



## WORKING GROUP ON POLICY AND LEGAL HARMONIZATION (WGPL)

PAPU/CA/ATC/PRC/04/2024-Doc No.2 and Annexes

*Original: French*

### THE WORKING GROUP ON POLICY AND LEGAL HARMONIZATION REPORT

#### Agenda item no. 3

<b>1. Subject</b> Meeting Report of the Working Group on Policy and Legal Harmonization	<b>2. References/paragraphs</b> <ul style="list-style-type: none"><li>• Working documents;</li><li>• Record of proceedings;</li><li>• Decisions of the Working Group.</li></ul>
<b>3. Decision Expected</b> <ul style="list-style-type: none"><li>• Consider and take note of the Working Group's report;</li><li>• Make any relevant comments;</li><li>• Adopt the Working Group's recommendations.</li></ul>	

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## 1. INTRODUCTION

- 1.1** The Working Group on Policy and Legal Harmonization held its meeting on 14<sup>th</sup> March 2024 and adjourned to reconvene the meeting on 16<sup>th</sup> May 2024 from 11:00 GMT. Both meetings were held remotely.
- 1.2** The first meeting was chaired by the Republic of Zimbabwe, represented by Mr. Kennedy Dewera. The Member States that attended this meeting were **Algeria, Benin, Burundi, Côte d'Ivoire, Egypt, Kenya, Malawi, Mali, Mozambique, Niger, Nigeria, Democratic Republic of Congo, South Africa, United Republic of Tanzania and Zimbabwe**. The PAPU General Secretariat team led by Dr. Sifundo Chief Moyo (Secretary General) provided secretarial functions for the Working Group. The detailed attendance list is attached as **Annex 1**.
- 1.3** The Working Group reconvened on 16<sup>th</sup> May 2024 to complete the agenda items from the adjourned meeting and this meeting was chaired by the Republic of Benin, represented by Ms Saraï Agbodja . This second meeting was attended by the following Member States, namely: **Benin, Burkina Faso, Democratic Republic of the Congo, Egypt, Mali, Tanzania, Uganda and Zimbabwe**. The PAPU General Secretariat team led by Mrs Jessica Hope Ssengooba (Assistant Secretary General) provided secretarial services. The detailed attendance list is attached as **Annex 2**.

## 2. THE MAIN ISSUES TABLED AND DISCUSSED

- 2.1** The first meeting considered **eleven** agenda items, including **five** working documents. Some of the key issues that were discussed included the following:
- i) The Implementation Status of Working Group Work Plan;
  - ii) Implementation Status of Decisions, Resolutions and Recommendations on policy matters from the 41st Ordinary Session of the Administrative Council;
  - iii) Handover/Takeover Procedures Between Incoming and Outgoing Officials.

The Draft Agenda of the meeting is attached as **Annex 3**.

- 2.2** The second meeting considered the Legal Experts Report back on agenda items that had been referred to them by the first adjourned meeting. The **two** substantive issues from the Legal Experts Report discussed were as follows:

- i) Proposed amendments to the Acts of the Union;
- ii) Legal Opinion on the procedure applied for the admission of Benin, the Democratic Republic of the Congo and Morocco as members of the Council.

The Draft Agenda of the meeting is attached as **Annex 4**.

### **3. THE BUREAU OF THE WORKING GROUP**

The Working Group's Bureau membership is as follows:

- Chairperson: **Zimbabwe**;
- 1st Vice-Chairperson: **Eswatini**;
- 2nd Vice-Chairperson: **Benin**;
- Rapporteurs: **Tanzania and Burkina Faso**;
- Secretary: **PAPU General Secretariat**.

### **4. REPORTS SUBMISSION**

The detailed Report and Annexes for the Working Group meetings are annexed herewith.

### **5. RECOMMENDATIONS**

The Working Group on Policy and Legal Harmonization tables the following recommendations for consideration and adoption by the Policy and Regulation Committee:

#### **a) On Implementation Status of the Working Group Work Plan:**

Request Member States to:

- i) Endeavour to timely respond to the questionnaire issued from the General Secretariat;
- ii) Propose amendments to the Acts of the UPU following the example set by UPU Member States in other regions of the world;
- iii) Under the coordination of the PAPU General Secretariat, harmonize Africa's positions ahead of UPU meetings for the continent to speak with one voice;
- iv) The General Secretariat, needs to identify shortcomings and gaps in the UPU Acts so that they could be discussed with Member States.

#### **b) Take note of the Report on Implementation Status of Decisions, Resolutions and Recommendations on Policy Matters from the 41st Ordinary Session of the Administrative Council**

c) **On Handover/Takeover Procedures Between Incoming and Outgoing Elected Officials:**

- i) Adopt the Hand/Over Take Over Procedures.
- ii) Authorize the General Secretariat to forward the Procedures to the Finance and Administration Committee

d) **On Proposals to amend the Acts of Union and the Rules of Procedure of the Plenipotentiary Conference**

Adopt the proposed amendments to the Acts of Union and to the Rules of Procedure of the Plenipotentiary Conference as detailed in document n° **PAPU/AC/ATC/PRC/04/2024-Doc No.2c.**

**6. DECISIONS EXPECTED**

The Report is submitted to the Committee to

- Consider and take note of the Working Group's Report;
- Make appropriate comments as necessary;
- Adopt the Working Group's recommendations and propose them to the Council.

## **ANNEX 1: Attendees For Meeting Held on 14<sup>th</sup> March 2024**

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## **ANNEX 2: Attendance List of Second Meeting Held on 16th May 2024**

<b>N°</b>	<b>NOM ET PRENOM (s)</b>	<b>ADRESSES MAIL</b>	<b>PAYS/ORGANISATION</b>
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### **ANNEX 3: Draft Agenda of Meeting held on 14th March, 2024, online**

<b>N°</b>	<b>DRAFT AGENDA</b>	<b>RESPONSIBLE</b>
<b>1.</b>	Introductory remarks <ul style="list-style-type: none"> <li>• Chairperson</li> <li>• Secretary General</li> </ul>	<ul style="list-style-type: none"> <li>• Chairperson of Working Group</li> <li>• Secretary General</li> </ul>
<b>2.</b>	Confirmation of Bureau members	<ul style="list-style-type: none"> <li>• PAPU General Secretariat</li> </ul>
<b>3.</b>	Adoption of agenda <b>PAPU/PRC/WGPL/03/2024 - Doc No.01</b>	<ul style="list-style-type: none"> <li>• Chairperson</li> <li>• Working Group</li> </ul>
<b>4.</b>	Implementation status of Working Group Programme of Activities <b>PAPU/AC/PRC/WGPL/03/2024- Doc No.02 &amp; Annex</b>	<ul style="list-style-type: none"> <li>• Working Group</li> <li>• General Secretariat</li> </ul>
<b>5.</b>	Proposed amendments to the Acts of the Union <b>PAPU/AC/PRC/WGPL/03/2024 - Doc No.04 &amp; Annex</b>	<ul style="list-style-type: none"> <li>• Working Group</li> <li>• General Secretariat</li> </ul>
<b>6.</b>	Implementation status of Decisions taken by the Council during its 41 <sup>th</sup> Ordinary Session on matters of policy <b>PAPU/AC/PRC/WGPL/03/2024 - Doc No.05 &amp; Annex</b>	<ul style="list-style-type: none"> <li>• Working Group</li> <li>• General Secretariat</li> </ul>
<b>7.</b>	Handover/takeover procedures between incoming and outgoing officials <b>PAPU/PRC/WGPL/02/2024 - Doc No.06 &amp; Annex</b>	<ul style="list-style-type: none"> <li>• Working Group</li> <li>• General Secretariat</li> </ul>
<b>8.</b>	Date and venue of next meeting	<ul style="list-style-type: none"> <li>• Working Group</li> </ul>
<b>9.</b>	<b>AOB</b>	<ul style="list-style-type: none"> <li>• Working Group</li> <li>• General Secretariat</li> </ul>
<b>10.</b>	Date of submission of Working Group report	<ul style="list-style-type: none"> <li>• PAPU General Secretariat</li> </ul>
<b>11.</b>	Closing	<ul style="list-style-type: none"> <li>• Secretary General</li> <li>• Chair of Working Group</li> </ul>

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**ANNEX 4: Draft Agenda of Meeting held on 13th May 2024, online**

<b>N°</b>	<b>DRAFT AGENDA</b>	<b>RESPONSIBLE</b>
<b>1.</b>	Introductory remarks <ul style="list-style-type: none"> <li>• President</li> <li>• Secretary General</li> </ul>	<ul style="list-style-type: none"> <li>• Chairperson of Working Group</li> <li>• Secretary General</li> </ul>
<b>2.</b>	Confirmation of Bureau members	<ul style="list-style-type: none"> <li>• PAPU General Secretariat</li> </ul>
<b>3.</b>	Adoption of agenda <b>PAPU/PRC/WGPL/05/2024 - Doc No.01</b>	<ul style="list-style-type: none"> <li>• Chairperson</li> <li>• Working Group</li> </ul>
<b>4.</b>	Legal Experts Task Team Report <b>UPAP/CPR/GTHPJ/05/2024 - Doc N°02</b>	<ul style="list-style-type: none"> <li>• Working Group</li> <li>• Legal Experts Task Team chair</li> </ul>
<b>5.</b>	Date and venue of next meeting	<ul style="list-style-type: none"> <li>• Working Group</li> <li>• General Secretariat</li> </ul>
<b>6.</b>	AOB	<ul style="list-style-type: none"> <li>• Working Group</li> <li>• General Secretariat</li> </ul>
<b>7.</b>	Date of submission of Working Group report	<ul style="list-style-type: none"> <li>• PAPU General Secretariat</li> </ul>
<b>8.</b>	Closing	<ul style="list-style-type: none"> <li>• Secretary General</li> <li>• Chair of Working Group</li> </ul>

## **ANNEX 5: Working Group on Policy and Legal Harmonization Report (WGPL)**

**Virtual Meeting of 14<sup>TH</sup> March 2024**



**WORKING GROUP ON POLICY AND LEGAL HARMONIZATION (WGPL)**

**VIRTUAL MEETING OF 14<sup>TH</sup> MARCH 2024**

### **THE WORKING GROUP ON POLICY AND LEGAL HARMONIZATION MEETING REPORT**

<b>1. Subject</b> Meeting Report of the Working Group on Policy and Legal Harmonization	<b>2. References/paragraphs</b> <ul style="list-style-type: none"><li>• Working documents;</li><li>• Record of proceedings;</li><li>• Decisions of the Working Group.</li></ul>
<b>3. Decision Expected</b> <ul style="list-style-type: none"><li>• Consider the Working Group's report;</li><li>• Make any relevant comments;</li><li>• Adopt the Working Group's recommendations.</li></ul>	

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## 1. INTRODUCTION

The Working Group on Policy and Legal Harmonization (WGPH) held its virtual meeting was held on 14<sup>th</sup> March 2024 at 11:00 GMT.

## 2. OPENING REMARKS

### 2.1. By the Chairman of the Working Group

The Chairman of the Working Group, Mr. Kennedy Dewera opened the meeting at 11:00 and welcomed all participants while thanking them for taking time off their busy schedules to attend the meeting of the Working Group on Policy and Legal Harmonization. He also invited them to participate actively in the deliberations through contributions that will enrich the working documents and proposals.

### 2.2. By the PAPU Secretary General

Dr. Sifundo Chief Moyo expressed the General Secretariat's heartfelt appreciation to all Member States, particularly those that had taken the time to honor the Union's invitation. He re-iterated the paramount importance of the role played by this Working Group, particularly as the body responsible for screening all substantive policy and legal matters of the Union.

Turning to the items on the meeting agenda, the Secretary General indicated that the meeting should serve as an opportunity for participants to pore over a series of highly important documents, including the handover/takeover procedure between outgoing and incoming elected officials, as well as proposed amendments to the Acts of the Union. On the later point, however, the PAPU Secretary General requested that it be withdrawn from the meeting agenda to allow for proposed amendments to be submitted first to the scrutiny of the Legal Experts Task Team during a meeting to be organized subsequently for this purpose.

Lastly, he updated participants on the recruitment of the Head of Policy, Regulation and Legal Affairs Department to reinforce the General Secretariat Legal Department, the Working Group, and the Policy and Regulation Committee, with a view to enabling them to deliver on their respective mandates. In conclusion, he thanked the Chairman, the Bureau members, and all participants for their impressive turnout, using that opportunity to pledge the continued support of the PAPU General Secretariat.

### 3. Confirmation of the Bureau

All Member States of the Bureau were present except for Burkina Faso and the Kingdom of Eswatini, (see attendance list in **Annex 1**).

### 4. Adoption of Agenda

The PAPU General Secretariat presented the Draft Agenda for consideration and adoption, including the proposal to strike out Item No. 6 along with document n° **PAPU/PRC/WGPL/03/2024 – Doc n°04** and its annex on proposed amendments to the Acts of the Union. The request was for this document to be submitted initially for scrutiny to the Legal Experts Task Team. The proposal was accepted and the meeting agenda duly adopted.

The adopted agenda is attached as **Annex 5**.

### 5. Implementation Status of the Working Group Work Plan

The General Secretariat presented **Document No. PAPU/PRC/WGPL/03/2024 – Doc No. 02 and its Annex** on the implementation status of the Working Group's Work Plan. The Work Plan of the Working Group on Policy and Legal Harmonization implementation status shows that fifteen activities have been completed while ten activities are still work-in-progress.

The activities in progress are contingent on adoption of the African Postal Guidelines and receipt from Member States and Restricted Unions of the requested postal regulation documents and models. To address the non-receipt of submissions of expected documents by Member States, the General Secretariat has circulated a questionnaire on postal regulation in Africa, to be administered through Member States. The feedback from this questionnaire will be used to build a database that will subsequently enable the General Secretariat to prepare vital documents on postal regulation for Member States.

The Implementation Status of the Working Group's Work Plan is attached as **Annex 6**

**Recommendations:** The meeting adopted the working document and requested Member States to:

- i) Endeavour to timely respond to the questionnaire issued from the General Secretariat;
- ii) Propose amendments to the Acts of the UPU following the example set by UPU Member States in other regions of the world;
- iii) Under the coordination of the PAPU General Secretariat, harmonize Africa's positions ahead of UPU meetings for the continent to speak with one voice;

- iv) The General Secretariat, needs to identify shortcomings and gaps in the UPU Acts so that they could be discussed with Member States.

## **6. Implementation Status of Decisions, Resolutions and Recommendations on Policy Matters from the 41st Ordinary Session of the Administrative Council**

The General Secretariat presented document n° **PAPU/PRC/WGPL/03/2024 – Doc n°.03** and its Annex, updating the Working Group on the Status of Implementation of **two** Resolutions and **one** Recommendation adopted by the Administrative Council during its **41<sup>st</sup>** Ordinary Session held in August 2023 in Arusha, Tanzania.

The meeting took note noted that the Resolutions and Recommendation had been duly implemented. Upon consideration, the Working Group adopted **document n° PAPU/PRC/WGPL/03/2024 – Doc n° 03 and its Annex** as presented and is attached as **Annex 7**.

## **7. Handover/Takeover Procedures Between Incoming and Outgoing Elected Officials**

The General Secretariat presented Document n° PAPU/PRC/WGPL/03/2024 – Doc n°04 which outlines the handover/takeover procedure between incoming and outgoing elected officials, beginning with giving the background for developing this procedure.

It was stated that to date, the handover/takeover between incoming and outgoing elected officials of PAPU has been taking place in one day, i.e. on the date set by the Plenipotentiary Conference for the incoming officials to assume duty. However, it has become clear from the Union's operational imperatives that a single day is insufficient for a proper handover/takeover of the PAPU General Secretariat's assets (movable and immovable), bank records, working files and comprehensive assimilation of its affairs.

A reasonable timeframe should therefore be set aside for this process to be performed effectively, hence the need for a more elaborate handover/takeover procedure that will equally cater to the implications of the overlapping transitional period during which the incoming and outgoing elected officials will be interacting with each other for a comprehensive handover/takeover.

The proposed procedure is described in ten articles aimed primarily at guaranteeing effective continuity of service by ensuring that the Union's activities and working files and records are properly passed on and assimilated between the outgoing and incoming officials.

In this regard, the procedure provides for incoming elected officials to commence duty at the PAPU Headquarters two weeks ahead of the official handover/takeover date in order to fully familiarize themselves with the organization, operations, resources and records and working files of the General Secretariat. Furthermore, the procedure makes provision for the Union to cater for lodging and board as well as transportation for the incoming elected officials during the two (02) week period.

Lastly, the handover/takeover ceremony on the date set by the Plenipotentiary Conference will mark the official cessation of duty for outgoing elected officials and commencement of duty for incoming elected officials.

Following the presentation of the procedure, participants made the following comments for inclusion in the document:

- a. **Article 8** to that the handover/takeover between the incoming and outgoing Assistant Secretaries General shall take place in the presence of the incoming and outgoing Secretaries General;
- b. Replace the word “**sanction**” in **Article 9.1** of the English version with “**signify**”, which is considered more appropriate.

**Recommendations:** The Hand over/Take over Guidelines were recommended for

- i) Adoption as amended.
- ii) Authorizing for forwarding to the Finance and Administration Committee by the General Secretariat.

## **8. Date and Venue of Next Meeting**

The date and venue of the next meeting would be made known subsequently and duly notified to the Working Group members, following consultations between the General Secretariat and the Bureau.

## **9. AOB**

No issue was raised under this agenda item by participants or the General Secretariat.

## **10. Reporting Circulation**

The General Secretariat indicated that the meeting report would be tabled during the next meeting of the Policy and Regulation Committee by the Chair of the Working Group.

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## **11. Closing**

In his closing remarks, the PAPU Secretary General thanked Members of the Working Group and encouraged them to engage in further interaction with a view to helping the Chairman with responses when the Working Group Report is presented to the Policy and Regulation Committee. He also invited participants to attend the Working Group's next meeting, which will deal with proposed amendments to the Acts of the Union.

On his part, the Working Group Chairman thanked the participants and the General Secretariat for their valuable contributions and then closed the meeting at 1:17 pm GMT.

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**ANNEX 6: WORKING GROUP ON POLICY AND LEGAL HARMONIZATION REPORT (WGPL)**  
**VIRTUAL MEETING OF 16<sup>TH</sup> MAY 2024**



**WORKING GROUP ON POLICY AND LEGAL HARMONIZATION (WGPL)**  
**VIRTUAL MEETING OF 16<sup>TH</sup> MAY 2024**

**THE WORKING GROUP ON POLICY AND LEGAL  
HARMONIZATION MEETING REPORT**

<b>1. Subject</b> Meeting Report of the Working Group on Policy and Legal Harmonization	<b>2. References/paragraphs</b> <ul style="list-style-type: none"><li>• Working documents;</li><li>• Record of proceedings;</li><li>• Decisions of the Working Group.</li></ul>
<b>3. Decision Expected</b> <ul style="list-style-type: none"><li>• Consider the Legal Expert Team's report;</li><li>• Make any relevant comments;</li><li>• Adopt the Legal Expert Team's recommendations.</li></ul>	

## 1. INTRODUCTION

The Working Group on Policy and Legal Harmonization (WGPL) held its second virtual meeting on issues that had been referred to the Legal Experts Team when the first meeting was adjourned on 14<sup>th</sup> March 2024. The second meeting was from 0900 hours GMT to 1200 hours GMT.

## 2. OPENING REMARKS

The Vice-Chairperson of the Working Group, who Chaired the meeting, and the PAPU Assistant Secretary General took turns to deliver their opening remarks.

### 2.1 By the Chairman of the Working Group Meeting

Ms. Saraï Agbodja, in her capacity as Chairperson of the Working Group meeting, started by thanking the General Secretariat and Members of the Working Group for the honour bestowed on Benin by having her chair this meeting. She then noted that the Working Group is expected to deliberate, comment, and adopt the report of the Legal Experts Task Team. Lastly, she welcomed participants and thanked them for taking time off their busy schedules to attend the meeting. Ms. Saraï AGBODJA expressed her hope that the meeting would all actively engage in the discussions, in order to produce a high-quality document for presentation to the Policy and Regulation Committee during the forthcoming Administrative Council meeting.

### 2.2 By PAPU Assistant Secretary General

Mrs Jessica Hope Ssengooba, PAPU Assistant Secretary General, began by extending the General Secretariat's appreciation to all the Member States in attendance and pointed out that this was the second meeting of the Working Group this year, which testifies to its vitality and readiness to meet whenever required to deal with issues falling within its sphere of expertise.

Lastly, Mrs. Jessica Hope Ssengooba wished all participants fruitful discussions having noted that this meeting will consider the Legal Experts Task Team's report, which primarily presents proposed amendments to the Acts of the Union.

### 3. Confirmation of the Bureau

All Member States of the Bureau were present with the exception of the Kingdom of Eswatini. The meeting was chaired by Benin the 2<sup>nd</sup> Vice-Chair of the Working Group, since the representative of Zimbabwe requested to be excused from chairing the meeting.

### 4. Adoption of Agenda

The PAPU General Secretariat presented the Draft Agenda, namely working document no. **PAPU/PRC/WGPL/05/2024 – Doc no. 01**, for consideration and adoption. The proposed agenda was adopted with no amendment and is attached hereto as **Annex 6**.

### 5. Presentation of the Legal Experts Task Team Report

The General Secretariat presented the Task Team's Report, namely **Document No. PAPU/PRC/WGPL/05/2024 – Doc No. 02**, which dealt with **two** key points:

- i) Proposed amendments to the Convention of the Union and its Detailed Regulations;
- ii) Opinion on the procedure applied for the admission of Benin, the Democratic Republic of the Congo and Morocco as members of the Council.

### 6. Proposed amendments to the Acts of the Union

Four (04) proposed amendments, including two (02) to the Convention and two (02) to the Detailed Regulations of the Convention, were submitted to the Working Group for consideration and adoption.

#### 6.1. The proposed amendments to the Convention relate to:

##### i) Emergency consultation of the Plenipotentiary Conference (Article 11.2):

It was proposed that, along the same lines as the procedure for consultation of the Administrative Council between two (2) sessions (**Article 11.1**) of this organ, provision should be made for emergency consultation of the Conference Bureau on matters falling within its purview. This will formalize an existing practice within the Union, to avoid possible divergent interpretations of the Acts, and facilitate the resolution of matters falling within the purview of the Conference between two (02) sessions of this organ.

In addition, clarity is provided on the methods of consultation by introducing a new article “Article 5 (bis)” to the Rules of Procedure of the Conference, giving the Chairperson of the Conference the authority to engage with the other Member States of the Bureau in determining the method of consultation, depending on the nature and urgency of the matter calling for a decision by the Conference;

**ii) Introduction of a new provision on cybersecurity and personal data protection (Article 20):**

This proposal is all the more well-grounded especially at a time when cybersecurity and personal data protection have become national and international concerns. The African Union has made this a priority by adopting a Convention on cybersecurity and personal data protection. It is therefore only right and proper that PAPU, in its capacity as a specialized agency of the African Union, should be part of this African and global drive to protect personal data and promote cybersecurity. Lastly, during its 10<sup>th</sup> Ordinary Session in 2021, the Plenipotentiary Conference adopted Decision No. 13/UPAP/CP/X/2021 on postal regulation, inviting member states to set up personal data protection structures in those countries that have not yet done so, and to ratify the African Union Convention on Cybersecurity and the Protection of Personal Data in those countries that are yet to do so;

**6.2. The two proposed amendments to the Detailed Regulation of the Convention dealt with the following:**

**i) Redefinition of vacant seat (Article 6.1):**

The current definition of a vacant seat was deemed inadequate and subject to different interpretations, as it does not take into account cases where the Plenipotentiary Conference does not fill all the vacant seats during its meeting. It was therefore proposed to add **“the expiry of a Member State's term of office on the Council”** to the definition of a vacant seat;

**ii) The procedure for filling vacant seats on the Council:**

The Legal Experts Task Team proposes an amendment to Article 6.2, since under its current provisions, the designation of a Member State by its Region would suffice for it to be admitted to the Council. However, the Acts of the Union clearly states that only the Conference is empowered to elect Council members.

Bearing in mind the need to fill vacant seats on the Council between two (2) sessions of the Conference, the Legal Experts Task Team proposes an amendment to this provision by outlining a procedure which will require a Member State to have been nominated by its Region, undergo a confirmation of its eligibility by the Council which, as the case may be, will authorize the General Secretariat to consult the Conference Bureau for a Decision.

The proposed amendments to the Convention are attached as **Annex 10**.

## **7. On the procedure for Admitting New Members to the Council**

- i) By way of reminder, the procedure applied to admit Benin, the Democratic Republic of Congo and the Kingdom of Morocco to the Administrative Council entailed the adoption of Decision no.01/PAPU/CPC/2022 by the Chair of the Plenipotentiary Conference to ratify Administrative Council Resolution no.07/PAPU/AC/XL/2022, recommended by the Working Group on Policy and Legal Harmonization and the Policy and Regulation Committee.
- ii) Upon thorough assessment, the Legal Experts Task Team found that the procedure followed for the admission of new members to the Council complies with the law, as it was considered in light of the interpretation and understanding of the notion of “vacant seat” at the time the matter was submitted for approval. It was also guided by an existing practice in the Union, which from a legal point of view can be regarded as a valid source of law. However, the Legal Experts Task Team stressed that the adoption of the proposed amendments, in particular the procedure for emergency consultation of the Conference Bureau, redefinition of the concept of vacant seat and the procedure for filling seats on the Council, would clarify the procedure in this area and prevent any divergent interpretations going forward.
- iii) Having perused the document, the Working Group on Policy and Legal Harmonization adopted the Legal Experts Task Team’s report with the following observations:
  - a. The Working Group appreciated the efforts made by the General Secretariat to avert any potential differences and ambiguities in the interpretation of our Acts and remedy the shortcomings identified;
  - b. There is need to define the emergencies likely to qualify for emergency consultation of the Conference Bureau between two sessions of the Conference;

- c. The Administrative Council should vet nominated Member States in light of eligibility criteria when filling vacant seats on the Council between two sessions of the Conference.

**Recommendations:** The Working Group recommends that the Committee adopts the following amendments to the PAPU ACTs

**The proposals to amend the PAPU Convention**

- a. Emergency consultation of the Plenipotentiary Conference (Article 11.2):
- b. Introduction of a new provision on cybersecurity and personal data protection (Article 20):

**The proposals to amend the Detailed Regulation of the Convention**

- a. Redefinition of vacant seat (Article 6.1);
- b. The procedure for filling vacant seats on the Council (Article 6.2).

**The Committee is invited to take note** of the opinion of the Legal Experts Team confirming legality of the procedure applied for the admission of Benin, the Democratic Republic of the Congo and Morocco as members of the Council as recommended by the 40th Ordinary Session of PAPU Administrative Council and subsequent endorsement by the Chairman of Conference

## **8. Date and Venue of Next Meeting**

The date and venue of the next meeting will be notified subsequently to the Working Group members, following consultations between the General Secretariat and the Bureau.

## **9. AOB**

Concerns were raised about the timely publication of documents and visa formalities for delegates from Member States requiring an entry visa into Tanzania to attend the upcoming Administrative Council meetings.

## **10. Reporting Circulation**

The General Secretariat indicated that the meeting report would be circulated to Member States by 20<sup>th</sup> May 2024 to the Chairperson and other members of the Group for inputs. Once these have been taken into account, the report will be sent to the Chairperson of the Working Group, who will present it during the next meeting of the Policy and Regulation Committee.

## 11. Closing

In her closing remarks, the PAPU Assistant Secretary General thanked all Group members and the General Secretariat staff for their valuable contributions.

Lastly, the Chairperson of the Working Group commended and thanked all participants for contributing actively to the excellent proceedings. She then adjourned the meeting at 2:05 GMT.

Done in Arusha, United Republic of Tanzania on 3<sup>rd</sup> June 2024

**The Republic of Zimbabwe**  
***Chairperson of Working Group***

**The PAPU General Secretariat**  
***Secretary to the Working Group***

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## ANNEX 7



*Original: French*

### LEGAL EXPERTS TASK TEAM (LETT)

## LEGAL EXPERTS TASK TEAM MEETING REPORT

<b>1. Subject</b> Legal Experts Task Team Meeting Report	<b>2. References/paragraphs</b> <ul style="list-style-type: none"><li>• Working documents;</li><li>• Record of proceedings;</li><li>• Decisions by the Legal Experts Team</li></ul>
<b>3. Decision expected</b> <ul style="list-style-type: none"><li>• Take note of the Report;</li><li>• Approve Recommendations made</li></ul>	

### 1. INTRODUCTION

The Legal Experts Task Team (LETT) held a virtual meeting on 17<sup>th</sup> April 2024 from 9:00 am GMT, under the chairmanship of the Kingdom of Eswatini represented by Mr. Ozzie Thakatha. Member States in attendance: **Eswatini and Burkina Faso.**

The General Secretariat was represented by the following persons: Dr. Sifundo Chief Moyo (Secretary General), Jessica Ssengooba (Assistant Secretary General), Michael Elisha Onyezewe (Head of Finance and Administration), Oumarou Abdourahamane Ly (Legal Adviser), Yonna Singogo (Accounting Officer), Abdoulaye Niang (Digitalization and Financial Inclusion Officer) and Arnaud Philippe Sawadogo (Head of Policy, Regulation and Legal Affairs). Mr. Sawadogo served as Secretary to the meeting.

The detailed attendance list is attached as **Annex 1.**



The Draft Agenda of the LETT meeting comprised **nine** items, including **two** working documents, namely:

- Proposed amendments to the Convention and Detailed Regulations of the Convention;
- 41<sup>st</sup> Ordinary Session of the Administrative Council's request for legal opinion on issue regarding Council membership.

## **2. BUREAU**

The LETT Bureau membership is as follows:

- Chairperson: **Eswatini**;
- Vice-Chairperson: **Burkina Faso**;
- Members: **Algeria, Benin, Uganda and Tanzania**.
- Secretary: **PAPU General Secretariat**

The meeting was conducted according to the proposed agenda.

## **3. INTRODUCTORY REMARKS**

The PAPU Secretary General and the LETT Chairman took turns to deliver their opening remarks.

### **3.1 By LETT Chairperson**

In his capacity as Chairperson of the Task Team, Mr. Ozzie Thakatha welcomed all participants and thanked them for taking time to attend the LETT meeting. He then invited them to participate actively and constructively in the deliberations.

### **3.2 By PAPU Secretary General**

Dr. Sifundo Chief Moyo, the PAPU Secretary General, began by welcoming participants and went ahead to express the General Secretariat's heartfelt appreciation to them for honouring the invitation to this important meeting. He then reiterated the central role of the LETT, whose mandate as Legal Experts is mainly to scrutinize all the legal issues referred to it in order to provide informed advice or guidance by way of recommendations to the Policy and Legal Harmonization Working Group.

Turning to the meeting agenda, the PAPU Secretary General stressed that the proposed amendments presented in the first working document are aimed at remedying the gaps identified and adjust the Union's legal instruments to the current context shaped by sweeping transformations in the environment.

As regards the second working document, he stressed the importance of dealing with the matter referred to the Legal Experts from the 41<sup>st</sup> Administrative Council on the submission by the Mali Delegation, which raised a procedural concern on the admission of Morocco, the Democratic Republic of Congo and Benin as members of the Administrative Council. He therefore invited the LETT to carefully analyze the documents submitted for their consideration, noting that the issue had been dealt with by the same body before.

Lastly, the Secretary General informed participants that Mr. Philippe Arnaud Sawadogo has been recruited as Head of Department Policy, Regulation and Legal Affairs. His recruitment will indeed boost the capabilities of the General Secretariat, the Working Groups and the Policy and Regulation Committee to deliver on their respective mandates.

The PAPU Secretary General concluded his opening remarks by thanking the Chairperson, the Bureau members and the participants for attending the proceedings and reassured them of the PAPU General Secretariat's unwavering support.

#### **4. Confirmation of the Bureau**

Upon confirmation of the Bureau attendance, it was noted that the Kingdom of Eswatini and Burkina Faso were present in their capacity as Chairperson and Vice-Chairperson respectively. However, none of the other Task Team members was in attendance. Amongst them, Benin had nonetheless excused itself for its unavoidable absence shortly before the start of the meeting owing to a prior commitment (see Attendance List in **Annex 1**).

#### **5. Adoption of agenda**

The PAPU General Secretariat presented the Draft Agenda for consideration and adoption, namely Document **No. PAPU/AC/PRC/WGRD/LETT/02/2024 – Doc No. 01**. Upon presentation, the Meeting Agenda was adopted without amendment (see in **annex 2**)

#### **6. Proposed Amendments to the Convention and its Detailed Regulations**

The General Secretariat presented **No. PAPU/AC/PRC/WGRD/LETT/02/2024 - Doc No. 02 and its Annex** on the proposed amendments. The **four** amendments are being proposed, namely **two** to the Convention and **two** to the Detailed Regulations of the Convention.

Upon close scrutiny of the document presented, deliberations by participants led to the current proposed amendments being tabled as shown on the table below.

The Legal Experts Team also made additional comments that for emergency consultation of the Conference, the procedures for convening and holding meetings be proposed for incorporation in the Rules of Procedure of the Conference.

The full proposals of the texts made by LETT is contained in the table below (see in **annex 3**).

## **7. Legal Opinion requested by the 41st Ordinary Session of the PAPU Administrative Council regarding the admission of new members to the Council.**

The General Secretariat presented document **No. PAPU/AC/PRC/WGRD/LETT/02/2024 - Doc No. 03** on the Mali Delegation's submission during the 41<sup>st</sup> Ordinary Session of the Council. In essence the submission raised concerns over the procedure applied to admit Morocco, the Democratic Republic of Congo (DRC) and Benin as Council members, arguing that the procedure had been flawed.

As a recap, the presentation showed that the procedure followed to admit the **three** Member States to the Council began with

- i) The matter being referred to the Policy and Legal Harmonization Working Group for consideration.
- ii) Following its deliberations, the latter's report containing its recommendations were submitted to the Council. Thereafter, the Council passed Resolution no. 07/PAPU/AC/XL/2022, approving the recommendation of the Policy and Regulation Committee for admission of Benin, Morocco and the Democratic Republic of Congo as Council members, subject to settlement of their outstanding mandatory financial contributions to the Union and authorizing the Chairperson of the Council to send a written request to the Chairperson of the Conference to formally confirm this Resolution.
- iii) The Chairperson of the Council sent a written request to the Chairperson of the Conference to formally endorse this Resolution
- iv) Having been seized with the matter by the Chairperson of the Council, the Chairperson of the Conference took Decision No. 01/PAPU/CPC/2022 formally admitting new members to the PAPU Administrative Council for the remainder of the 2021/2022-2024/2025 cycle, thereby ratifying the Council's Resolution No. 07/PAPU/AC/XL/2022 from its 40<sup>th</sup> Ordinary Session.
- v) This Decision by the Chair of the Conference will be tabled to the 11<sup>th</sup> Ordinary Session of the Plenipotentiary Conference for ratification.

Upon consideration of the document, participants endorsed the procedure applied to admit Benin, Morocco and the Democratic Republic of Congo as Council members, on the grounds that the procedure was assessed based on how the notion of “vacancy” was interpreted and understood at the time.

If adopted, the proposed amendments to the Detailed Regulations, will clarify the provision and forestall any interpretation differences, by clearly outlining the procedure for admitting Member States to fill vacant seats on the Administrative Council.

## **8. Recommendations**

The Legal Experts Team hereby submits its Report to the Working Group on Legal and Regulation Harmonization Working Group for consideration of the following;

- i) Adopt the proposed amendments to the PAPU Convention and also to the Detailed Regulations
- ii) Note that the procedure applied to admit Benin, Morocco and the Democratic Republic of Congo as Council members, was legal as assessed based on the existence of the “vacancy” as interpreted and understood at the time.

## **ANNEX 1**

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## **ANNEX 2**

<b>N°</b>	<b>DRAFT AGENDA</b>
<b>12.</b>	Introductory remarks <ul style="list-style-type: none"><li>• President</li><li>• Secretary General</li></ul>
<b>13.</b>	Confirmation of Bureau members
<b>14.</b>	Adoption of agenda <b>PAPU/PRC/WGPL/LETT/02/2024 – Doc No.01</b>
<b>15.</b>	Proposed amendments to the Acts of the Union <b>PAPU/AC/PRC/WGPL/LETT/02/2024 – Doc o.02 &amp; Annex</b>
<b>16.</b>	Issue referred to legal opinion on Administrative Council membership during the 41 <sup>st</sup> Ordinary Session of the Administrative Council <b>PAPU/PRC/WGPL/LETT/02/2024 – Doc No.03</b>
<b>17.</b>	Date and venue of next meeting
<b>18.</b>	AOB
<b>19.</b>	Date of submission of Working Group report
<b>20.</b>	Closing

### ANNEX 3

REFERENCES	COMMENTS/OBSERVATIONS	PROPOSED AMENDMENTS
<b>PAPU CONVENTION</b>		
<p><b>Article 12 of the Convention: The Administrative Council (AC)</b></p> <p>2. In between the sessions of the Conference, the Council shall be the decision-making body of the Union within the limits of the powers delegated to it by the Conference.</p>	<p>The issue of decision-making between two (02) sessions of the Conference of Plenipotentiaries was referred to the Legal Experts Team during its meetings on 27 July and 14 August 2023.</p> <p>The opinion of the legal experts was to retain the provision as drafted on the grounds that it was sufficiently clear. However, in support of this provision, an emergency consultation procedure on matters falling within the competence of the Conference should be envisaged between two (02) sessions of the Conference.</p>	<p><b>Article 11: Emergency consultation</b></p> <p><i>11.1. Between two sessions of the Council, the Secretary-General may, subject to guidance from the Chairperson of the Administrative Council, consult Member States of the Council about one or several urgent problems for decision. In such a case, the decisions shall be taken by simple majority on the basis of replies which Member-States shall communicate to the Secretary General by the speediest and most efficient means. Such consultation shall not relate to decisions with financial implications exceeding the budget ceiling for the current financial year. Any decision taken through this method shall be in accordance with the Convention and its Detailed Regulations, and tabled formally at the next meeting of the Council.</i></p>

		<p><b>11.2 (New):</b> <i>Between two sessions of the Conference, the Secretary General may, subject to guidance from the Chairperson of the Administrative Council, consult Member States of the Conference Bureau about one or several urgent matters for decision. Any decision taken through this method shall be in accordance with the Convention and its Detailed Regulations and tabled formally to the Conference during its next Ordinary Session.</i></p>
	<p><b>Article 5 (bis) (New) of Rules of Procedure of the Plenipotentiary Conference: Emergency consultation of the Plenipotentiary Conference Bureau</b></p>	<p><i>1. Where an urgent matter is presented to the Bureau of the Conference for decision-making, the Chairperson of the Conference, after consulting the Bureau members, shall decide on the method and means of consultation. Insofar as possible, consultation shall take place by the most effective methods and means in light of the nature and urgency of the matter referred for consultation.</i></p> <p><i>2. The Conference Bureau's decision shall be signed by the Chairperson and reported to the Plenipotentiary Conference during its next session.</i></p>



<p><b>Chapter VII – Rights and obligations of Member States of the Union</b></p>	<p>Protecting privacy and fundamental rights and freedoms has become a pressing issue for Member States at both national and international level.</p> <p>For instance, the African Union has legislated on the subject through a convention on cyber security and personal data protection. In addition, at sub-regional and national levels, several African countries have passed legislation on the subject.</p> <p>PAPU should follow suit by introducing provisions in this area.</p>	<p><b>Article 20 (New): Cybersecurity and personal data protection</b></p> <p><b>20.1</b> <i>Member States shall ensure compliance with the respective international and national provisions on personal data protection.</i></p> <p><b>20.2</b> <i>Member States shall promote e-commerce, digital financial services and other digital services by offering a secure and reliable cyberspace.</i></p>
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## DETAILED REGULATIONS OF THE CONVENTION

<p><b>Article 6, point 1 of Detailed Regulations of the Convention: Vacant seat on the Council</b></p> <p>A seat of the Council shall be considered vacant when a Member State is not represented at two consecutive sessions of the Council or when it resigns from the Council or denounces its membership of the Union.</p>	<p>The definition of a vacancy seems incomplete. It needs to be improved on to adequately cover various situations that may cause vacancies to arise.</p>	<p><b>Article 6, point 1 of Detailed Regulations of the Convention: Vacant seat on the Council</b></p> <p>A seat in the Council shall be considered vacant in any of the following instances:</p> <ul style="list-style-type: none"> <li>- Where a Member State is not represented during two consecutive sessions of the Council;</li> <li>- Where a Member State resigns from the Council or the Union; or</li> <li>- <i>Upon expiry of the term of office of a Member State in the Council.</i></li> </ul>
<p><b>Article 6, point 2 of Detailed Regulations of the Convention: Vacant seat on the Council</b></p> <p>When a seat on the Council becomes vacant, the affected region shall designate another Member State to serve on the Council for its remaining term of office.</p>	<p>This provision is deficient in that it does not sufficiently define the procedure for replacing the Member State whose seat on the Council becomes vacant. It would seem that the mere designation of the State by the region concerned is sufficient to give that State a seat on the Council. However, it is clear from the functions of the Conference that it elects the members of Council (<b>Article 2, paragraph 10 of the Detailed Regulations</b>).</p>	<p>Proposal: <b>Article 6(2): Vacant seat on the Council</b></p> <p>When a seat on the Council becomes vacant between two sessions of the Conference, the affected region shall designate another Member State to serve on the Council for its remaining term of office.</p>

	<p>It is therefore only logical to harmonize this provision with <b>Article 2(10)</b> of the Detailed Regulations.</p>	<p><i>The designated member State presented to the Secretary General to serve on the Council for the remaining term of office shall be assessed for compliance with membership requirements by the Administrative Council, whereupon the latter who shall then refer the matter, as the case may be, to the Conference Bureau for a decision.</i></p>
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