate to take up again in this document, details of the technical aspects and the conclusions of the feasibility study already presented at the said Session.
34. Furthermore, the Commission gave the following information:
- The preliminary study report was dispatched to the States through the Ministries of Foreign Affairs with a copy directly to the Ministers in charge of Telecommunications and to the telecommunication regulatory organs;
  - The experts meeting rallied experts from Member States and international and regional organisations as well as representatives of Embassies. The Experts' Report was also dispatched to the Ministers of Telecommunications as well as to the telecommunications regulatory organs of the Member States;
  - The methodology elaborated highlighted the fact that it was not expedient at this stage to organise a Ministerial meeting to take a decision exclusively on the contents of the technical aspects of the organisation of the various studies to be conducted. The experts therefore recommended the finalisation of the various feasibility studies in order to obtain economic, technical and legal elements concerning the Project as well as pertinent recommendations to be submitted to the Ministers;
35. At the end of the debate on the issue, the PRC took note of the report and requested the Commission to take account of the various observations and comments made on the form and content of the document so that it could be improved, as well as in the follow-up on the project implementation process.

**5. Report of the PRC Sub-Committees – Doc. EX.CL/175 (VII)**

- 5.1. - **Report of the PRC Sub-Committee on Refugees– Doc. EX.CL/175 (VII)d**
- **Report on the Situation of Refugees, Displaced Persons and Returnees in Africa – Doc. EX.CL/177(VII)**

36. The PRC decided to consider both items together.

37. The Chairperson of the PRC Sub-Committee on Refugees, Ambassador Bruno Nongoma Zidouemba, introduced his Report and highlighted the activities undertaken during the course of the reporting period, including:
- field visits undertaken to Benin, Ghana and Ethiopia to assess the situation of refugees in conjunction with the AUC;
  - missions to other Member States that the PRC Sub-Committee planned to undertake;
  - the revitalization of the Coordinating Committee on Assistance and Protection to Refugees after more than five years of dormancy;
  - the joint AU/UNHCR commemoration of the 5<sup>th</sup> World Refugee Day under the theme "**COURAGE**" – celebrating the perseverance of refugees, host communities and Member States in ensuring protection and assistance for refugees and asylum seekers.
38. The Commissioner for Political Affairs introduced the Report on the Situation of Refugees, Returnees and Displaced Persons and highlighted the following:
- AUC's efforts in implementing Executive Council decisions in favour of victims of forced displacement and the general situation of refugees and IDPs in Africa;
  - the limited human and financial resources that seriously constrain operational effectiveness and specific constraints experienced in efforts to set up a disaster management preparedness and response capacity in-house as mandated by Council;
  - the need for innovative partnerships with other international organizations and the importance of Member States contributions to the AU Special Refugee Contingency Fund.
39. Following the presentations, delegations highlighted the following issues:
- the need for consultations with Member States and other relevant organizations in preparing country specific refugee statistics for use in official Reports;
  - PRC welcomed AU Assessment Missions and noted their willingness to receive such missions without prior authorization and the importance of such missions to monitor the situation of refugees and displaced persons in a timely manner.
  - PRC expressed concern over the abuse of asylum systems by fugitives and its implications for voluntary repatriation standards with respect to such individuals;
  - PRC also emphasized the continuing validity of the 1969 OAU Convention and relevant United Nations refugee instruments and the importance of respecting refugee rights;
  - PRC called for the elaboration of an African treaty providing for the protection of internally displaced persons;

- PRC also called on donor countries to honour their pledges and for Member States to make voluntary contributions to the AU Special Refugee Contingency Fund.
  - The importance for Member States to continue to cooperate with the AU, UNHCR and other relevant international organizations in ensuring that the protection and assistance of victims of forced displacement are met.
  - Any Member State that has specific concerns about the statistics should approach the Commission with actual valid statistics on victims of forced displacement within its jurisdiction.
  - The evident continued support of Member States to the AU's activities in providing support to victims of forced displacement.
40. In recognition of the UNHCR's unique contribution to the resolution of refugee problems in Africa, the Chairperson of the PRC called on the UNHCR Representative to the African Union to make a brief presentation. The UNHCR Representative highlighted the continuing relevance of the 1969 OAU Convention to all aspects of refugee protection as reiterated by the AU supreme organs. While acknowledging legitimate national security concerns, the UNHCR Representative stressed the need to respect the principle of *non-refoulement*, which is at the core of the institution of asylum. He also emphasized the importance of credible refugee status determination procedures to adjudicate all asylum claims. In conclusion, he highlighted the importance of voluntary repatriation tripartite mechanisms that ensure respect for the voluntary character of repatriation.
41. At the end of the debate, the PRC endorsed the two reports for consideration by the Executive Council.

**5.2 Report of the PRC Sub-Committee on Multilateral Co-operation - Doc. EX.CL/175 (VII)**

- **Africa/Europe Dialogue: Doc EX.CL/178 (VII)**
  - **Report on the African-Asian Strategic Partnership – EX.CL/198 (VII)**
42. The PRC decided to consider the above three items together. In his presentation, Ambassador Mohamed El Hacem Lebatt, Chairperson of the PRC Sub-Committee on Multilateral Co-operation, stated that his Sub-Committee, was presenting its report for the first time. In this regard, he indicated that the Sub-Committee had examined three major issues - the definition of its mandate, dialogue between Africa and Europe, and Africa-Asia co-operation. With regard to the mandate, the Chairperson of the Sub-Committee proposed that the Committee should concentrate on cooperation with the non-African partners and deal with all aspects of such co-operation. It should take account of the co-ordination of international conferences as well as the follow-up on the implementation of their conclusions and co-ordinate activities of other multilateral

African groups. The Sub-Committee emphasized the importance and distinctiveness of the Afro-Arab co-operation which is unlike any other, and that pending the outcome of the on-going consultations at the PRC level, issues concerning Afro-Arab Co-operation should provisionally be placed within the purview of this Sub-Committee.

43. As regards the dialogue between Africa and Europe, the Sub-Committee recommended the co-ordination of the three mechanisms governing Africa's co-operation with Europe and its implementation in a coherent manner. These are the MEDA programme for the financing of the Europe-Mediterranean partnership, the free trade agreement between South Africa and the European Union (TDCA) and the ACP-EU Cotonou Agreement. The Sub-Committee called for consistent measures to facilitate the African Union's access to EDF resources as well as the implementation of the recommendations of the AU-EU joint report on Africa's external debt. It stressed the need to hold the Africa-Europe Summit and encouraged the two Commissions to strengthen co-operation between the technical departments.
44. On the framework for co-operation between Africa and Asia, the Sub-Committee reiterated the leadership role and co-ordination functions devolving on the AU and stressed the need for operationalizing an appropriate framework for dialogue between the two continents. Finally, the Sub-Committee requested the AU Commission to closely monitor the activities of the China-Africa Forum.
45. The Commission ended this presentation by drawing attention to the need for The PRC to review the unofficial EU document as soon as possible and provide the Commission with some guidelines for its meeting with the EU in November 2005.
46. In their contributions, the PRC members expressed satisfaction at the establishment of the Sub-Committee to promote synergy between the forms of co-operation with the principal partners worldwide. They made proposals for the reformulation of certain parts of the reports and harmonisation of the languages. Some delegations recommended that a Sub-Committee be set up to deal with matters concerning Afro-Arab Co-operation. It was further recommended that the AU-EU dialogue should continue to press for the cancellation of Africa's external debt inspired by the G8 process. The participants also called for the cancellation of debt owed by all African States, without discrimination. On the criteria for qualification for debt cancellation, such as facilitation to meeting the MDGs targets and unsustainable debt, the PRC members recommended that the AU should consult with donors about their harmonisation. With regard to the recovery of illegally acquired cultural goods and other property, the PRC recommended that the AU should maintain contacts with the EU and other partners in order to facilitate their return to the countries of origin. Participants also requested the AU Commission and the Sub-Committee to take appropriate measures to ensure, as soon as possible, the organization of a Summit for implementation of the recommendations of the Cairo Plan of Action, in which all African States will participate without distinction. Participants felt that the Troika

at the Ministerial level constituted in itself an adequate relaunching of the follow-up mechanism and that this mechanism did not have to be upgraded to the Heads of State level.

47. The PRC stressed the importance of implementing and following up the Declaration governing the Africa-Asia co-operation.
48. Finally, the PRC requested the Sub-Committee to draw up guidelines for action to avert duplication of efforts with other organs in monitoring multilateral co-operation and decided to submit the report to the Executive Council for consideration.

### **5.3 Report of the Sub-Committee on Contributions – Doc. EX.CL/175 (VII)-b**

49. Presenting the report, the Chairperson of the Sub-committee on Contributions, Ambassador Philippe Ntahonkuriye, declared that the financial situation of the Commission is critical as most member States have not been making timely payment of their statutory contributions to the budget of the Commission. He stated that, apart from Ethiopia, no other member State had made voluntary contributions to the solidarity budget set up to finance the Commission's programmes. The Chairperson of the Sub-Committee further drew PRC's attention to the following recommendations to be submitted to the Executive Council for consideration:
  - Seize the opportunity of this current session of the Conference to sensitize member States to the need to pay their contributions regularly;
  - Request the Commission to draft reports on the outcome of its efforts made to prevail on Member States to pay their contributions;
  - Organize a debate on the non-payment of contributions to help determine the reasons for the non-payment of contributions by some member States;
  - Plan a pledging meeting to mobilize resources for the voluntary budget;
  - Request the Commission to adopt measures to build confidence in the financial and administrative systems;
  - Congratulate the seven member States that are up to date with their contributions to the Ordinary Budget for 2005, namely: South Africa, Algeria, Angola, Botswana, Comoros, Ethiopia and Senegal;

- Maintain sanctions against the following seven member States: Central African Republic, Democratic Republic of Congo, Guinea-Bissau, Liberia, Sao Tome and Principe, Seychelles and Somalia;
  - Apply sanctions as envisaged in Resolution CM/Res. 1279 (LII) of July 1990 against Eritrea and Niger with effect from the July 2005 Session of the Conference;
  - Maintain the temporary exemption granted to Sierra Leone.
50. Following this presentation, the Commission informed the Committee that, since the report was distributed, a number of member States have paid their contributions to the regular budget of the Organization, and therefore requested the Commission to update its data. The following member States should, therefore, be added to the list of countries that have paid their full contributions for the 2005 financial year : Libya, Namibia and Rwanda.
51. The meeting was informed that the following member States have paid part of their contributions for 2005 : Kenya, Lesotho, Malawi, Mauritius and Mozambique. Benin, Gabon, Gambia, Nigeria, SADR stated that their capitals have initiated action to transfer their contributions. The delegation of Senegal indicated that its country had paid its full contribution for 2005, as well as an advance for 2006 and also that it was considering making a voluntary contribution to the Solidarity Budget.
52. In the ensuing debate, delegations sought clarification on the definition of regular budget and voluntary budget and wanted to know whether the other contributions made to the Peace Fund and other Funds as well as programmes of the AU could be considered as voluntary contributions. The same delegations also wanted to know whether development partners could contribute to the voluntary budget. The Commission stated that this formula was not conducive.
53. Some delegations identified a number of difficulties encountered by their countries in the payment of their contributions or for not being able to pay their contributions on time, including:
- the high level of the scale of assessment;
  - the absence of an adequate financial and administrative system that can give Member States assurance as to the effective utilization of funds made available to the Commission;
  - the fact that all regular budget expenditure only cover the AU operating costs and not the programmes which have direct impact on the lives of African citizens. In this regard, the Commission was called upon to avoid unjustified expenses and strengthen the control and transparency system as well as ensuring accountability;
  - incompatibility between the financial year of some Member States and that of the AU.

54. Concerning the Pledging Conference, some delegations were of the view that it would be difficult to organize it, more so as this type of conference is usually designed to resolve an urgent and specific problem.
55. At the end of the debate, the PRC made the following recommendations:
- Urges the Commission to up date the report on the status of payments of Member States;
  - Encourages Member States to pay their contributions in time and invites the Commission to step up its efforts aimed at sensitizing defaulting Member States;
  - Commends Ethiopia for its voluntary contribution to the Solidarity Budget and encourages the other Member States to do likewise;
  - Underscores the need for Member States to demonstrate their political will by paying their contributions as proof of their constant support to the AU programmes;
  - Encourages the Commission to use judiciously the funds put at its disposal;
  - Urges the Commission to find other alternative sources of funding;
  - Urges the Commission to finalise the Financial Rules and Regulations;
  - Invites the Pan-African Parliament to sensitize the national Parliaments to contribute to these efforts;
  - Urges the Commission to render account of all extra-budgetary financial resources received from Member States and from other external partners and inform Member States accordingly.
56. The PRC finally adopted the report and decided to submit it to the Executive Council for consideration.
- 5.4 - **Report of the 8<sup>th</sup> Session of the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters – Doc. EX.CL/175 (VII)-a**
- **Report of the 8<sup>th</sup> Session of the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters (Virement) – Doc. EX.CL/175 (VII)-f**
57. The two reports were presented together by the Chairman of the Sub-Committee, Ambassador Gaspard Nyilikindi , who highlighted the recommendations made

on the Budget implementation report for the 2003 Financial Year as well as the report on virement for the 2004 Financial Year as follows:

On 2003 Budget Implementation

- i) The Commission must ensure that the audited financial reports are considered by the Advisory Committee as stipulated in the financial regulations.
- ii) The Commission should ensure strict adherence to Financial Rules and Regulations.
- iii) The commission should design and implement a system to effectively recover receivables and where possible effect guarantees.
- iv) The Commission must give top priority to implementation of Ernst & Young recommendations and institute a tracking mechanism for progress. The commission should draw up a three phase programme and also provide the cost implication for the implementation of the recommendations.
- v) All efforts must be made to speed up capacity building within the finance department in terms of human resource and financial management information system.
- vi) The Commission should improve on the presentation of the financial reports in line with the international standards.
- vii) Regional Offices to strictly adhere to financial Rules & Regulations and be adequately supervised.
- viii) Staffing problem in the Regional Offices be given priority by the Commission.
- ix) The Commission must improve on its asset and liability management.
- x) The format of the Financial reports should be improved upon taking into account the observations made.
- xi) All other Donations and Project Support Funds must be consolidated into the AU Financial Report.

On virement for 2004:

- i) The Commission should schedule the Advisory Sub-Committee's meetings in a timely manner and provide sufficient notice to Member States.

- ii) The Commission is requested to hasten the implementation of all the recommendations of the Ernest and Young consultants' Report as well as those contained in the previous Sub-Committees and PRC Meetings.
  - iii) The Bureau of the Advisory Sub-Committee should meet regularly to discuss the challenges being faced by the Commission in implementing the recommendations already made and thereby meet its statutory requirement on time.
  - iv) The Committee recognized the need to close the books of account and start the auditing exercise and noted the accounts could be closed.
58. PRC took note of the reports and commended them to the Executive Council for consideration.

**5.5. Report of the Sub-Committee on Structures – Doc. EX.CL/175 (VII)-c**

59. In his presentation, the Chairperson of the Sub-Committee on Structure recalled the mandate entrusted to the Sub-Committee which was in two parts, namely: the Maputo Decision and the Decision of the Extra-Ordinary Session of the Executive Council of December 2004. He informed PRC that the Sub-Committee had held 20 sessions on this matter, and that the Committee was honoured by the presence of the Chairperson and the Deputy Chairperson who presented the vision of the Commission, the challenges of the recruitment process and the human resource requirement of the Commission. He further recalled that the proposals made by the Commission were based on the Maputo structure, and requested the PRC to extend the necessary support to the Commission to enable to perform the mandate entrusted to it.
60. The debate which was extensive, rich and diverse, raised some issues of concern. Some delegations were of the view that the proposals be deferred to a later date since the Sub-Committee went beyond its mandate. The mandate of the Sub-Committee was to approve an adjustment to the Maputo structure within the approved USD 63 million budget for 2005. It was also felt that the Commission was not providing Member States with information regarding the status of implementation of the Maputo decision and the staff establishment which made it difficult for the PRC to fully appreciate and assess the human resource constraints of the Commission. It was further observed that the principle of funding the structure of the Commission should be predictable and be the sole responsibility of Member States and not donors.
61. After a lengthy exchange of views, it was proposed that the report be discussed in two parts, Part A relating to the adjustment of the Maputo structure without additional financial implications to the 2005 budget and Part B which is with financial implications. Some delegations maintained that PRC should only consider Part A within the mandate of the Extra-ordinary session of the Executive Council. Other delegations observed that it was still necessary to consider Part A along with Part B in order to enable the Commission to fulfill its mission.

62. The Chairman of the Sub-Committee explained that the Sub-Committee had not overstepped its mandate, which was two-fold in this case. The first tier of this mandate was to consider the adjustments within the approved 2005 budget; while the second tier was to consider the overall structure of the Commission as and when necessary, in line with the Decision of the Assembly to provide adequate staff.
63. The Commission highlighted the need to urgently adopt the adjusted structure, particularly in the Office of the Chairperson and the Deputy Chairperson so as to strengthen the command structure. It was further indicated that information requested regarding the staff complement would be made available during this Session in the Activity Report of the Commission. Regarding the status of implementation of the Maputo decision, he indicated that the Commission was in a bind as the adjusted structure for which it was seeking authorization has implications for implementation of the Maputo decision. The Deputy Chairperson appealed for a dynamic compromise, including establishment of a mechanism that would be agreed upon by both parties. The Commission further drew the attention of the PRC to the omission of the Structure of the African Centre for Study and Research on Terrorism. PRC recommended to Council the need to ensure that PANVAC is accommodated within the Structure, taking into account the fact that the donor funding currently sustaining it, will end in August 2005.
64. At the end of the debate PRC agreed as follows:
- (i) to recommend to Council the adoption of Part A of the report and that it be implemented with immediate effect within the 2005 budget ,
  - (ii) to take note of the recommendations contained in Part B; however, due to the legal and financial implications raised by these recommendations, decided to recommend to the Council to refer Part B back to the PRC for further consideration within the framework of existing rules.
- 6. Report on the Situation of Refugees, Displaced Persons and Returnees in Africa**
65. This item was discussed under Item 5.1 as reflected above.
- 7. Draft Migration Policy Framework for Africa –Doc. EX.CL/176(VII)**
66. In presenting the item, the Commissioner for Social Affairs observed that the Draft Strategic Framework for a Migration Policy for Africa (draft Framework) had been considered numerous times by the Labour and Social Affairs Commission (LSAC), and that ultimately had been adopted by the same body in April 2005 in South Africa. She pointed out that the draft Framework was neither a Charter nor a Protocol but merely a framework. She also indicated that the draft Framework included some items covered in the Draft Plan of Action on Trafficking in Human Beings Especially Women and Children (LSC/EXP/8(II)) that is still being

considered by the AU-EU Troika. The Commissioner then presented the draft decision as prepared.

67. In the ensuing debate, delegations were divided on whether the draft Framework had indeed been adopted by LSAC, and the issue was clarified by reference to paragraph 36 of the LSAC report which indicated that the general consensus was to endorse the draft Framework, while granting Member States a grace period of up to 30 May 2005 to send their inputs to the Commission for inclusion in the Migration Policy Framework, after which it would be submitted to Council and Summit for consideration in Libya in July 2005.
68. Concern was also expressed that there are areas in the draft Framework, such as bullets 1 and 2 on page 14 (English text) and bullet 4 on page 17(English text), that imply that the draft Framework is binding. Following discussions, it was agreed that the report be adopted as long as it had been clarified that the draft Framework is not binding. However, the Commission was asked to note in the report that some delegations still had problems with the draft Framework and that consultations were still continuing in some Member States and that these countries needed to be given a chance to comment on the draft Framework at a later stage. PRC also noted that some of the issues addressed in the draft Framework required the opinion of other sectoral ministries such as Home Affairs, Security, Justice, Trade and Economic Affairs. Suggestions were made to refer to the draft Framework as a “Progress Report” or “A Guideline on Migration in Africa”, and the Commission was cautioned against rushing the process forward when Member States still had some difficulties with it.
69. In response, the Commissioner observed that the Commission had not been asked to convene an Inter-ministerial meeting and that, although there were some disagreements, no specific proposals had been made for amending, improving or shelving the draft Framework. Very few Member States had taken advantage of the grace period of 30 May 2005 to submit their comments to the Commission, and some of those who did submit comments did so outside the agreed deadline. She further informed PRC that the Experts Meeting that took place in April 2004 had involved most of the concerned sectors, and concluded by stressing that the draft Framework was long overdue.
70. It was agreed that while the draft Framework is relevant, divergent views still exist as reflected in paragraph 35 of the LSAC report and that the PRC report should capture this. PRC agreed that the draft Framework be referred to Executive Council for consideration, with the understanding that those with concerns would advise their Ministers appropriately.

**8. Africa-Europe Dialogue –Doc.EX.CL/178(VII)**

71. This item was discussed under Item 5.2 as reflected above.

**9. Definition of the Diaspora arising from the report of the Experts Meeting of Member States held in Addis Ababa, Ethiopia from 11 to 12 April 2005.**

**(The inclusion of this item will facilitate the incorporation of the Diaspora in the ECOSOCC Process.) – Doc. EX.CL/179(VII)**

72. In its presentation, the Commission recalled Decision EX.CL/Dec.173(VI) of the Executive Council held in Abuja in January 2005 mandating it to convene a meeting of experts from Member States in order to formulate a more suitable definition of the African Diaspora. It indicated that the said meeting, which was convened in Addis Ababa, Ethiopia from 11 –12 April 2005, agreed on the definition that was being submitted for consideration. It however pointed out that, although the definition had gathered consensus, two delegations had expressed reservations as noted in the Report.
73. During the discussion, delegations first of all observed that the translated texts of the report should be harmonized with the original English version. Some delegations expressed the view that the element relating to commitment in the definition should be deleted because it is not measurable and would be difficult to define in precise legal terms. Others wanted the Diaspora to apply to those residing abroad permanently but again it was argued that they might come back in the future. A few delegations queried the consensus preferring a two or three part definition: the first, academic, a second operational and a third, underlining the role of the Diaspora in relation to the continent. One delegation wanted the role of the Diaspora to focus on development of their countries of origin.
74. The PRC observed that most of the issues raised had also been the concerns of the experts meeting. It also noted that the aspect of the Definition on commitment to the African cause responded to the express desire of the AU Assembly as reflected in the discussions preceding the January 2005 Abuja decision. Furthermore, amendment 3(q) of the Constitutive Act specifically stipulated that the purpose of Diaspora participation was to help in building the African Union. Thus, their involvement must be expressed in these terms rather than in terms of their specific countries or otherwise.
75. The PRC agreed to submit the proposed definition to the Executive Council for consideration together with the reservations expressed.

**10. Review of Implementation of the Millennium Development Goals (Abuja Decision)**

**10 (a) Meeting of Ministers responsible for Transport and Infrastructure on Transport and the Millennium Development Goals (MDGs)- Doc. EX.CL/182(VII)**

76. The Commissioner for Infrastructure and Energy introduced the report and outcome of the meeting of African Ministers responsible for transport which took place in Addis Ababa, Ethiopia from 4 to 6 April 2005 to consider the crucial role of transport in the realisation of the Millennium Development Goals (MDGs). He gave a brief background to the meeting referring to the consultations which took place in October 2004 between the Commission of the African Union, UNECA,

ADB, RECs and the Sub-Saharan Transport Policy Programme (SSATP) unit of the World Bank where it was concluded that lack of adequate transport infrastructure and efficient services constituted a serious impediment to efforts to eradicate poverty and attain the MDGs in Africa.

77. In that regard, the Commissioner informed the meeting, that the African Union was requested to lead and coordinate the process of elaborating specific transport targets and indicators which are essential for the achievement of the MDGs. Subsequently, the African Ministers responsible for Transport and Infrastructure, in their April 2005 meeting, considered and adopted the proposed transport targets and indicators as well as a Declaration committing Member States of the African Union to implement the strategy for their attainment.
78. Finally, the Commissioner indicated that the Ministers requested the African Union to seek for the inclusion of the transport targets and indicators in the comprehensive document to be tabled at the UN Conference for the Review of the MDGs in September 2005 as part of the key strategy for poverty alleviation and realisation of the MDGs in Africa within the context of Decision EX.CL/Dec.166 (VI) taken during the AU January 2005 Summit in Abuja.
79. Following the presentation, members of the PRC expressed appreciation for the initiative taken by the Ministers responsible for Transport and Infrastructure to highlight the critical importance of transport in poverty eradication and the realisation of the MDGs in Africa.
80. PRC also requested the Commission to ensure that the outcome of the Ministers' meeting is incorporated into the African Common Position on the Review of the MDGs to be presented to the UN/MDG Review Conference in September 2005. In that regard, PRC emphasised the need for the African Union to present a consolidated African Common Position document on MDGs that takes on board the inputs of all sectors. PRC therefore commended the report to the Executive Council for endorsement.

**10 (b) Review of the Millennium Declaration – Doc. EX.CL/181(VII)**

- **Review of the MDGs;**
- **African Common Position;**
- **Draft Declaration.**

81. In his presentation, the Commissioner in charge of Economic Affairs recalled the decision of the Assembly of Heads of State and Government mandating the AU Commission to lead the process of developing an African Common Position as the Continent's contribution to the report on the Review of the Millennium Declaration to be considered by the UN General Assembly in September. He briefed the PRC on progress made on the various targets of the eight goals of the MDGs. He then referred to the three documents being submitted for consideration, namely, a background paper, the draft African Common Position and draft Declaration on MDGs. He stated that the background paper included

- an assessment of the implementation of the Millennium Declaration and the achievement of the MDGs while the African Common Position indicated an outline of key-action oriented policy recommendation for accelerating progress toward achieving the MDGs – a basis for leaders to take decisive action in propelling the continent forward. He added that the Declaration reflected a number of commitments to be undertaken by African leaders in order to create an enabling environment to attain the MDGs.
82. The Commissioner indicated that the three documents pointed to insufficient progress which varied across countries and regions. He however pointed out that North Africa was making substantial progress and was on course to meeting the MDGs. He then submitted the three documents for consideration by the PRC.
  83. The PRC commended the joint efforts of the AU Commission, the NEPAD Secretariat, the RECs, the ECA, the ADB and the UNDP for the review. General observations by the PRC related to the comprehensiveness of the reports and how realistic the indicators were. Proposals for some reformulation and amendments were also made. The PRC recommended to integrate market access to objective one so as to enforce employment and reduce poverty which should also emphasize social living conditions including habitat and environment. It stressed the need to include the outcome for the meeting of the Ministers of Transport in objectives two and three. It further recommended that access to health structures and provision of transportation facilities to landlocked countries be included in objectives four and five. On HIV/AIDS, the PRC recommended to go beyond the proposals in the documents and emphasise treatment, medication (generic drugs) and research.
  84. The PRC further noted that African countries needed to ensure that environmental considerations be part of their development programmes and that development policies and activities of development partners should include the environmental aspect. It further recommended that the goals should be defined according to regional and economic aspects in order to facilitate implementation. It called on the Commission to further work on the Draft Declaration to produce a more balanced one in terms of, among others, economic, social, peace and security, and governance issues and to integrate outcomes of sectoral meetings. It also highlighted the need to emphasize both the quality and quantity of aid and to mention that countries from other regions than North Africa had also achieved the MDGs or were on target.
  85. The PRC then recommended that a strong signal be sent through a decision to be tabled before Council and endorsed by Summit to the G8 to support the debate on the Commission for Africa report, underscore the areas where partners are supporting Africa and call on them to honour their commitments.
  86. Many delegations made inputs into the draft Declaration. Consequently, the PRC decided to put up a drafting team composed of two officials from each region to assist the Commission to improve upon the draft Declaration which would

provide a basis for negotiations. Thereafter, the PRC commended the report to Council for consideration.

**11. Implementation Progress and Implementation Plan of the Sirte Declaration on Agriculture and Water – Doc. EX.CL/183(VII)**

87. In presenting the report, the Commissioner in charge of Rural Economy and Agriculture, emphasized four important aspects of the implementation plan: the consultative process; the on-going initiatives and actions by AU Commission, key stakeholders and partners in the context of the Sirte Declaration; an action plan and mechanism to finance the Plan.

88. More specifically, the Commissioner presented an Action Plan, comprising of the short-term and medium to long-term actions, which has taken into account on-going processes and initiatives by AU Commission, NEPAD, RECs and development partners. The implementation timeframe of the entire Action Plan fits within the realization of the medium to long-term Strategic Objective of the African Union Commission that is aiming at achieving the *Continental Integration by 2015* and contributing to the attainment of the Millennium Development Goals. The Plan has also identified "Flagship Programme" or "Quick Wins" to be implemented during the short-term (2004-2007). The Commissioner reported that due to unavailability of funds, the programmes developed are largely inactive. As a way forward, the Commissioner proposed forging partnership with key stakeholders and suggested possible mechanisms to finance the implementation of the Plan including the possibility of developing a framework towards the establishment of the Trust Fund. To this effect, she recommended the following for consideration:

- Member States should consider to endorse the Sirte Declaration Implementation Plan;
- In order to mobilize the resources for the implementation of this Plan, Member States may consider the possibility of establishing a Trust Fund under the AU Commission in order to facilitate the implementation of the Sirte Declaration; and request development partners to contribute to the Trust Fund;
- Member States should commit to take all necessary measures to fund the Sirte Declaration Flagship Programmes and call to specifically support AU Commission Solidarity Budget to implement the Flagship Programmes;
- Member States should call upon the relevant sectoral Ministerial conferences to use their resources to implement the Sirte Declaration as appropriate.

89. While the Member States commended the quality of the report on the Implementation Progress and Implementation Plan of the Sirte Declaration on Agriculture and Water, they also expressed concern about the inadequate

synergy between the Implementation Plan as presented and the implementation of the Comprehensive Africa Agricultural Development Plan (CAADP) adopted in Maputo in 2003. It was emphasized that such a synergy would allow for coordinated action and resource sourcing. The Member States further expressed concerns about the proposed establishment of a Trust Fund to facilitate the implementation of the Plan given the proliferation of such Funds and the limited capacity of Member States and partners to contribute to all of them. Concern was also expressed about the number of studies and workshops planned as well as the apparent lack of consultation with Member States in developing the Plan. While recognizing that the report and the Plan contain all relevant issues, the need to prioritize these issues was underlined.

90. On the issue of the integration of AMCEN, AMCOW and the Conference of African Ministers of Agriculture as Specialized Technical Committees of the AUC, Member States recalled the need for a holistic approach to integrating them as individual STCs.
91. It was however also noted that there was need for Member States to focus on the implementation of the Sirte Declaration and therefore to contribute to the Trust Fund if its establishment is decided upon.
92. While recognizing the validity of some of the issues raised by Members, the Commissioner noted that, there was confusion between the current report and the report on food security and the allocation of 10% to agriculture that the Summit had requested in Abuja in January 2005. Clarification was given that the current report is in response to the call in the Sirte Declaration for the Commission to develop detailed plans of action for the implementation of Sirte Declaration on agriculture and water to be submitted to the Assembly at its Ordinary Session in 2005.
93. The PRC took note of the progress made in the implementation of the Sirte Declaration but requested the Commission to submit the plan to the Sectoral Ministers for approval before it can be presented to the Assembly.

**12. Report of the AU Commission for the Period from January to June 2005: Doc- EX.CL/184(VII) (Activities, Budget Performance, Recruitment)**

94. It was agreed that this Item be discussed by the Executive Council.

**13. Report of the Chairperson of the Commission on Conflict Situations in Africa -Doc. EX.CL/191(VII)**

95. In view of the fact that this matter will be amply discussed by the Peace and Security Council at its next session, which will in turn report to the Executive Council, the PRC agreed not to discuss the issue at this point. PRC also agreed that it will be afforded the opportunity to discuss conflict situations when considering the Report of the AU Commission for this period. However, members

of the PRC requested that all relevant documents on the item be availed to them for information and necessary follow up.

**14. Draft AU Commission HIV/AIDS Strategic Plan and AIDS Watch Africa (AWA) Strategic Plan - Doc. EX.CL/194(VII)**

96. After consultations, this Item was deleted from the Agenda.

**15. Report of the PRC and Legal Experts on various Legal Matters – Doc. EX.CL/195(VII)**

- i. **Draft Protocol on the Merger of the African Court on Human and Peoples' Rights and the Court of Justice of the African Union;**
- ii. **Draft Protocol on Relations between the AU and the RECs;**
- iii. **Proposed amendments to the Rules of Procedure of the Assembly of the Union, the Executive Council, the Permanent Representatives' Committee and the Commission;**
- iv. **Draft Criteria for Hosting AU Organs;**
- v. **Criteria for Granting Observer Status and a System of Accreditation within the AU;**
- vi. **Modalities for the Functioning of the African Center for the Study and Research on Terrorism (ACSRT)**

97. Following introduction of the report by the Legal Counsel, the meeting considered the write up on each of the agenda items.

**a. Draft Protocol on the Merger of the African Court on Human and Peoples' Rights and the Court of Justice of the African Union (Annex I)**

98. During the adoption of this part of the Report, the delegations raised the following issues:

- i. A political decision had been taken on the merger and what was required now was implementation;
- ii. The meeting of PRC and Legal Experts had carried out its mandate in conformity with the decision of the Executive Council in Abuja by considering and finalizing the Draft Protocol;
- iii. There were practical problems with each of the options proposed: Option 1 (one) was complex and protracted, and would reopen all issues for re-negotiation which would thus delay the setting up of the merged Court during the process of negotiations and ratification of the new legal instrument, a matter with regard to which the Executive Council had expressed concern in its mandate to the PRC; Option 2 (two) which is the adoption of an amending Protocol would require Member States to be parties to three (3) instruments but had the advantage of requiring signature

only of the States Parties to the previous two Protocols for it to come into force. Option 3 (three) relates to setting up the Human Rights Court immediately, through adoption by the Assembly of decisions relating to the term of Office of the judges, seat of the court, budget, etc; This third option was complementary and could go with any of the other two options;

- iv. Whilst the finalised Protocol would be submitted for the consideration of the Executive Council in July 2005 pursuant to the mandate given to the PRC and legal experts by the Abuja Decision of January 2005, the PRC was of the view that Option I was the ideal option;
  - v. Since the Assembly had decided that the Court of Justice should be hosted in the Eastern African Region, if the African Court were to be set up now then it should be hosted in that Region and a decision should be adopted to that effect and on all other relevant issues..
99. At the end of the debate, the PRC considered its previous recommendations and adopted them with slight amendments as follows:
- i. The decision of the Assembly on the merger did not set out a time frame for integrating the two courts into one and accordingly there is nothing to prevent the PRC from recommending the ideal option of a single instrument as per option 1;
  - ii. Options 1 and 3 should, as suggested by the Committee, be considered further and some delegations were of the opinion that these options were the best means of implementing the Assembly's decision;
  - iii. The preferred option of the PRC was Option I together with Option III, which would mean the development of a single instrument for the merged Court but in the meantime operationalising the African Court on Human and Peoples' Rights.
  - ii. **Draft Protocol on Relations between the African Union and the Regional Economic Communities (RECs) (Annex II)**
100. In presenting this item, the Legal Counsel informed the PRC that consultations were still continuing between the Commission and the RECs. In addition, the Commission intended to take aspects of the Protocol in the ongoing study on rationalization of the RECs.
101. At the end of the meeting, the PRC endorsed its previous recommendation as follows:
- “Consideration of the Draft Protocol be deferred until such time as the consultations between the Commission and the RECs are completed and the study on the rationalization of the RECs is finalized”*

**Proposed amendments to the Rules of Procedure of the Assembly of the Union, the Executive Council and the Permanent Representatives' Committee as well as the Statute of the Commission (Annex III)**

102. In presenting this item, the Legal Counsel recalled that the proposed amendments to the Rules were considered in detail by the last meeting of the PRC. He pointed out that the Commission had taken on board all the amendments proposed by the PRC including an amendment to the Rules of Procedure of the PRC which addressed the issue of quorum of the meetings of the Sub-Committees of the PRC. The Legal Counsel concluded by stressing the fact that the PRC had at its previous meeting indicated that other aspects of the Rules requiring amendment in consultation with other organs such as the Peace and Security Council would be looked at, at a later stage.
103. In the debate that ensued the following observations were made:
- i) The need to review the issue of the quorum required for convening the meetings of experts along with those of the PRC sub committees. In this regard, some delegations were of the view that the quorum for convening such meetings should be simple majority and the two-thirds majority should only be required at the point of decision-making; Other delegations felt that it was important to maintain the quorum of two-thirds majority in order to avoid the sense of exclusion and illegitimacy of decisions;
  - ii) The PRC and Legal Experts had carried out their mandate by reviewing the matters arising from the Rules that were referred to them. However, it was observed that there were a number of new issues and inconsistencies for which the PRC did not have a mandate to address.
  - iii) In this regard, it was suggested that the provisions relating to the Agenda of the Assembly should be amended to provide that any item proposed by Member States should not go directly on the Agenda of the Assembly, but rather should be submitted to the Commission which should take the necessary steps i.e. convene meetings of Ministers in charge of the matter before submission to the Assembly for consideration.
  - iv) It was also indicated that there was need for all items placed on the Agenda of the Executive Council to be considered by the PRC.
104. At the end of the debate, the PRC, recalling its mandate, decided to recommend the following to the Executive Council for consideration:
- i) The PRC had addressed all the matters that had been referred to it by the Executive Council;
  - ii) The Executive Council should consider authorizing the PRC to consider other relevant issues and submit a comprehensive text to the Council at its Eight Ordinary Session in January 2006;

- iii) The PRC should review all the Rules in order to ensure that all concerns are addressed and that there are no inconsistencies therein or in relation to other texts;
- iv) The proposed amendments should be submitted to the Eighth Ordinary Session of the Executive Council scheduled in January 2006 for consideration.

iv. **Draft Criteria for Hosting AU Organs (Annex III)**

105. In considering this item, the PRC adopted the recommendations contained in the Report of the PRC and Legal experts on Legal Matters and recommended as follows:

That the Draft criteria as contained in document EX.CL/195 (VII) Annex III be submitted to the Seventh Ordinary Session of the Executive Council for adoption.

v. **Criteria for Granting Observer status and a System of Accreditation within the AU**

106. In considering this item, the PRC endorsed the recommendation of the meeting of the Permanent Representatives' Committee (PRC) and Legal experts on Legal Matters to the effect that the Draft Criteria should be revised incorporating the comments and amendments proposed by the Meeting and thereafter submitted to the PRC for finalization.
107. The PRC considered the revised Draft Criteria and recommended as follows:

**The Draft Criteria as contained in document EX.CL/195 (VII) Annex IV be submitted to the Seventh Ordinary Session the Executive Council for adoption.**

vi. **Modalities for the Functioning of the African Centre for the Study and Research on Terrorism**

108. The PRC considered its report on the Draft Modalities for the Functioning of the African Centre for the Study and Research on Terrorism and decided to amend the Draft Modalities, Section VII paragraph 4, the first sentence to read as follows: "The Director shall be assisted by an Advisory Board, appointed by the Chairperson of the Commission, for a one year renewable term. The composition of the Board shall include one (1) representative from each of the five regions and one (1) representative from each of the RECs, drawn from the Focal Points of the Centre, in consultation with Member States and the RECs; as well as representatives from the Commission."

109. At the end of the debate, The PRC adopted its report and recommended that the Draft Modalities as amended should be submitted to the Seventh Ordinary Session of the Executive Council for adoption.

**16. Report on the Situation in the Middle East and Palestine  
- Doc. EX.CL/196(VII)**

110. After consultations, the PRC decided to refer this item to the Executive Council for consideration.

**17. Report on the African-Asian Strategic Partnership  
- Doc. EX.CL/198(VII)**

111. This item was discussed under Item 5.2 as reflected above.

**18. Progress Report on the Preparations for the Second Phase of the  
World Summit on the Information Society (WSIS II) to be held in  
Tunis, Tunisia in November 2005 -Doc. EX.CL/173(VII)**

112. The Commissioner for Human Resources, Science and Technology presented the document on preparations for the second phase of the World Summit on Information Society (WSIS II) scheduled for 18 – 20 November, 2005 in Tunis. She briefed the PRC on the series of preparatory meetings and events leading to the establishment of the Digital Solidarity Fund, recalling in particular the ITU proposal at the UN General Assembly, the first phase achieved through the WSIS Summit of 2003, the Dakar preparatory meeting and the establishment of working groups on relevant issues such as Internet Governance, Financing. She expressed her satisfaction over its launching on 14<sup>th</sup> March 2005 in Geneva in the presence of President Olusegun Obasanjo of the Federal Republic of Nigeria, President Abdoulaye Wade of the Republic of Senegal and the Executive Committee members of NEPAD. She then pointed out the need to formalize the African common position and develop an African action plan in cooperation with all relevant stakeholders, ECA and other partners under the AU leadership.

113. The PRC commended the succinct report and presentation and made some suggestions for the improvement of the format. It expressed appreciation for the joint work carried out with ECA and recommended to also associate UNDP for its experience in the field of Internet Governance. It further approved of the Commission's close collaboration with the fifteen-member Ministers of Telecommunications and the Bamako Bureau in formulating a draft common position. Following more clarifications to be given during Council by Ghana as Chair of the Group of fifteen Ministers of Telecommunications, and by Senegal and Tunisia, it was recommended to prepare a decision for the Executive Council to lend the necessary political support to the event.

114. The PRC took note of the progress report and was assured that the report would be updated and detailed for Tunis following the outcome of the last meeting on Internet Governance scheduled for July, the finalisation of the African Common

Position by the group of fifteen Member States in Cairo and the work of the Task Force on the financing of the development of New Information Technology.

115. Following the debate, the PRC endorsed the recommendations of the Commission as follows:
- i) Provide the appropriate conditions for consultations and coordination to the African group to participate more actively in the preparatory process and better translate African interests in the guidelines and outcome of Tunis summit;
  - ii) Ensure the massive participation of Heads of States and Governments in Tunis Summit;
  - iii) Ensure the existence of appropriate follow up mechanism and monitoring strategy for the Action Plan;
  - iv) Organize a meeting of Ministers in charge of telecommunications and ICT to examine and adopt the Action Plan and its implementation mechanism;
  - v) Invite all Member States, local authorities, international, and regional organizations to support and contribute to the Digital Solidarity Fund.

### **AGENDA ITEM III: REPORTS ON MINISTERIAL CONFERENCES**

#### **Agenda Item III – 1: Conference of the African Ministers of Economy and Finance- Doc. EX.CL/180(VII)**

116. In his presentation, the Commissioner for Economic Affairs first gave the background to the Conference and recalled the various activities undertaken by the Commission which culminated in the convening of the Conference, namely the meeting of independent, government and civil society experts on Africa's external debt, and the meetings of African Eminent Personalities and Government Experts focussing exclusively on the agenda items of the Ministerial Conference. These items revolved essentially around Africa's external debt, evaluation of the implementation of the Millennium Development Goals (MDGs), the report of the Commission for Africa (Blair Report), and alternative sources of financing the African Union. The Commissioner then recalled the main conclusions and recommendations of the Ministers of Economy and Finance at the end of their deliberations.
117. Lastly, the Commissioner placed emphasis on the recommendation of the Ministers on the institutionalization of their Conference which they proposed, should be held annually. The Ministers of Economy and Finance, he concluded, had strongly recommended, in a declaration issued at the end of their Conference, that a draft decision be submitted to the Heads of State and Government at their next session in Sirte in July 2005. They also recommended that the institutionalization of CAMEF should lead to the convening of an economic summit which, in their opinion, would constitute a real opportunity offered to the Heads of State and Government to examine their reports and those of the RECs in order to take the relevant political decisions.

118. At the end of the presentation, the PRC expressed satisfaction at the quality and relevance of the report and made observations on the subjects dealt with in the report.

### **Africa's External Debt**

119. The PRC commended the efforts so far invested to find a lasting solution to the reduction of the Continent's debt. It welcomed the recent declarations regarding the cancellation of the debt of 14 African countries. The PRC pointed out that those cancellations should not constitute a pretext to divide Africa, but rather to consolidate its unity. Africa must continue its mobilisation efforts until the cancellation covers all the components of the external debt and is extended to all the countries of the Continent.

### **Alternative Sources of Financing the AU**

120. The PRC acknowledged that the current financing is overly dependent on Member State's contributions, resulting in considerable arrears of contribution. Consequently, the PRC encouraged the Commission to pursue its initiatives towards ensuring a financing that is effective and less dependent on statutory contributions. The PRC also welcomed the proposals made by the Ministers of Economy and Finance which consist in deepening further the discussions on this all important issue, by taking on board other partners in the discussion process in order to reach consensual solutions. The PRC warmly welcomed the relevant proposals made by President WADE in the matter and suggested that they be tabled before the stakeholders as soon as possible. To this end, it proposed that a time frame be put on the ongoing discussions regarding the issue so that recommendations could be made to the Heads of State and Government and the appropriate political decisions taken.

### **Millennium Development Goals**

121. The PRC recommended that the Commission should come up with a more synoptic presentation of the evaluation of the MDGs. Such a presentation it contended has the merit of highlighting, region by region, the achievements made in respect of each of the objectives, as well as facilitating reading and understanding. In this connection, the PRC recommended a harmonisation of the evaluations made by various Pan-African institutions in order to reach an African Common Position to be presented to the United Nations Summit Conference in September 2005. In the same vein, it suggested that the assessment of the Ministers of Economy and Finance on the MDGs be incorporated in the document on the African Common Position. The PRC also suggested that the reports produced by the Ministers of Economy and Finance in Dakar and Abuja serve as a basis for preparing the African Common Position on the MDGs.

### **Report of the Commission for Africa**

122. The PRC took note of the report and warmly welcomed the initiative which lends support to the Continent's development process. It recognised its added value in terms of partnership scope and the new tracks likely to help Africa realize the MDGs. However, the PRC was of the view that the report of the Commission for Africa should contribute to the implementation of the AU NEPAD programme.

**Institutionalisation of the Conference of African Ministers of Economic and Finance (CAMEF)**

123. The PRC welcomed the institutionalization of CAMEF as proposed by the Ministers of Economy and Finance and supported the draft decision to be submitted to the Heads of State and Government for consideration and adoption. The PRC was of the view that such a proposal was likely to put an end to duplication by the Pan-African institutions, and thereby confer leadership on the AU Commission which would have the responsibility to convene the above Conference every year with the technical assistance of the ECA and ADB.

**2. African Ministerial Conference on Housing and Urban Development (AMCHUD) – Doc. EX.CL/185(VII)**

124. In presenting this item, the Commissioner for Social Affairs started by giving the background to AMCHUD and informing PRC that this meeting was convened in accordance with the Maputo Assembly Decision. She said the AMCHUD, which was preceded by the African Population Commission (APC) Experts Meeting, elected a Bureau that was chaired by South Africa with Senegal, Algeria and Chad as first, second and third Vice Chairs, respectively, and Kenya as Rapporteur. She informed the PRC that the Conference produced an Enhanced Framework of Implementation for Sustainable Housing and Urban Development in Africa and also issued a Declaration on the establishment of AMCHUD. She, however, noted that there were challenges in the institutionalization of the AMCHUD.
125. In the ensuing discussion, some delegations asked for a draft decision, while others expressed concern that some of the recommendations on page 5 (English text) of the report did not specify who was to carry them out. PRC further noted that the sections in the Declaration relating to Commission for Africa needed to be redrafted because Commission for Africa cannot support countries in resource mobilization nor can it exclude investment in Urban Development and housing from the debt burden of African countries. On the institutionalization of AMCHUD, the Commission was asked to approach this matter from the framework of the enabling provisions in the Constitutive Act. The Commission was also requested to expedite the study on which ministerial meetings should be institutionalized in line with Article 14 of the Constitutive Act.
126. The Commissioner acknowledged the concerns raised regarding some of the recommendations and assured PRC that although the Declaration was a ministerial document, she would consult with the Conferences Directorate to see

how best to correct the apparent drafting problems. She said the draft decision had been prepared and would be circulated to Member States as soon as it was ready in all languages. She, did, however present the gist of the draft decision. On the issue of the study on the Specialized Technical Committees, the Deputy Chairperson of the Commission assured the PRC that he would provide PRC with an update in due course.

127. PRC agreed to forward the report to Executive Council for consideration.

**3. African Ministerial Conference on Education in Algeria (8-11 April 2005, in preparation for the January 2006 Summit which will have Education as its theme- Doc. EX.CL/190(VII)**

128. In presenting the item, the Commissioner for Human Resources, Science and Technology observed that education has been recognized by Member States as a key instrument for ensuring sustainable development and facilitating regional integration. She noted that although there is still much to be done to achieve quality education for all in Africa, a number of noteworthy initiatives had been taken by Member States. Among other things, the AU had declared a Decade for Education for Africa (1997-2006), adopted the Dakar Framework on Education for All, and launched the New Partnership for Africa's Development (NEPAD) which also addresses the issue of quality of education with a special focus on science education.

129. The Commissioner informed the PRC that the Conference of Ministers of Education that was held in Algiers April 2005 had adopted a Declaration in which they proposed that an in-depth evaluation of the Decade for Education be carried out and that a Second Decade for Education for Africa be launched in order to address the myriad challenges that confront the continent, so as to generate the momentum required to achieve the Millennium Development Goals by 2015.

130. The Commissioner also informed the PRC of some of the activities that the Directorate had scheduled as a follow up to the recommendations of the Ministers, including the following:

- Planning for the Second Decade of Education, which involves undertaking an in-depth evaluation of the Decade of Education for Africa, and a Conference of Ministers of Education of the African Union scheduled to be held in November 2005;
- Merging of MINEDAF and COMEDAF ~ proposals for this would be considered by the November 2005 Ministers meeting;
- Strengthening the capacities of RECs ~ regional collaborative projects are being planned to facilitate harmonisation and enable RECs to monitor and evaluate education activities;

- Enhancing access, relevance and quality in education ~ activities are being developed to support Centres of Excellence and the Institute for African Languages, develop scholarship and fellowship schemes, institutionalize the ICT Week, and produce a Pan-African Youth Charter.

131. During the ensuing discussion, the PRC welcomed the progress report. It suggested that the Bureau elected for the Conference of Ministers of Education be included in the report and that the list of participants appended to the report. The PRC welcomed the collaboration between the AU and NEPAD in this area, and stressed the importance of language. The PRC also expressed support for the recommendations made by the Ministers of Education in Africa, and commended the report for the consideration of Council.

**4. Ministerial Meeting of the Labour and Social Affairs Commission – Doc. EX.CL/186(VII)**

132. Presenting the item, the Commissioner for Social Affairs informed PRC that this statutory meeting which took place in South Africa in April 2005 was preceded by an Experts' Meeting. Among other things, the meeting considered the mid-term review of MDGs with respect to labour, the establishment of an Advisory Council on Aging, the Social Policy Framework, and the Draft Strategic Framework for a Policy on Migration for Africa. However, whereas the Draft Strategic Framework for a Policy on Migration for Africa was adopted by the LSAC, the Social Policy Framework was not adopted as it was agreed that further consultations were required. The Commissioner further informed PRC that the meeting had resolved to rethink the structure of the LSAC with a view to ensuring that other sectoral ministries responsible for issues that fall within its purview also participate in it. She also indicated that the LSAC had elected a new Bureau and that Senegal would host its next session in 2006.

133. In the debate that followed, divergent views were expressed as to whether or not the Migration Policy Framework had been adopted. It was recalled that this issue had been amply discussed and resolved in the debate on the relevant item as reflected above. On the LSAC issue, the PRC unanimously agreed that there was need to rethink its structure because the issues that it addresses go beyond the competence of tripartite framework. On the MDGs, PRC stressed that this was not a mid-term review but rather a preliminary review five years down the line, to assess whether Member States are on track. PRC questioned why the Supreme Council of Sports in Africa (SCSA) did not submit its report to the LSAC, given that the SCSA had met in Algiers. In addition, PRC urged the Commission to complete the study on Specialised Technical Committees so that the concerns about rethinking the LSAC can be addressed globally. On membership to the ILO governing board, it was pointed out that the LSAC had failed to agree on who would occupy the two seats in the Northern Region as indicated in paragraphs 38 and 39 of the report. It was also pointed out that the report should not have indicated the names of the two countries as the matter had been referred for further consultations during the International Labour Conference as a result of Mauritania's recent entry into the Northern Africa

Group. The Commission was also asked to review its report to reflect that the LSAC meeting took place in 2005, and to remove the word “draft” where it appears in the document.

134. In response to the issues raised, the Commissioner made the following observations:
- The SCSA meeting overlapped with the LSAC and as such it was not possible for SCSA to present its report to the LSAC;
  - The Commission would expedite completion of the study on STCs to facilitating deliberations regarding the rethinking of the LSAC
  - Consultations had been undertaken in Geneva and the election of representatives had also already taken place, although the results had not been availed to the Commission as yet.
135. At the end of the debate, the PRC commended the report for consideration by the Executive Council.

**5. 5<sup>th</sup> General Assembly of the African Population Commission (including the revised rules of procedure)- Doc. EX.CL/187(VII)**

136. In presenting this item, the Commissioner for Social Affairs provided the background to the African Population Commission (APC), highlighting the fact that hitherto the APC had been serviced by a joint secretariat comprising the Commission, UNECA and ADB. She informed PRC that the outcomes of the Session included a new Bureau, a reorganized secretariat, and revised Rules of Procedure which state that the Commission is to service the APC. The Commissioner also presented the draft decision.
137. In the discussion that followed, concerns were raised regarding three main issues, namely: the new Rule 18 which provides for the election of the Bureau at the end of each ordinary session; the issue of quorum; and the status of the Declaration requesting the AUC to transform the APC to a Specialized Technical Committee, a Declaration which had been included in the body of the report and had been signed by only 11 countries although more Member States than this had taken part in the meeting.
138. With respect to the issue of quorum, the Commissioner explained that the APC was initially convened as a Special Session but the delegations had subsequently decided to reconvene as the 5<sup>th</sup> Session since the meeting that was held in Durban, South Africa, was only considered as an experts meeting for the African Ministers Conference for Housing and Urban Development. On the issue of Rule 18, she explained that this Rule was informed by the view that the new Chair might not be conversant with issues on the agenda and the Rules of Procedure, and that therefore it might be more prudent to let the outgoing chair conduct business until the election of the new chair at the end. Regarding changing the status of the APC to an STC, the Commissioner said she had received many similar requests from other ministerial conferences such as

AMCHUD, Ministers of Sports as well as Ministers of Children's issues, and her view was that such issues should be tackled globally, through the on-going study on the STCs. Regarding the status of the Declaration, it was the opinion of the Legal Counsel that the Declaration contained in the report amounted to a request by the 11 Member States concerned but did not amount to a recommendation of the meeting.

139. Regarding Rule 18, PRC agreed that this issue would be among the issues that would be addressed in the study on Specialized Technical Committees, as this study was expected to come up with model Rules of Procedure. This would also address the issues pertaining to the rethinking of the LSAC
140. At the end of the debate, the report was commended for the consideration of Council.

**6. 3<sup>rd</sup> Ordinary Session of AU Ministers of Trade- Doc. EX. CL/188(VII)**

141. In presenting the Report of the 3<sup>rd</sup> Ordinary Session of the AU Conference of Ministers of Trade, held in Cairo, Egypt, from 8 to 9 June 2005, the Commissioner for Trade and Industry highlighted the massive participation of Member States, RECs, NGOs and the EU Commissioner for Trade and the Ambassador of the United States of America. She situated the Conference as preceding major events such as the mid-term review of the MDGs in September, the LDCs meeting in June, the 4<sup>th</sup> AGOA Forum in July, the Commodities Conference in November, the Extraordinary Session of the AU Ministers of Trade to prepare a common position for Hong Kong, the G90, and finally, the 6<sup>th</sup> WTO Ministerial Conference scheduled for 13 to 18 September 2005.
142. The Commissioner recalled the themes discussed and the full collaboration with partners in the preparation of documents. She informed the PRC that after intensive discussions and consultations, the meeting culminated in the Cairo Declaration and the Road Map on the Doha Work Programme as well as the AU's Ministerial Declaration on EPA Negotiations. These two documents will guide African negotiators and enable them to speak with one voice at WTO and with the European Union. In conclusion, she requested the PRC to consider the single unresolved issue, namely, the selection of an African country to host UNCTAD XII in 2008 and submitted the Report for consideration by the PRC.
143. The PRC unanimously agreed that the report addressed technical issues on which the competent Ministers expressed themselves. Concerning the issue of hosting of UNCTAD XII, which the Ministers of Trade had referred to the Candidatures Committee, The PRC was of the view that it was outside the mandate of that Committee and that the Executive Council should take a decision on it during its Session. After discussions, the PRC recommended that countries wishing to host this Conference, particularly Ghana and Tunisia, should hold consultations in a spirit of solidarity, fraternity and fair distribution, in order to facilitate the Executive Council's consideration of the issue and to give the host country enough time to prepare the Conference under the best possible

conditions. The PRC then revisited the issue of the Commission's mandate with regard to strengthening its role of coordination and harmonization of trade negotiations, and in this capacity, it stressed that the Commission should ensure coherence between WTO and EPA negotiations. In conclusion, the PRC recommended that the Report of the Ministers of Trade be submitted to the Executive Council for consideration.

**7. Meeting of African Ministers responsible for Air Transport**  
**- Doc. EX.CL/189(VII)**

144. The Commissioner for Infrastructure and Energy presented the Report on the Meeting of African Ministers responsible for Air Transport held in Sun City, South Africa, from 16 to 18 May 2005. He informed the PRC that the meeting, opened by President Thabo Mbeki, discussed aviation policy, safety and security issues, as well as institutional issues. He added that the meeting reviewed shortcomings such as the restrictive nature of markets, high operating costs, interference of States, the low campaign level, etc. Among actions carried out to remove these constraints, he indicated that the meeting recommended the establishment of a solid framework for cooperation, the promotion of local markets, capacity building, the formulation of a common position for negotiations, the use of modern technologies and strengthening the AU's coordination role.
145. Concerning policy issues, the Ministers pointed out the difficulties in the implementation of the Yamoussoukro Decision and adopted a resolution thereon. With regard to the rules of competition, they also noted the important efforts deployed with a view to creating an environment conducive to the development of air transport. Lastly, the Commission informed the PRC that the Ministers addressed the issue of AFCAC, which was to become autonomous from January 2007. In this regard, it decided that a AFCAC meeting would be held from 8 to 9 September 2005 to further discuss the issue.
146. At the end of the fruitful exchange of views that followed the presentation, the PRC's observations and comments focused essentially on the form of the report and the reformulation of some paragraphs. The PRC also requested details on the participants of and the bureau elected for the meeting. It then requested clarifications, particularly on the US\$5 tax ECOSOCC proposes to levy on tickets for the operation of the AU, as well as on the autonomy of CAFAC. The Commission provided explanations on all the issues raised.
147. The Report was commended for consideration of the Executive Council.

**8. Ministerial Conference on Immigration – Doc. EX.CL/197(VII)**

148. In introducing the Item, the Commissioner for Political Affairs informed the PRC that the African Union Conference of Ministers on Immigration was held in Tripoli, Libya, from 15-18 June 2005. She highlighted the exhaustive deliberations undertaken by Member States at Expert and Ministerial levels on measures and tools to facilitate free movement in Africa. She informed PRC that the Ministers

had agreed in principle on the need to facilitate free movement in Africa through appropriate tools such as liberalization of visa and residence requirements, the issuance of an African Passport and elaboration of a framework to govern deportations and mass expulsions in accordance with the African Charter on Human and Peoples Rights and relevant provisions of other international human rights instruments.

149. Following the presentation and while noting that other relevant sectoral ministries need to be consulted as appropriate, delegations agreed that since the report had been considered by relevant Ministers, it should be endorsed for consideration by the Executive Council. In their interventions, some delegations sought clarification on the linkage between the Report and the draft AU Strategic Framework on Migration. They also called for further consultations regarding the proposed establishment of a specialized office in the AU Commission to deal with the follow-up to the Ministerial Conference Resolutions. Other delegations sought further clarification on how the experts envisaged in the Resolutions to advise the AU Commission would be selected and what would be their conditions of service.
150. The Commission noted the observations made and indicated that appropriate consultations will be undertaken with all stakeholders in order to ensure the follow-up of decisions that would be taken in this respect.
151. At the end of the debate, PRC commended the report for consideration by the Executive Council.

**AGENDA ITEM IV: ITEMS PROPOSED BY MEMBER STATES**

- (1) Egypt's Hosting the 25<sup>th</sup> Session of the France/Africa Summit in 2009 (*Item proposed by the Arab Republic of Egypt*)- Doc. EX.CL/205(VII) Add.1
- (2) The Establishment of the African Centre for Infectious and Endemic Diseases and HIV/AIDS (*Item proposed by the Arab Republic of Egypt*)- Doc. EX.CL/205(VII) Add.2
- (3) The Establishment of a Pan-African Television Channel that expresses the common aspirations of the African peoples. (*Item proposed by the Arab Republic of Egypt*- Doc. EX.CL/205(VII) Add.3
- (4) The Offer of the Arab Republic of Egypt to host the Headquarters of the African Council of Scientific Research and Technology (*Item proposed by the Arab Republic of Egypt*)- Doc. EX.CL/205(VII) Add.4
- (5) Recognition of the Drepanocytosis as a priority for public health by the next Session of the World Health Assembly (*Item proposed by the Republic of Senegal and the Republic of Congo*)- Doc. EX.CL/205(VII) Add.5

- (6) The Danger of Imported Seeds in the African Continent (*Item proposed by the Great Socialist People's Libyan Arab Jamahiriya*)- Doc. EX.CL/205(VII) Add.5

152. After consultations, PRC agreed to refer all the above items to the Executive Council for consideration.

**ITEM V      CONSIDERATION OF THE DRAFT AGENDA OF THE 7<sup>th</sup> ORDINARY SESSION OF THE EXECUTIVE COUNCIL**

153. PRC considered the draft agenda for the Executive Council and, after making amendments, decided to submit it to the Executive Council for consideration

**ITEM VI      ANY OTHER BUSINESS**

154. The Chairperson of the PRC read out the programme of Statutory meetings that would be held in Libya as follows:

- 28 June 2005 at 10:00 a.m.: Meeting of Ministers of Finance to prepare the G8 Summit;
- 28 June 2005 at 3:00 p.m.: Meeting of the Group of 3 and Committee of 10 on the Follow-Up Mechanism on the Reform of the United Nations;
- 30 June 2005 at 10:00 a.m.: Meeting of the Peace and Security Council at the Ministerial level;
- 30 June 2005 at 3:00 p.m.: Opening of the 7<sup>th</sup> Session of the Executive Council;
- 3 July 2005 at 4:00 p.m.: Meeting of the Committee of 7 on the Follow-Up of the Meeting of Kampala held on 30 June 2005;
- 3 July 2005 at 8:00 p.m.: Official dinner;
- 4 July 2005 official opening of the 5<sup>th</sup> Ordinary Session of the Assembly.

155. The Chairperson further informed the PRC that the Great Jamahiriya had confirmed that it accepted to host the meeting of the Ministers of Finance on 28 June 2005. After that, all the meetings had been transferred to Sirte.

156. Following this information, the Commissioner in charge of Economic Affairs gave the PRC additional information and specified that only the Ministers of Finance of the Member States who had been invited to the Meeting of the G8 and those who were the Chairperson of the Regional Economic Communities (RECs) were expected to attend the Meeting on 28 June 2005 particularly South Africa, Algeria, Egypt, Ethiopia, Nigeria, Senegal, Tanzania, Niger, Burkina Faso, Rwanda, Uganda, Republic of the Congo, Mauritius and Libya. Furthermore, the

Commissioner pointed out that the Executive Secretaries of RECs, ADB, ECA and the NEPAD Secretariat had been invited to the Meeting. The Commissioner concluded that NEPAD had confirmed its participation in the Meeting of Experts. Finally, he thanked Libya for having accepted to host that meeting.

157. Several delegations regretted the last minutes change in the programme of meetings in Libya and inform the PRC about the difficulties that they could face in communicating the amended programme to their respective capitals. Furthermore, they requested that the Report on the Situations of Conflict in Africa be distributed to all the Member States as soon as possible. Others requested additional explanation on the purpose of the meeting of the Ministers of Finance as well as the conditions in which the meeting had been decided upon. Others still pointed out that the item relating to the Report of NEPAD was not on the Agenda of the 5<sup>th</sup> Ordinary Session of the Assembly and requested the Commission to ensure that it be included. The delegation of South Africa reminded the Commission about its proposal to convene on 1 July the Committee on the Scale of Assessment. The delegation of Mozambique pointed out that the higher authorities of its country was not consulted regarding the chairing of the Session of the Peace and Security Council on 30 June 2005. The delegation of Gabon asked if the Agenda of the next Session of the Peace and Security Council included the situation in the Central African Republic in order to enable that country take its place within the African Union.
158. In response to the question raised, the Commission explained that the Meeting of the Ministers of Finance had been decided upon after consultations between the Chairman of the Union and the Chairperson of the Commission. It also pointed out that the Meeting aimed mainly at better preparing the States for the discussions to be held during the G8 Summit scheduled in Gleneagles, Scotland, on 7 and 8 July 2005. Within that framework, the PRC were informed about the preparation of a document and the Common African Position. The Commission also explained that the Report on the Status of Conflict was in principle was submitted by the Peace and Security Council to the Executive Council and that all the Member States were informed about all the Reports.
159. With regard to the decision to convene the Peace and Security Council on 13 June 2005, the Commission apologised to the delegation of Mozambique about the last minute change to bring forward the Meeting in the month of June and not in July as initially scheduled, the month in which Nigeria would be the Chairman.
160. Regarding the Central African Republic, the Commission informed the PRC that the Special Envoy of the Chairperson of the Commission was already on mission in the Region and that the elements he would put forward could help the Peace and Security Council to take the necessary decision.
161. The Chairman of PRC informed the Meeting about the election of the Candidate of the African Union, Mr. Yumkella of Sierra Leone as Director General of United Nations Industrial Development Organisation (UNIDO). He expressed satisfaction at the remarkable efforts made by the AU Commission for his

election. Thus, strengthening the unity and solidarity of the Continent. On behalf of the PRC he warmly congratulated the Candidate-elect and his country.

162. Taking the floor, the delegation of the Republic of Sierra Leone expressed the gratitude its country to all the States which supported a candidature of Sierra Leone to this important post. He expressed the wish that the election of Mr. Yumkella would enhance cooperation between the African Union and UNIDO within the framework of the implementation of NEPAD.
163. The Representative of Libya informed PRC on the logistical arrangements made by his country to facilitate the stay of delegations in Sirte.
164. PRC welcomed the new Ambassador of the Republic of Madagascar, Mr. Rakotoarivony Jean Pierre. PRC also expressed its gratitude to the Ambassadors of Botswana, Mauritania and Senegal who had completed their term of office in Addis Ababa for the dedicated services they had rendered to the AU during their stay.
165. The delegation of Zambia expressed grave concern that while Member States had been given assurances before they left Addis Ababa for Libya that the Executive Council would commence on 30<sup>th</sup> June, 2005, it now transpired that in fact Council would start on the 1<sup>st</sup> of July. This had greatly inconvenienced ministers as they had been taken away from other pressing matters. The Chairperson of the PRC explained that the dates had been changed in consultation with the Commission and the host country response to the concerns that had been raised by Member States regarding starting Council Session on 30<sup>th</sup> June. The Chair indicated that information on the new dates had been circulated to Member States in Addis Ababa, but regretted that the Zambian delegation had not received the information in time and extended the apologies of the PRC to the Foreign Minister of Zambia who was already in Libya for the Council deliberations.

## **ITEM VII      ADOPTION OF THE PRC REPORT**

166. The PRC adopted its report on 1<sup>st</sup> July 2005.

