

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

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KEY DECISIONS OF THE 32nd ORDINARY SESSION OF THE ASSEMBLY OF THE AFRICAN UNION (FEBRUARY 2019)

DECISION ON THE AFRICAN CONTINENTAL FREE TRADE AREA (AfCFTA)

Assembly:

- Endorsed the recommendations of African Union Ministers of Trade on:
 - Template on Tariff Liberalization which will be used by Member States in preparing the AfCFTA Schedules of Tariff Concessions; and
 - the designation of Sensitive Products and Exclusion List on the basis of the following criteria: food security, national security, fiscal revenue, livelihood and industrialization.
- Decided that Member States wishing to enter into partnerships with third parties should inform the Assembly with assurance that those efforts will not undermine the African Union vision of creating one African market
- Requested the African Union Commission, with the assistance of technical partners, to undertake an assessment of the requirements for the establishment of a future common market including steps to be taken as well as their implications and challenges, for consideration by the African Union Ministers of Trade.
- Requested the African Union Ministers responsible for trade to: submit the Schedules of Tariff Concessions, and Schedules of Specific Commitments on Trade in Services in line with agreed modalities to the July 2019 and January 2020 Sessions of the Assembly, respectively, for adoption; and conclude the negotiations on Investment, Competition Policy and Intellectual Property Rights, and submit the draft legal texts to the January 2021 Session of the Assembly for adoption through the Specialised Technical Committee on Justice and Legal Affairs.

ON THE INSTITUTIONAL REFORM OF THE AFRICAN UNION

The Assembly

- Delegated to the Executive Council its authority to consider and approve the Statute and Rules of Procedure of the Governance Structures of the African Union Development Agency, AUDANEPAD, during its 35th Ordinary Session of the Executive Council in Niamey, Niger, June/July 2019

ON POST-2020 PARTNERSHIP WITH THE EUROPEAN UNION

Assembly:

- Recalled the decision which stressed the need to ensure that Africa speaks with one voice in the various platforms of partnership with the EU, and requested the Commission to ensure cohesion between the Post-Cotonou Agreement and the Post-2020 Continent-to-Continent Partnership, so that continental priorities, as articulated in Agenda 2063 and other related instruments, are consistently reflected in both tracks.

DECISION ON THE ELECTION OF THE BUREAU OF THE ASSEMBLY OF THE AFRICAN UNION FOR 2019

Assembly elected the Bureau of the Assembly of the Union for 2019 as follows:

- Chairperson: Arab Republic of Egypt;
- 1st Vice-Chairperson: Republic of South Africa;
- 2nd Vice-Chairperson: Democratic Republic of Congo;
- 3rd Vice-Chairperson: Republic of Niger;
- Rapporteur: Republic of Rwanda

DECISION ON THE ELECTION OF THE CHAIRPERSON OF THE AFRICAN UNION FOR 2020

- Assembly decided that the Chair of the African Union for 2020 will be the Republic of South Africa.

DECISION ON THE REPORTS ON PEACE AND SECURITY

Assembly:

- Requested the Chairperson of the Commission to expedite efforts aimed at convening in Addis Ababa, in 2019, an international conference on reconciliation in Libya under the auspices of the AU and UN.
- Reaffirmed its commitment to peace and stability in The Comoros.
- Commended the Federal Government of Somalia for the continued progress made in implementing the Somali Transition Plan (STP).
- Commended the African Union Mission in Somalia (AMISOM) for its critical role in degrading the capacities of Al-Shabaab and other terrorist groups in Somalia, as well as in the implementation of the STP.
- Paid tribute to the AMISOM Troop and Police Contributing Countries (T/PCCs), for the immense sacrifices made in the promotion of peace, security, stability and reconciliation in Somalia.
- Commended the South Sudanese stakeholders for the leadership demonstrated since the signing of the R-ARCSS and called on the opposition groups that have not yet done so to join the Agreement without any preconditions.
- Commended the Presidents of Djibouti and Eritrea for their efforts and commitments to normalize the relations between the two countries, in the framework of relevant PSC Communiqués and UN Resolution 2446 (2018).

- Welcomed the peaceful organisation of the elections in the Democratic Republic of Congo (DRC), and commended the people and the leadership of the DRC for a landmark peaceful transition.
- Encouraged all Congolese stakeholders to uphold their country's supreme interests above all other considerations and work together.
- Welcomed the signing on 6 February 2019 of the Political Agreement for Peace and Reconciliation in the Central African Republic between the Government and the armed groups of the Central African Republic, under the auspices of the African Initiative for Peace and Reconciliation in the CAR.
- Urged all CAR stakeholders to place the interests of their country above all other consideration and uphold their commitment and work together, in good faith, in the implementation of the agreement.
- Congratulated the Government of Burundi on initiating the preparatory process for the elections, especially the establishment, on 31 August 2018 of an Independent National Electoral Commission (INEC), according to the Burundian Electoral Code, as well as a Truth and Reconciliation Commission (TRC), in line with the Arusha Peace and Reconciliation Agreement, signed on 28 August 2000. In this regard, the Assembly, welcomed the statement made by President Pierre Nkurunziza not to stand as candidate for the presidential election in 2020, and urged the Government and the political parties to work together for the smooth conduct of the next elections.
- Took note of continued efforts by the countries of the Lake Chad Basin to neutralize the Boko Haram terrorist group, through the Multinational Joint Task Force (MNJTF) and called on the Commission to continue and intensify AU's support to the countries of the region in their fight against Boko Haram.
- Reaffirmed its determination to reinforce efforts towards better and more effective conflict prevention action in Africa. In this respect, the Assembly ENCOURAGES Member States to take full advantage of the structural conflict prevention tools developed by the Commission, including the Country Structural Vulnerability and Resilience Assessment (CSVRA) and the Country Structural Vulnerability Mitigation Strategy (CSVMS), and to enhance the capacities of youth to meaningfully participate in peace and security issues at the national, regional and continental levels.
- Expressed deep concern at the increasing terrorist attacks in parts of the continent and reiterated its condemnation of all acts of terrorism committed on the continent by whomever, wherever and for whatever purposes and also reiterated the AU's determination to rid Africa of the scourge of terrorism and violent extremism, which cannot be justified under any circumstances.
- Reiterated its appeal to all Member States to volunteer resources to the AU Special Fund for prevention and Combating of Terrorism and Violent Extremism in Africa in line with Decision Assembly/AU/Dec.6140(XXVII), adopted at its 27th Ordinary Session of the Assembly held in Kigali, Rwanda, in July 2016.

ON THE REPORT OF THE HIGH-LEVEL COMMITTEE ON LIBYA

Assembly:

- Reiterated the need for Africa to speak with one voice on the Libyan issue and to improve synergy of action and joint efforts between the African Union and the United Nations on the initiatives to be taken to reach a final settlement;
- Requested the Commission to take the necessary measures, jointly with the United Nations, with a view to organizing during the first half of July 2019, the Inclusive Libyan National Peace and Reconciliation Forum;
- Also requested the Commission to take, jointly with the United Nations and the Libyan Government, all the necessary measures for the organization of presidential and legislative elections in October 2019.

ON THE STATE OF GOVERNANCE IN AFRICA

Assembly:

- Welcomed the Africa Governance Report developed by the APRM and urged the Member States to consider the recommendations contained in the Report with a view to enhancing good governance and sharing best practices at both country and continental levels
- Urged the Member States to develop national governance reports as a self-assessment tool for promoting good governance in line with the recommendations of the Report

ON THE KATOWICE CLIMATE CONFERENCE (UNFCCC COP 24) AND AFRICA'S ENGAGEMENTS AT THE GLOBAL CLIMATE CHANGE CONFERENCE AT COP25/CMP 15

Assembly:

- Urged parties to the Paris Agreement to recognize the special circumstances and needs of African countries, in line with the relevant and previous decisions adopted by the Conference of the Parties, and called upon the incoming presidency of the Conference of the Parties to continue with the consultations, with a view to reaching a decision in that regard by the twenty-fifth session of the Conference of the Parties, and requested the AGN to continue pursuing the issue
- Urged developed countries to continue to scale up mobilized climate finance towards achieving the 2020 finance goal through private and public funds to deliver on the US\$100 billion annually, building on the needs of developing countries and enhancing the country ownership of developing countries, and further enhance the provisions of predictable and sustainable finance building on the floor of the 100 billion USD annually
- Encouraged African countries to ratify the Kigali Amendment of the Montreal protocol as a vehicle to strengthen efforts to tackle climate change.

ON THE REFORM OF THE UNITED NATIONS SECURITY COUNCIL

Assembly:

- Welcomed the growing acceptance of the legitimacy of the Common African Position on the reform of the United Nations Security Council; in particular, the full endorsement for the Common African Position as espoused in the Ezulwini

Consensus and the Sirte Declaration by a number of Interest Groups and Member States from across all regions during the Intergovernmental Negotiations at the United Nations in 2018.

- Reiterated that full representation of Africa in the United Nations Security Council means:
 - i) Two (02) Permanent seats with all the prerogatives and privileges of Permanent membership including the right of veto;
 - ii) Five (05) Non-permanent seats;
 - iii) That the African Union reserves the right to select its representatives for election to the UN Security Council to act in its name and on its behalf;

ON MATTERS RELATED TO PROMOTING HEALTH ON THE CONTINENT

a) On HEALTH FINANCING

The Assembly:

- Appointed H.E. Paul Kagame as Champion for Domestic Health Financing
- Re-affirmed its commitment to increase domestic health resource mobilisation and progressive taxation; and called upon the private sector to support and invest in expanding access to quality health care services, achieving universal health coverage, and ensuring the health security of the continent;
- Agreed to undertake the following:
 - *Increase domestic investment in health, improve health financing systems and further expand efforts to increase prioritisation and efficiency in a context-appropriate manner so that each country can pursue its own path to achieving and sustaining universal health coverage and that the people of the African continent can receive the quality, accessible and affordable prevention, diagnosis, treatment and care services they need without suffering financial hardships;*
 - *Mobilise sufficient and sustainable financing to strengthen health systems, especially primary health care and national public health institutions, and achieve universal health coverage;*
 - *Foster greater cooperation between the public and private sectors to create synergies for delivering sustainable, effective, efficient and equitable health for all and safeguard the health security of the people;*
 - Called upon Member States to and partners to fully implement the Pharmaceutical Manufacturing Plan for Africa Business Plan and Regulatory Harmonisation for increased access to affordable and quality assured medicines, vaccines and new health technologies including generics as well as negotiating for affordable prices for vaccines and medicines for priority diseases;
 - Call upon Member States to strengthen public financial management (PFM) capacity to help improve tax collection and/or increase the proportion of tax revenue collected as a percentage of GDP, through equitable and efficient

- general taxation and improved revenue collection, and to strengthen the capacities of ministries of finance and tax revenue authorities to achieve this;
- Call upon Member States to reorient health spending and health systems to target the diseases and conditions across the lifecycle that have the greatest impact on mortality and human capital development with the mix of interventions that will deliver the greatest impact in combatting them;
 - *Enhance national health financing systems*, including exploring options to reduce fragmentation, exploring national health insurance (where appropriate), strengthening capacities to purchase services effectively and increasing efforts to improve prevention, cost-effectiveness and allocative efficiency. Member States should also foster greater coordination with multilateral and bilateral partners, including the African Development Bank, Gavi- the Vaccine Alliance, the Global Fund to Fight AIDS, TB and Malaria and the Global Financing Facility;

b) On MALARIA ALLIANCE,

The Assembly:

- Requested Member States with the support of the AUC, RBM Partnership to End Malaria, ALMA and partners to work towards an enabling environment and ensure the availability of affordable, effective, safe, next-generation malaria commodities through regulatory harmonization and support for local production including innovative initiatives to increase availability and scalability
- Requested Member States to fully utilize the right to use, to the fullest extent, the provisions contained in the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights and subsequent Declarations and articles to promote access to medicines for all;

c) ADOPTION OF HEALTH IN ALL POLICIES APPROACH

- Committed to support and enhance the reform of the health sector in the African countries through adopting the Health in All Policies approach in order to progress towards achieving Universal Health Coverage and Sustainable Development Goals in Africa

ON THE DEBT CANCELLATION AS A MEANS TOWARDS ENHANCING PEACE, SECURITY, DEVELOPMENT AND DURABLE SOLUTIONS FOR DISPLACED SOMALIS

Assembly:

- Recognized that in re-emerging from decades of conflict, the Federal Republic of Somalia must undertake the immense task of reconstruction and development to establish the foundations of lasting peace and stability, thereby establishing favourable conditions for investment and employment creation

- Urged Somalia's external creditors, especially the International Financial Institutions (IFIs) that have pledged financial support, to step up their good faith efforts and accelerate: the normalization of financial relations with Somalia in fulfilment of their promises; the unlocking of development resources for the country, and the full resolution of the external debt overhang;

Aware that a number of AU Member States are among Somalia's external creditors, Assembly:

- Called upon them to fully cancel Somalia's debt obligations in the spirit of African solidarity, and requested that the Commission facilitate debt cancellation discussions between Somalia and AU Member State creditors, and also called upon the latter to provide additional economic support to Somalia
- Further called upon Somalia's external creditors to fully cancel Somalia's debt obligations as a means of relieving the country of a future debt servicing burden that may hinder its transition from conflict to peace and sustainable development.

ON FINANCING THE UNION

Assembly:

Mandated the Commission to do the following:

- Provide technical support to Member States in accelerating the implementation of the 0.2% levy;
- Facilitate the involvement of the Committee of Fifteen Finance Ministers (F15) in the consideration of the annual audit report of the Union;
- Facilitate a retreat of the F15 to assess mechanisms on its working methods as well as consider modalities on how it can accelerate the implementation of decisions on Financing of the Union;
- Strengthen the Secretariat of the Financing of the Union with a view of providing adequate support to the F15 and Member States.

ON THE SCALE OF ASSESSMENT FOR THE REGULAR BUDGET AND THE PEACE FUND

The Assembly recalling the scale of assessment would be based on a tier system as follows:

- All countries with a GDP above 4% - tier 1;
- All countries with a GDP above 1% but below 4% - tier 2;
- All countries with a GDP of 1% and below – tier 3.

Decided the new scale shall be as follows:

- Tier 1 assessed at 45.151% percent of the Union's assessed budget;
- Tier 2 assessed at 32.749% of the Union's assessed budget;
- Tier 3 assessed at 22.100% of the Union's assessed budget.

Decided that no country shall pay less than \$350,000 or more than \$35,000,000 as a contribution for the regular budget and peace fund combined; and with a view to addressing the growing burden to Member States, the 2020 regular budget shall be reduced by \$32 million as compared to the 2019 regular budget.

Noted that since 2017, 50 Member States have made their contributions to the Peace Fund on the basis of the existing scale of assessment for the regular budget and

Commended Member States for contributing **US\$89 Million to the AU Peace Fund since 2017** which demonstrates a high level of commitment by the Union to fully operationalize the Peace Fund.

ON GALVANISING POLITICAL COMMITMENT TOWARDS THE ELIMINATION OF FEMALE GENITAL MUTILATION IN AFRICA

Assembly:

- Decided to designate His Excellency Roch Marc Christian Kaboré, President of Faso, as the African Union Champion for the Elimination of Female Genital Mutilation
- Noted with Concern the high rates of female genital mutilation in Africa, where 50 million girls will be at risk of undergoing this injurious, harmful practice by 2030, the human rights violation perpetuated and the lifelong health complications resulting from the practice and affecting the maternal health outcomes on the continent;
- Endorsed the continental initiative led by the Commission to be known as *Saleema: African Union Initiative on Eliminating Female Genital Mutilation* and called on Member States to implement the African Union Initiative on Eliminating Female Genital Mutilation, with a focus on ending medicalization and addressing cross border practice of female genital mutilation, in addition to implementing strong legislative frameworks, allocating domestic financial resources, promoting use of evidence and data, regular reporting, and the engagement of civil society and community groups in ending female genital mutilation
- Requested the Commission to put in place an accountability framework to hold Member States to account and monitor progress at the regional and national level in line with commitments made

ON ENDING CHILD MARRIAGE

The Assembly:

- Reaffirmed its commitment towards the Implementation of the Common African Position on Ending Child Marriage in Africa and recommendations from the first African Girls Summit held in Lusaka, Zambia in November 2015 and all the recommendations from the 2nd African Girls Summit on Ending Child Marriage held in Accra Ghana in November 2018;

- Decided to take concrete actions to end child marriage in all its forms and manifestations, with firm commitment to article 21(2) of the African Charter on the Rights and Welfare of the Child and to have comprehensive report on the progress of Ending Child Marriage in Africa through the reporting channel to the Policy Organs.

ON THE THEME OF THE YEAR 2019: THE YEAR OF REFUGEES, RETURNEES AND INTERNALLY DISPLACED PERSONS: TOWARDS DURABLE SOLUTIONS TO FORCED DISPLACEMENT IN AFRICA

Assembly

- Appointed H.E. Theodoro Obiang Nguema Mbasogo, President of the Republic of Equatorial Guinea as the AU Champion for the theme of the year 2019
- The On the 50th Anniversary of the AU Refugees Convention and 10th Anniversary of the Kampala Convention, called on all Member States to sign, ratify, domesticate and implement the OAU Refugee Convention and the AU Convention on IDPs and other relevant policy frameworks dealing with forced displacement and associated humanitarian crises including the Common African Position on Humanitarian Effectiveness;
- Committed to take bold and effective political leadership to resolve conflicts in Africa through adopting policies and strategies that strengthen national systems and structures that prevent conflict and displacement on the continent;
- Will support efforts towards the creation of condition conducive to return, rehabilitation and reintegration as part of durable solutions to forced displacement;
- Committed to develop a clear policy framework to address the challenge of the 712,000 stateless persons hosted in the continent and who that lack any form of legal protection and are often more vulnerable to abuse, exploitation and violations, with their displacement lasting sometimes for several decades without solutions
- Requested the AUC to work with Member States and relevant partners to ensure access to education for refugee children, returnee children, IDP children and stateless children in Africa;
- Requested the African Union Centre for Girls and Women's Education in Africa (AU/CIEFFA) to:
 - spearhead the development of a mechanism for regular reporting on the situation of girls and women's education in Member States taking into account their teaching and learning environments, the safety and security of schools and the education systems, and the extent to which refugees are mainstreamed into local education systems;
 - work with relevant partners to develop national gender sensitive comprehensive policies and operational plans that integrate peace education and protection of girls and young women in the education programmes for the displaced populations in Africa.

ON THE ESTABLISHMENT OF A CONTINENTAL OPERATIONAL CENTRE IN KHARTOUM FOR COMBATING IRREGULAR MIGRATION

Assembly:

- Endorsed the Executive Council's proposal on the establishment of the Continental Operational Centre in Sudan for combating irregular migration as a specialized technical office of the Union for combating irregular migration with particular focus on human trafficking and migrant smuggling on the continent.

ON THE FOLLOW UP ON THE ESTABLISHMENT OF THE AFRICAN MIGRATION OBSERVATORY IN MOROCCO

Assembly:

- Welcomed the signing, on 10 December 2018 in Marrakech, of the Host Agreement between the Kingdom of Morocco and the African Union Commission on the operationalization of the African Migration Observatory, whose role would be, inter alia, the support of existing continental initiatives on migration, through the collection, exchange, analysis and sharing of data with a view to efficiently address migration challenges

ON RECOGNITION OF THE 400TH ANNIVERSARY OF THE TRANSATLANTIC SLAVE TRADE

The Assembly:

- Requested the AU Commission work with well-organised and well-meaning initiatives to commemorate the 400th Anniversary of the Transatlantic Slave Trade in 2019
- Urged all Member States of the Union to consider immigration, economic, cultural and social policies that allow the Africans descended from the victims and survivors of the Transatlantic Slave Trade to reconnect and reengage with their brethren in the African continent.

ON THE DRAFT LEGAL INSTRUMENTS

The Assembly adopted the Legal Instruments as follows:

- i. Draft Treaty for the Establishment of the African Medicines Agency;
- ii. Draft Statute of the African Audio Visual and Cinema Commission;
- iii. Draft Statutes of the African Union International Centre for Girls' and Women's Education in Africa (AU/CIEFFA);
- iv. Draft African Union Transitional Justice Policy;
- vi. Amendment to Article 35 of the Charter for African Cultural Renaissance.

ON THE REPORT OF THE 28TH SUMMIT OF THE FORUM OF THE AFRICAN PEER REVIEW MECHANISM

Assembly:

- Decided that the African peer Review Mechanism (APRM) shall be an Organ of the Africa Union in line with Article 5 (2) of the Constitutive Act;
- Welcomed the peer review Reports of Cote d'Ivoire and Mozambique and encouraged both countries to take into account observations of Member States during the presentation of the review reports to the APR Forum as well as the recommendations contained in reports in the development and implementation of their National Programme of Action, as a necessary step in furthering the goals of the APRM

ON THE HIGH-LEVEL PANEL'S REPORT FOR ASSESSING CANDIDATE COUNTRIES TO HOST THE AFRICAN SPACE AGENCY

The Assembly:

- Decided that the African Space Agency will be hosted by the Arab Republic of Egypt;

APPOINTMENTS:

The Assembly made the following appointments

- **One (1) member of the African Committee of Experts on the Rights and Welfare of the child (ACERWC)** - Ms Hermine Kembo Takam Gatsing of Cameroon as a member for a term of five (5) years:
- **One (1) member of The African Union Commission on International Law (AUCIL)** – Ms. Tomassa Bisia Ela Nchama of Equatorial Guinea for a term of five years.
- **Five (5) members of The Peace And Security Council of The African Union** for term of three (3) years:
 - Algeria Northern
 - Burundi Central
 - Kenya Eastern
 - Lesotho Southern
 - Nigeria Western
- **Six (6) members of The African Union Advisory Board on Corruption** for a term of two (2) years:
 - Jean Louis Andriamifidy of Madagascar- Eastern
 - Pascal Bamouni of Burkina Faso- Western
 - Miarom Begoto of Chad- Central
 - Elisabeth Afiavi Gnansounou Fourn of Benin- Western
 - Agness Kayobo Ng'andu of Zambia- Southern
 - Sefako Aaron Seema of Lesotho- Southern

ON THE DATES AND VENUE OF THE THIRTY-THIRD (33RD) ORDINARY SESSION OF THE ASSEMBLY OF THE AFRICAN UNION IN JANUARY 2020

The Assembly,

Decided that the dates of the Thirty-Third (33rd) Ordinary Session of the Assembly which will be held in Addis Ababa, Ethiopia shall be the following:

- Thirty-Ninth (39th) Ordinary Session of the Permanent Representatives' Committee (PRC): 13 to 14 January 2020;
- Thirty-Sixth (36th) Ordinary Session of the Executive Council: 27 to 28 January 2020;
- Thirty-Third (33rd) Ordinary Session of the Assembly: 30 and 31 January 2020.

ON THE CHANGE OF DATE OF THE FIRST MID-YEAR COORDINATION MEETING OF AU AND THE REGIONAL ECONOMIC COMMUNITIES (RECS), THE 35TH ORDINARY SESSION OF THE EXECUTIVE COUNCIL AND THE 38TH ORDINARY SESSION OF THE PERMANENT REPRESENTATIVES' COMMITTEE (PRC)

Assembly decided that the dates shall be as follows:

- The 38th Ordinary Session of the PRC from 17 to 18 June 2019 at AU Headquarters;
- The 35th Ordinary Session of the Executive Council from 4 to 5 July 2019, in Niamey, Niger;
- The First Mid-Year Coordination Meeting of the African Union and the RECs from 7 to 8 July 2019 in Niamey, Niger

The Assembly also adopted a number of declarations, resolutions and one motion. Details of these as well as the full decisions will be available soon on the African Union website.

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