

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: www.au.int

EXECUTIVE COUNCIL
Twenty-Ninth Ordinary Session
13 - 15 July 2016
Kigali, RWANDA

EX.CL/Dec.919 - 938(XXIX)

DECISIONS

TABLE OF CONTENT

SR. NO.	DECISION NO.	TITLE	NO. OF PAGES
1	EX.CL/Dec.919(XXIX)	Decision on the Budget of the African Union for the 2017 Financial Year – Doc.EX.CL/956(XXIX)	3
2	EX.CL/Dec.920(XXIX)	Decision on the Financial Matters	2
3	EX.CL/Dec.921(XXIX)	Decision on the Specialized Technical Committee (STCs)	3
4	EX.CL/Dec.922(XXIX)	Decision on the Report of the Activities of the African Commission on Human and Peoples' Rights (ACHPR) – DOC. EX.CL/968(XXIX)	1
5	EX.CL/Dec.923(XXIX)	Decision on the Report of the African Committee of Experts on the Right and Welfare of the Child (ACERWC) – Doc. EX.CL/977(XXIX)	1
6	EX.CL/Dec.924(XXIX)	Decision on the Inaugural African Economic Platform	1
7	EX.CL/Dec.925(XXIX)	Decision on the Report of the Commission of the African Union on the Domestication of the First Ten-Year Implementation Plan of Agenda 2063 – Doc. EX.CL/963(XXIX)	1
8	EX.CL/Dec.926(XXIX)	Decision on the Report of the Commission on the Hissene Habre Case – EX.CL/986(XXIX)	1
9	EX.CL/Dec.927(XXIX)	Decision on the International Criminal Court – Dec. EX.CL/987(XXIX)	3
10	EX.CL/Dec.928(XXIX)	Decision on Combatting Violence Against Women and Girls in Africa, Particularly the Role of Security Organs in Ending it – Doc. EX.CL/981(XXIX)Add.1	2
11	EX.CL/Dec.929(XXIX)	Decision on the Report of the Economic, Social and Cultural Council (ECOSOCC – Doc. EX.CL/976(XXIX)	1
12	EX.CL/Dec.930(XXIX)	Decision on the Hosting of the Africa-EU Summit	1

SR. NO.	DECISION NO.	TITLE	NO. OF PAGES
13	EX.CL/Dec.931(XXIX)	Decision on the Oversight and Accountability Mechanism(s) – Doc. EX.CL/984(XXIX)	2
14	EX.CL/Dec.932(XXIX)	Decisions on the Activity Report of the African Union Commission on International Law (AUCIL) – Doc EX.CL/978(XXIX)	1
15	EX.CL/Dec.933(XXIX)	Decision on the Common African Position on the Third United Nations Conference on Housing and Sustainable Urban Development (Habitat III) - Doc. EX.CL/962 (XXIX)	2
16	EX.CL/Dec.934(XXIX)	Decision on the African Risk Capacity	1
17	EX.CL/Dec.935(XXIX)	Decision on the Ministerial Follow Up Committee Retreat held in Nairobi, Kenya – Doc. EX.CL/982(XXIX)	2
18	EX.CL/Dec.936(XXIX)	Decision on the Appointment of the Members of the African Union Board of External Auditors	1
19	EX.CL/Dec.937(XXIX)	Decision on the Election of Four (4) Judges of the African Court on Human and Peoples' Rights – Doc. EX.CL/990(XXIX)	1
20	EX.CL/Dec.938(XXIX)	Decision on the African Candidatures within the International System – Doc. EX.CL/985(XXIX)	3

**DECISION ON THE BUDGET OF THE AFRICAN UNION
FOR THE 2017 FINANCIAL YEAR
Doc. EX.CL/956(XXIX)**

The Executive Council,

1. **TAKES NOTE** of the report of the PRC and **ENDORSES** the recommendations contained therein;
2. **APPROVES** a total budget of **US\$782,108,049** for the African Union for year 2017, broken down into **US\$488,525,786** Operating Budget and **US\$293,582,263** Programs to be financed as follows:
 - i) A total amount of **US\$205,149,538** assessed on Member States; and
 - ii) A total amount of **US\$576,958,511** to be raised from International Partners.
3. **FURTHER APPROVES** that the 2017 budget be financed as follows:

Organs	Member States			Partners			Total Budget for 2017		
	Operating Budget	Programs	Total Assessment	Operating	Programs	Total	Operating	Programs	Total 2017
AUC	109,509,732	40,070,933	149,580,665		199,252,631	199,252,631	109,509,732	239,323,563	348,833,295
PAP	15,577,975		15,577,975		6,442,184	6,442,184	15,577,975	6,442,184	22,020,159
AfCHR (The Court)	8,709,318		8,709,318		1,605,966	1,605,966	8,709,318	1,605,966	10,315,284
ACHPR (The Commission)	4,610,969		4,610,969		914,736	914,736	4,610,969	914,736	5,525,705
ECOSSOC	1,119,557		1,119,557			-	1,119,557	-	1,119,557
NEPAD	9,444,778		9,444,778		31,995,633	31,995,633	9,444,778	31,995,633	41,440,411
AUCIL	421,326		421,326		309,960	309,960	421,326	309,960	731,286
Advisory Board on Corruption	1,861,946	534,300	2,396,246			-	1,861,946	534,300	2,396,246
Peace & Security Council	-	1,047,965	1,047,965			-	-	1,047,965	1,047,965
ACERWC	271,838	83,358	355,196		472,360	472,360	271,838	555,718	827,556
SPECIALIZED OFFICES OF THE AU									
AFREC	1,275,699		1,275,699			-	1,275,699	-	1,275,699
IPED	762,647		762,647			-	762,647	-	762,647
CIEFFA	716,656		716,656			-	716,656	-	716,656
PAU	2,531,177		2,531,177			-	2,531,177	-	2,531,177
AIR	763,494		763,494			-	763,494	-	763,494
ACDC	3,971,148		3,971,148			-	3,971,148	-	3,971,148
AOSTI	916,272		916,272			-	916,272	-	916,272
AFRIPOL	948,450		948,450			-	948,450	-	948,450
PEACE OPERATIONS									
AMISOM			-	325,112,803	10,852,238	335,965,041	325,112,803	10,852,238	335,965,041
TOTAL	163,412,983	41,736,556	205,149,538	325,112,803	251,845,708	576,958,511	488,525,786	293,582,263	782,108,049

4. **DIRECTS** the Commission to:
 - i) Regularly update the PRC on the status of the Reserve and other Funds, on the implementation of both operational and programme budget as well as on the payment of assessed contributions by Member States on a quarterly basis;
 - ii) Increase the percentage of the programme budget in relation to the operating budget, with special focus on impactful programmes in the continent;
 - iii) Strengthen the role of Internal Program and Budget Committee in its oversight role in enhancing the budget scrutiny;
 - iv) Fast track the operationalization of the Accountability and Oversight Mechanism.
5. **REQUESTS** all the Organs of the Union to improve the quality and harmonize budget presentation from 2018 onwards;
6. **URGES** Member States to honour their commitments and make funds available to the Union in a timely manner.

DECISION ON FINANCIAL MATTERS

The Executive Council,

1. **TAKES NOTE** of the Report of the PRC and **ENDORSES** the recommendations contained therein;
 - A. **ON THE AUDIT OF THE COMMISSION BUDGET PERFORMANCE FOR THE YEAR 2015 AND RECOMMENDATION MATRIX OF 30 APRIL 2016 - Doc. EX.CL/957(XXIX)**
2. **REQUESTS:**
 - i) The Commission to address the issues raised by the PRC on Audit Matters;
 - ii) Departments and organs responsible for implementing pending audit recommendations to take necessary actions to implement so as to enhance improvements in the operations of the organization failing which the sanctions will be applied;
3. **ALSO REQUESTS** the Commission:
 - i) To accompany all the recommendations contained in the report with deadlines for implementation;
 - ii) To draw up the matrix of implementation of the recommendations in accordance with the relevant decision of the Executive Council Session held in Johannesburg, South Africa in June 2015;
 - B. **ON THE FINANCIAL STATEMENTS OF THE AU ORGANS FOR THE YEAR ENDED 31 DECEMBER 2014 - Doc. EX.CL/957(XXIX)**
4. **CALLS UPON** each of the AU organs to address the issues raised under their respective Audited Financial Reports and implement the recommendations contained therein;
5. **REQUESTS** the Chairperson of the Commission to report on the noncompliance to the Executive Council for corrective action;
 - C. **ON MATTERS OF THE BOARD OF EXTERNAL AUDITORS (BOEA)**
6. The Terms of Reference (TOR) of BOEA should be reviewed as provided for in the AU Financial rules and regulations;
7. **REQUESTS** the Commission:

- i) To publish the 2014 Audited and Approved Financial Statements of the Union in compliance with IPSAS requirements;
- ii) To report on the implementation of this decision during the AU summit of January 2017.

DECISION ON SPECIALISED TECHNICAL COMMITTEES (STCS)**The Executive Council,**

1. **TAKES NOTE** of all the reports of the Specialised Technical Committees and **ADOPTS** the recommendations contained therein;
 - A. **ON Gender Equality And Women Empowerment – Doc. EX.CL/970(XXIX)**
2. **TAKES NOTE** of the report of the Specialized Technical Committee on Gender Equality and Women Empowerment held on January 18, 2016 in Addis Ababa, and adopts the recommendations contained in the Communiqué;
3. **REQUESTS** the competent Sub-Committee of the Permanent Representatives Committee to examine recommendation 19 on guaranteeing a gender alternating system in the leadership of the Commission within the framework of the review of the Rules of procedure of the Policy organs;
 - B. **on Finance, Monetary Affairs, Economic Planning and Integration – Doc. EX.CL/971(XXIX)**
4. **DECLARES** 2017-2026 as the Decade for repositioning Civil Registration and Vital Statistics (CRVS) in Africa’s continental, regional and national development agenda and **URGES** governments to respond with appropriate action;
 - C. **On Trade, Industry and Minerals – Doc. EX.CL/972(XXIX)**
5. **REQUESTS** the Assembly to declare 2019 as the Year of “*Africa’s Structural Transformation through Industrialization and Mineral Resources Development under Agenda 2063*” in commemoration of the 10th Anniversary of the adoption of the AIDA framework.
6. **ALSO REQUESTS** the Commission to mobilise the necessary resources to carry out the following activities:
 - i) Organise meetings of the Sub-Committees on Trade, Industry, Minerals and Directors General of Geological Surveys;
 - ii) Technical studies with pertinent data underlining Africa’s potential in trade, industry and mining sectors in order to boost investments in identified priority sectors including pharmaceuticals;

- iii) In collaboration with UNECA, undertake a study that will enable Africa to formulate a common approach to future Africa-US trade and investment relations including an analysis on the low utilization of AGOA.

D. On Youth, Culture and Sport – Doc. EX.CL/974(XXIX)

7. **REQUESTS** the Commission to expedite the establishment of the African Youth Development Fund and develop clear programs and initiatives to address emerging issues affecting young people, including migration;
8. **CALLS UPON** Member States to engage in the process of development of the African Union Model Law on the Protection of Cultural Property/Heritage through regional consultations to take place in 2016 and 2017 to ensure ownership of the Model Law;
9. **URGES** Member States to:
 - i) Comply with UNESCO Convention on Doping and other Instruments to promote a drug free environment in all competitions; and **REQUESTS** the Commission in collaboration with the World Anti-doping Agency (WADA) to convene an Anti-Doping forum to sensitize Member States on the fight against doping in Sport in June 2017;
 - ii) Approve the proposal by the Sudan to convene a workshop on the African Capitals cities in Khartoum, Sudan in 2016 in collaboration with the Commission;
 - iii) Provide technical and financial support to the Great Museum of Africa being established in Algiers, Algeria and **RECOMMEND** that the Great Museum of Africa becomes one of the Flagships programmes for the AU Agenda 2063 in the first ten (10) year plan for the arts and culture sector; and in this regard, **AGREES** to establish a Technical and Advisory Committee composed of Member States, the Commission and stakeholders led by Algeria to develop the road-map for the launching of the Great Museum of Africa;
10. **ENDORSES** the offer by Equatorial Guinea to host the 2019 African Games; and **INVITES** Member States to submit bids for hosting the 2023 African Games;
11. **APPROVES** the proposal by the Democratic Republic of Congo (DRC) to institutionalize an Africa Music Day to be celebrated on 24 April each year in memory of the artist/musician Wembadio Shungu also known as “Papa Wemba”;
12. **ALSO APPROVES** the offer by the Republic of Congo to host the Pan-African Festival on Music (FESPAM); in this regard, **REQUESTS** the Commission to assist the Republic of Congo and the latter to submit a working document on the role to be played by all stakeholders in the organization of the activities of FESPAM; also **CALLS ON** all Member States and the Diaspora to participate fully in the festival.

13. **ALSO ENDORSES** the Roadmap and accompanying matrix of key activities as the main guiding framework for the commemoration of the 2017 theme of the year “**On Harnessing Dividend Through Investment in Youth**” and **CALLS ON** all Member States and Regional Economic Communities to be guided by its recommendations and key actions to help position Africa towards harnessing the demographic dividend;
14. **REQUESTS** the Commission to convene **an** extraordinary session of the Specialized Technical Committee on Youth, Culture and Sport (STC-YCS2) in September 2016 to consider the Draft Statute of the African Film Commission and **ACCEPTS** the offer of the Republic of Kenya to host the extraordinary session.

**DECISION ON THE REPORT OF THE ACTIVITIES OF THE AFRICAN
COMMISSION ON HUMAN AND PEOPLES' RIGHTS (ACHPR)
Doc. EX.CL/968(XXIX)**

The Executive Council,

1. **TAKES NOTE** of the Fortieth (40th) Activity Report of the African Commission on Human and Peoples' Rights (ACHPR) and **AUTHORIZES** its publication along with its annexes;
2. **FURTHER TAKES NOTE** of the human rights situation on the continent as outlined in the 40th Activity Report, **WELCOMES** the positive developments identified and **URGES** Member States to take the necessary measures to address challenges that have been identified in their respective countries;
3. **ENCOURAGES** Member States to ratify and implement all human rights instruments and submit their State Periodic Reports in accordance with Article 62 of the African Charter on Human and People's Rights (African Charter) and Article 26 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), and **COMMENDS** Member States that are up-to-date in this regard;
4. **CALLS ON** Member States to use the opportunity of the "African Year of Human Rights with Particular Focus on the Rights of Women" to take stock of their progress in the promotion and protection of human rights, **URGES** partners to extend their full support for the successful organization of the commemorative activities, and **EXHORTS** Member States to organise celebrations to mark this auspicious year in their respective countries;
5. **WELCOMES** the development by the ACHPR of the draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, the draft Protocol to the African Charter on Human and Peoples' Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa and **REQUESTS** the Commission to take the required steps to ensure the processing of these draft instruments in line with the procedures for the development of AU legal instruments;
6. **NOTES** the on-going efforts by the Commission to recruit for various positions at the ACHPR Secretariat and **REQUESTS** the Commission to expedite the process to enable the ACHPR to effectively carry out its mandate;
7. **TAKES NOTE** of the efforts of the Government of the Islamic Republic of The Gambia regarding the construction of the permanent headquarters of the ACHPR's Secretariat and **EXHORTS** the Government to expedite this process to its completion;
8. **TAKES NOTE** of the offer by the Republic of Niger to host the 60th Ordinary Session of the ACHPR (date).....in Niamey and **CALLS ON** other Member States to consider hosting one of the Sessions of the ACHPR, particularly those that have not yet done so.

**DECISION ON THE REPORT OF THE AFRICAN COMMITTEE OF EXPERTS
ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)
Doc. EX.CL/977(XXIX)**

The Executive Council,

1. **TAKES NOTE** of the Report of the African Committee of Experts on the Rights and Welfare of the Child ;
2. **ADOPTS** the Report and commends the Committee for the work done in monitoring the implementation of the African Charter on the Rights and Welfare of the Child;
3. **URGES** Member States who have not yet ratified the Charter, to expedite their ratification process for possible completion before the end of 2016; and State Parties which have placed reservations on the application of the provisions of the Charter to consider the withdrawal of the same;
4. **APPRECIATES** State Parties which have submitted their Reports on the implementation of the African Children’s Charter and **CALLS UPON** States Parties that have not yet submitted their reports to expedite the process of submission of their reports;
5. **ADOPTS** the theme for the Day of the African Child 2017: “**The 2030 Agenda for Sustainable Development for Children in Africa: Accelerating protection, empowerment and equal opportunity**” and **REQUESTS** Member States to commemorate the DAC and report on the implementation of the recommendations of the Committee;
6. **URGES** concerned Member States to closely work with the ACERWC and the Commission in protecting the rights and welfare of children with albinism ;
7. **RECOGNISES** the need to further reinforce accountability against violations of children’s rights;
8. **RECOMMENDS** to the Assembly the amendment of Article 5 (1) of the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights (the Court) to include the ACERWC among the entities entitled to submit cases to the Court and **REQUESTS** the ACEWRC in consultation with the Commission to prepare the amendment and submit it to the STC on Justice and Legal Affairs for consideration during its session scheduled for October 2016.

**DECISION ON THE INAUGURAL AFRICAN
ECONOMIC PLATFORM**

The Executive Council,

1. **RECALLS** that the African Economic Platform, one of the Flagship Projects in the First Ten Year Implementation Plan, is a forum for regular engagement between the political leadership, business leaders and the private sector, universities and intellectuals, on the implementation of Agenda 2063 and issues of economic transformation and industrialization;
2. **WELCOMES** the offer by the Government of the Republic of Mauritius to host the Inaugural Platform in Mauritius during the period 19 to 22 March 2017.
3. **URGES:**
 - i) The Commission, working with the Government of Mauritius and the African Union Foundation to ensure the organization of a successful Inaugural Platform;
 - ii) Member States to mobilise its business and academic sectors, to ensure maximum participation by all stakeholders to the African Economic Platform (AEP).

**DECISION ON THE REPORT OF THE COMMISSION OF THE AFRICAN
UNION ON THE DOMESTICATION OF THE FIRST TEN-YEAR
IMPLEMENTATION PLAN OF AGENDA 2063
Doc. EX.CL/963(XXIX)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Commission on the domestication of the First Ten-Year Implementation Plan (FTYIP) of Agenda 2063 as work in progress;
2. **CALLS UPON** the Pan African Parliament (PAP) to continue to work with National and Regional Parliaments and ECOSOCC to mobilize its constituency to ensure that Agenda 2063 is integrated as Africa's vision and planning framework through legislative enactment to facilitate institutionalisation;
3. **CALLS UPON** the UN system to continue supporting fully the implementation of the First Ten-Year Implementation Plan and its popularization;
4. **ENCOURAGES** all AU Organs to consider synchronizing the planning cycles with the Ten Year Implementation Plan, by adopting 5-year planning cycles whose dates are synchronized with the FTYIP.

**DECISION ON THE REPORT OF THE COMMISSION
ON THE HISSENE HABRE CASE
Doc. EX.CL/986(XXIX)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Commission on the implementation of the Assembly decision on the Hissene Habre trial;
2. **CONGRATULATES** the Republic of Chad, the Republic of Senegal, the Commission, AU Partners, Countries and Institutions that contributed to the establishment and funding of the African Extraordinary Chambers towards the successful conclusion of proceedings in the Hissene Habre case;
3. **EXPRESSES ITS GRATITUDE and COMMENDS** the Republic of Senegal for having adequately discharged the mandate to have Hissene Habre prosecuted by the competent African Extraordinary Chambers with all the guarantees for a fair trial;
4. **WELCOMES** the Decision of the African Extraordinary Chambers in the Hissene Habre case;
5. **NOTES** the Commission's effort on the operationalization of the Appeals Chamber of the African Extraordinary Chambers to hear appeals from the decision of the Trial Chamber;
6. Pursuant to Articles 27 and 28 of the Statute of the African Extraordinary Chambers on the need to address reparation for victims and the establishment of a reparation fund for victims, **DECIDES:**
 - i) That a Trust Fund on reparations for rightful victims of crimes within the jurisdiction of the African Extraordinary African Chamber shall be established within the auspices of the Union;
 - ii) To request the Commission, in collaboration with the Government of Chad to organize a pledging Conference involving Member States, Partner Countries, international organizations, non-governmental organizations and other entities for voluntary contributions towards the establishment of the victims' reparations Trust Fund;
 - iii) That the Executive Council shall make resources available to the Commission for the organization of the pledging conference.

DECISION ON THE INTERNATIONAL CRIMINAL COURT
Doc. EX.CL/987(XXIX)

The Executive Council,

1. **TAKES NOTE** of the recommendations of the Executive Council on the implementation of Decisions on the International Criminal Court (ICC);
2. **REITERATES** the following:
 - i) The commitment of the African Union and its Member States to the fight against impunity in accordance with the Constitutive Act of the African Union;
 - ii) Its previous Decision Assembly/AU/Dec. 547(XXIV) on the progress Report of the Commission on the Implementation of Previous Decisions on the International Criminal Court (ICC) adopted by the Twenty-Fourth Ordinary Session of the Assembly held in Addis Ababa, Ethiopia, in January 2015, and in particular paragraph 17 (d) suspension of proceedings against President Omar Al Bashir of The Sudan and **URGES** the United Nations Security Council to withdraw the referral case in The Sudan;
 - iii) Its previous decision that the Open Ended Ministerial Committee should meet with the United Nations Security Council (UNSC) to engage on all issues that have been consistently raised by the African Union
 - iv) All Member States should comply with the Assembly Decisions on the warrants of arrest issued by the ICC against President Al Bashir of The Sudan and subsequent ICC notifications to the UNSC of so-called non-complying states pursuant to Article 23 (2) of the Constitutive Act of the African Union and Article 98 of the Rome Statute of the ICC;
 - v) That AU Member States sign and ratify, as soon as possible, the Protocol on Amendments to the Protocol of the African Court of Justice and Human and Peoples' Rights adopted in Malabo (Equatorial Guinea) on 27 June 2014.
3. **WELCOMES** the decision of Trial Chamber of the ICC to terminate the proceedings against the Deputy President of the Republic of Kenya due to insufficient evidence adduced by the Prosecutor, which gives credence to its previous Decision Assembly/AU/Dec. 590 (XXVII) that the continued prosecution of the Deputy President is without foundation given the unambiguous absence of incriminatory evidence;
4. **COMMENDS** the members of the Open ended Committee of Foreign Ministers ("*Open ended Ministerial Committee*") under the chairpersonship of H.E. Dr. Tedros Adhanom Ghebreyesus, Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia for the work done so far;

5. **TAKES NOTE** of the upcoming session of the 15th Assembly of the States Parties of the ICC (ASP) scheduled to take place in November 2016 in The Hague and **DECIDES** that:
- i) At the upcoming 15th ASP in November 2016, African States Parties to the Rome Statute of the ICC should reject the provisional amendment to rule 165 of the Rules of Procedure and Evidence adopted by the judges of the International Criminal Court during their 34th plenary session as this will increase prejudice, may be used to circumvent substantive rights enshrined in the Rome Statute and remove the possibility of the checks and balances in the form of a dissenting opinion;
 - ii) African States Parties to the Rome Statute of the ICC should reject during the consideration and adoption of the draft ICC Action Plan on Arrest Strategies any provision that includes language requiring the UNSC to mandate UN Peacekeeping missions to enforce ICC arrest warrants in Africa because the exercise of arrest is a sovereign power that cannot be delegated to any other authority;
 - iii) The Open Ended Ministerial Committee should:
 - a) Engage the United Nations Security Council as mandated by the Assembly before the January 2017 Ordinary Session of the Assembly of Heads of State and Government and before the upcoming 15th Assembly of States Parties (ASP) in November 2016;
 - b) Implement Decision Assembly/AU/Dec.590 (XXVI) adopted by the 26th Ordinary Session held in Addis Ababa, Ethiopia in January 2016 on the development of a comprehensive strategy including on a collective withdrawal from the ICC to inform the next action of AU Member States that are also parties to the Rome Statute; and
 - c) Conclude its work on the review of the ICC's interpretation of its power pursuant to Article 93 of the Rome Statute that allows the latter to impose on the State Parties to forcibly compel unwilling witnesses to testify before the ICC, with a view to rejecting witness compulsion *in toto* and inform the ICC and the next ASP accordingly.
 - d) In its engagement with UNSC, the Assembly of State Parties to the Rome Statute and other stakeholders on AU concerns on the activities of the ICC in Africa, convey that the AU member states object to the inclusion of language requiring the UNSC to mandate UN Peacekeeping missions to enforce ICC arrest warrants in Africa;
 - e) The Commission, through the AU Mission in Brussels, Belgium, will serve as the secretariat to the Open-ended Ministerial Committee and provide institutional support to the African Group in The Hague, Netherlands to ensure effective coordination of its activities;

6. **REQUESTS** the Commission in collaboration with all stakeholders to follow-up on this matter to ensure that the African proposals and concerns are addressed and to report regularly to the Assembly through the Executive Council.

**DECISION ON COMBATting VIOLENCE AGAINST WOMEN
AND GIRLS IN AFRICA, PARTICULARLY THE ROLE OF
SECURITY ORGANS IN ENDING IT
Doc. EX.CL/981(XXIX)Add.1**

The Executive Council,

1. **TAKES NOTE** of the Item proposed by the People's Democratic Republic of Algeria on «Combatting Violence against Women and Girls in Africa, particularly the Role of Security Organs in Ending It»; and **WELCOMES** the convening in the People's Democratic Republic of Algeria of the Fifth General Assembly of the Kigali International Conference Declaration on 7 and 8 March 2016, in Algiers, and the adoption on that occasion of «the Algiers Platform on the Role of Security Organs in Ending Violence against Women and Girls in Africa»;
2. **RECALLS** Executive Council Decision EX.CL/Dec.842 (XXV) declaring 2016 «African Year of Human Rights, with particular focus on the Rights of Women»;
3. **RECALLS** Decision Assembly/AU/Dec.19(III) of July 2003 endorsing the Draft Maputo Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, particularly Article **4§2 a), b), c), e) and f)** on the prohibition of all forms of violence against women, and appropriate measures to prevent and punish the perpetrators of such violence;
4. **ALSO RECALLS** Declaration Assembly/AU/Decl.12(III) of July 2004 adopting the Solemn Declaration on Gender Equality in Africa, which in Paragraph 4 stipulates «(...) initiate, launch and engage within two years sustained public campaigns against gender-based violence as well as the problem of trafficking in women and girls; Reinforce legal mechanisms that will protect women at the national level and end impunity of crimes committed against women in a manner that will change and positively alter the attitude and behaviour of the African society»;
5. **FURTHER RECALLS** that violence against women constitutes a violation of human rights and an offence to human dignity; and **STRESSES** that violence against women and girls in Africa still constitutes a scourge to which Member States of the African Union should react effectively and resolutely by virtue of their national, regional and international commitments;
6. **FURTHER STRESSES** that effectively combatting violence against women requires a synergy of action between organs responsible for enforcing the law, institutional partners, the civil society, the media, etc.;
7. **NOTES WITH CONCERN** the persistence of acts of gender-based violence committed against women and girls, particularly in countries ravaged by armed conflicts;

8. **REAFFIRMS** in this context, as underscored by the Algiers Platform, the key role of security services in Africa, with the support of AFRIPOL, in terms of exchange of information, capacity building, sharing of experiences and good practices, and the development of databases, particularly data on violence against women and girls in the Continent;
9. **ENDORSES** «the Algiers Platform on the Role of Security Organs in Ending Violence against Women and Girls in Africa»; **APPROVES** the recommendations contained in the Kigali Principles and **INVITES** Member States to implement them, particularly through, *inter alia*:
 - a) **Adoption** of legal frameworks on violence against women and girls and the adaptation of ratified international and regional instruments in order to end such violence and facilitate investigations, legal proceedings and care for victims;
 - b) **Elaboration** of programmes of action aimed at eliminating all forms of violence against women, in accordance with Agenda 2063 and the Sustainable Development Goals;
 - c) **Development** of the professionalism of African security organs with a view to strengthening their effectiveness by promoting the different partnership formulas, and improving data collection for the elaboration of adequate policies to end violence against women and girls and **Encourage** policies for the recruitment of women at all levels of security organs, while ensuring their access to posts of responsibility;
 - d) **Adoption** of appropriate measures to improve cooperation between the security services of Member States of the African Union, through the African Mechanism for Police Cooperation (AFRIPOL), particularly in terms of exchange of information, capacity building, sharing of experiences and good practices, and the development of databases, including data on violence against women and girls, provided for under the 2016-2018 Plan of Action, as well as the **Harmonization** of Standard Operation Procedures, joint training and simulation exercises in order to end violence against women and girls in the Continent.
10. **REQUESTS** the African Union Commission, in collaboration with its development partners as well as other stakeholders, to launch an African media campaign on sensitization about violence against women and girls, particularly in cyberspace to mitigate its impact on potential targets.

**DECISION ON THE REPORT ON THE ECONOMIC, SOCIAL
AND CULTURAL COUNCIL (ECOSOCC)
Doc.EX.CL/976(XXIX)**

The Executive Council,

- 1. TAKES NOTE** of the Report of ECOSOCC and the recommendations contained therein;
- 2. REQUESTS** the Commission and ECOSOCC to work closely to overcome all difficulties related to access to the World Bank funds and other partners funds;
- 3. ALSO REQUESTS** the Commission to:
 - i) Work in close collaboration with the host country and ECOSOCC to finalise the relocation process of ECOSOCC Secretariat to Lusaka, Zambia;
 - ii) Comply with the provisions of the decision of the policy organs on the release of all the funds allocated to ECOSOCC under the 2016 AU budget;
 - iii) Provide the financial resources to enable ECOSOCC carry out the elections into ECOSOCC General Assembly for all the countries that are not represented before the end of 2016.

DECISION ON THE HOSTING OF THE AFRICA- EUROPEAN UNION (EU) SUMMIT

The Executive Council,

1. **TAKES NOTE** of the offer by the Republic of Cote d'Ivoire to host the 2017 Africa-European Union Summit;
2. **CONGRATULATES** the Republic of Cote d'Ivoire for its offer and **REQUESTS** the Commission to work closely with the Government to ensure a successful Summit;
3. **RECOMMENDS** to the Summit to accept the offer by Cote d'Ivoire to host the 2017 Africa-European Union Summit.

DECISION ON THE OVERSIGHT AND ACCOUNTABILITY MECHANISM(S)
Doc. EX.CL/984(XXIX)

The Executive Council,

1. **TAKES NOTE** of the Report of the Ministerial Committee on the Review of Scale of Assessment and Contributions;
2. **RECALLS** Assembly Decisions Assembly/AU/Dec. 561(XXIV), Assembly Decisions Assembly/AU/Dec. 578 (XXV); Assembly Decisions Assembly/AU/Dec. 602 (XXVI);
3. **RECALLS** Executive Council Decisions EX.CL/Dec. 867, EX.CL/Dec. 893(XXVII) and Executive Council Decision EX.CL/Dec. 915(XXVIII);
4. **REAFFIRMS** the necessity for the Union to become financially independent, enhance its efficiency and take concrete steps to improve the overall financial and administrative management;
5. **EXPRESSES** its concern over the non-compliance of some Member States with regard to their Statutory obligations to pay their assessed contributions as and when due and the persistent pattern of arrears which is impacting adversely on the financial situation of the Union;
6. **URGES** Member States to pay their statutory obligations with regard to their assessed contributions in a timely manner and to endeavour to clear all outstanding contributions urgently;
7. **REAFFIRMS** the principle of Alternative Sources of Financing the Union by its Member States and the flexibility that has been afforded to them for its implementation in accordance with their national imperatives through non-binding and non-exhaustive basket of options;
8. **TAKES COGNIZANCE** of the major aspirations of the Union including the implementation of the Agenda 2063 and **RECOGNIZES** in this regard, the necessity to improve the financial, administrative and budgetary processes of the Union;
9. Pursuant to EX.CL/915(XXVIII) instituting a sound and credible accountability and oversight mechanism through the establishment of the PRC Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters and the PRC Sub-Committee on Budgetary Matters, as well as the restructuring of the Ad Hoc Ministerial Committee on Scale of Assessment and the revision and alignment of mandates of other relevant sub-Committees and mechanisms;
10. **ADOPTS** the Terms of Reference of:

- i) The PRC Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters; and
 - ii) The PRC Sub-Committee on Budgetary Matters.
 - iii) The Terms of Reference of the PRC Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters and the PRC Sub-Committee on Budgetary Matters, are annexed to this decision as Annex 1 and 2 respectively.
11. **REQUESTS** the Ministerial Committee on Scale of Assessment and Contributions to continue its work with a view to finalizing the review and alignment of the mandates of other relevant Sub-Committees and Mechanisms and clarify their interactions with the PRC Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters and the PRC Sub-Committee on Budgetary Matters;
 12. **FURTHER REQUESTS** the Ministerial Committee on Scale of Assessment and Contributions to develop its Terms of Reference including by reinforcing the sanction regime governing the statutory contributions of Member States;
 13. **ALSO REQUESTS** the Commission particularly the Office of the Legal Counsel to provide all the necessary support with a view to finalizing the tasks entrusted to the Ministerial Sub-committee on the Scale of Assessment and Contributions;
 14. **REQUESTS** the Ministerial Committee on the Scale of Assessment and Contributions to finalize its work on the implementation of EX.CL/ 915(XXVII) and Assembly decision Assembly/AU/Dec.602(XXVI) and report on the matter in January 2017.

**DECISION ON THE ACTIVITY REPORT OF THE AFRICAN UNION
COMMISSION ON INTERNATIONAL LAW (AUCIL)
Doc. EX.CL/978(XXIX)**

The Executive Council,

1. **TAKES NOTE** of the Activity Report of the African Union Commission on International Law (AUCIL) for the period May 2015 to June 2016 together with the recommendations contained therein;
2. **REQUESTS** AUCIL to focus its reports in line with its mandate which, among others, includes developing and codifying international law, and aligning AU treaties and protocols with the vision of Agenda 2063;
3. **FURTHER REQUESTS** the AUCIL to conduct an accurate and detailed assessment of financial and human resource needs, including activities;
4. **URGES** Member States to pay greater attention to AUCIL activities by participating in its deliberations.

**DECISION ON THE COMMON AFRICAN POSITION ON THE THIRD
UNITED NATIONS CONFERENCE ON HOUSING AND SUSTAINABLE
URBAN DEVELOPMENT (HABITAT III) IN QUITO,
ECUADOR, 17 - 20 OCTOBER 2016
Doc. EX.CL/962(XXIX)**

The Executive Council,

1. **RECALLS** the convening of the Third United Nations Conference on Housing and Sustainable Urban Development to be held from 17 – 20 October 2016, in Quito, Ecuador;
2. **FURTHER RECALLS** the on-going preparatory processes leading to the Habitat III Conference and the need for Africa to engage effectively with one voice to secure her priorities in the outcome document;
3. **COMMENDS** the efforts made by the Specialized Technical Committee on Public Service, Local Government, Urban Development and Decentralization in collaboration with the African Union Commission and with technical support from the Economic Commission for Africa and the United Nations Human Settlement Program (UN-HABITAT) to develop a coordinated framework for Africa's engagement in the Habitat III Process;
4. **FURTHER COMMENDS** the Federal Government of the Republic of Nigeria, in conjunction with other relevant actors, for hosting and supporting the African Ministerial Conference on the Third United Nations Conference on Housing and Sustainable Urban Development held from 21 -26 February 2016, in Abuja, Nigeria.
5. **REITERATES** the commitment to strengthen and consolidate the United Nations Human Settlement Program (UN-Habitat) in Nairobi as the global anchor institution that leads and coordinates the United Nations system wide implementation on the mandates of urbanization and human settlements included in the Agenda 2030 for sustainable development, the Paris Agreement to the United Nations Framework Convention on Climate Change, the Sendai Framework on Disasters and Risks Reduction, and the New Urban Agenda;
6. **DECIDES TO:**
 - i) Take note of the Abuja Declaration on the Third United Nations Conference on Housing and Sustainable Urban Development on the Common African Position;
 - ii) Adopt the Common African Position (CAP H3) as contained in the Abuja Declaration as the Position to be used by all High Level Government representatives and negotiators for engagements in the Habitat III preparatory processes and at the Conference to be held in October 2016 in Quito, Ecuador.

DECISION ON THE AFRICAN RISK CAPACITY

The Executive Council,

REQUESTS the African Risk Capacity to present a comprehensive report accompanied by a draft decision for consideration at its January 2017 session.

**DECISION ON THE OUTCOMES OF THE RETREAT OF
THE EXECUTIVE COUNCIL HELD IN NAIROBI, KENYA ON 6-7 MAY, 2016
Doc. EX.CL/982(XXIX)**

The Executive Council,

1. **TAKES NOTE** of the Outcomes of the Ministerial Committee Retreat held in Nairobi, 6-7 May 2016;

On Streamlining the Working Methods of the Summit

2. **REQUESTS** the Commission to formulate new proposals on streamlining the working methods of the Summit including opening and closing ceremonies;

On African paradox

3. **URGES** that the presentations on paradox be done to different audiences in order to engage continental leadership, different sectors and citizenry in the resolution of the paradox on the implementation of Agenda 2063;

4. **ALSO URGES** Member States:

- i) To focus on domestic resource mobilization, including the potential of a 1% increase in taxes for raising revenue for infrastructure, education, skills and other initiatives;
- ii) To advance the industrialization agenda, raising value addition to 30%, finalization of the continental commodity strategy, developing industries using smart protectionism.

On the African integration index

5. **REQUESTS** the Commission to organise a validation workshop of the Commission, UNECA and AfDB with the RECs and NEPAD Agency , for presentation of the index to the Summit in January 2017;

On Domestication and Popularisation of Agenda 2063 flagship projects

6. **URGES** Member States, AU Organs and RECs to ensure popularization of Agenda 2063 amongst African citizens and all sectors;
7. **REQUESTS** the Commission to continue its technical domestication missions in Member States;

On Strengthening African Common Positions

8. **STRESSES** the need for the Commission, other AU organs, Member States and AU representational offices in different capitals to respect AU decisions and play a more active role to foster unity of purpose on African common positions and **REQUESTS** Commission to give feedback to the next Executive Council meeting on the decision taken at Sandton Summit on the status of the AU Observer Mission to the United Nations.

On the Overall Recommendations of the Retreats of the Executive Council

9. **REQUESTS** the Commission to elaborate a plan of action on the implementation of the recommendations of the Council Retreats and to submit a report thereon, through the Bahr Dar Ministerial Follow-up Committee on Agenda 2063 to the next ordinary session of the Executive Council in January 2017;
10. **ALSO REQUESTS** the Commission to provide the financial implications of the recommendations adopted by Council at its Retreats with a view to ensuring implementation and realization of the objectives of Agenda 2063.

On the Bahir Dar Follow Up Committee on the Implementation of Agenda 2063

11. **TAKES NOTE** of the Report of the Bahir Dar Follow-up Committee on the implementation of Agenda 2063;
12. **APPROVES** the terms of reference of the Ministerial follow-up Committee.

**DECISION ON THE APPOINTMENT OF THE MEMBERS OF
THE AFRICAN UNION BOARD OF EXTERNAL AUDITORS**

The Executive Council:

1. **RECALLS** Decision EX.CL/Dec.846(XXV) on the Appointment of Members of the Board of External Auditors adopted by the 25th Ordinary Session of the Executive Council in Johannesburg, South Africa, in June 2015;
2. **DECIDES** to re-appoint the Heads of supreme audit institutions from the following Member States to serve on the Board of External Auditors for the Financial year 2016 – 2017 as per Article 77 of the AU Financial Rules and Regulations:

Region	Country
Northern	Algeria
Central	Equatorial Guinea
Western	Cape Verde
Eastern	Uganda
Southern	South Africa

**DECISION ON THE ELECTION OF FOUR (4) JUDGES OF THE
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
Doc. EX.CL/990(XXIX)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Commission on the Election of Four (4) Judges of the African Court on Human and Peoples' Rights (AfCHPR);
2. **ELECTS** the following Judges of AfCHPR for a six (6)-year term:

No.	Name	Gender	Country
1.	Marie-Theresa MUKAMULISA	Female	Rwanda
2.	Ntyam ONDO MENGUE	Female	Cameroon

3. **RECOMMENDS** the elected Judges for appointment by the Twenty-Seventh Ordinary Session of the Assembly and that the elections for the remaining two (2) Judges shall be elected in January 2017 only from among the Female Candidates from the Northern and Southern Regions respectively in accordance with the Modalities on Implementation of Criteria for Equitable Geographical and Gender Representation in the African Union organs adopted by the Executive Council in January 2016 under decision EX.CL/907 (XXVIII).

**DECISION ON AFRICAN CANDIDATURES
WITHIN THE INTERNATIONAL SYSTEM
Doc. EX.CL/985(XXIX)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Ministerial Committee on African Candidatures within the International System;
2. **APPROVES:**
 - i) **to the post of Member of the United Nations Joint Inspection Unit for the period 2018-2022**, during elections scheduled for November 2016, the candidature of Mrs. Sukai Prom-Jackson of the Islamic Republic of The Gambia.
 - ii) **to the post of Member of the United Nations International Law Commission** for the period 2017-2021, during elections scheduled on the occasion of the 71st regular session of the UN General Assembly in 2016, the candidature of:
 - ***Dr Ahmed Laraba***, of the ***People's Democratic Republic of Algeria***;
 - ***Pr Charles C. Jalloh*** of the ***Republic of Sierra Leone***;
 - ***Prof. Tiyanjana Maluwa*** of the ***Republic of Malawi***;
 - iii) **to the post of Director General of the International Telecommunications Satellite Organisation** during elections scheduled for 12 to 14 October 2016 in Washington DC, the candidature of ***Engineer Francis Patrick Masambu***, of the ***Republic of Uganda***;
 - iv) **to the post of *President of the International Fund for Agricultural Development (IFAD)*** during elections scheduled for February 2017, the candidature of ***Mr Gilbert Fossun Hougbo*** of the ***Republic of Togo***;
 - v) **to post of Director General of the United Nations Educational, Scientific and Cultural Organization (UNESCO)** during elections scheduled for March 2017, the candidature of Ambassador ***Dr Moushira Khattab***, of the ***Arab Republic of Egypt***;
 - vi) **to the post of President of INTERPOL**, during elections scheduled for **November 2016 in Bali, Indonesia**, the candidature of **Brigadier General Sebastian Haitota NDEITUNGA** of the Republic of Namibia;
 - vii) **to the post of President of the World Congress of United Cities and Local Governments**, during elections scheduled from **15 to 17 October 2016 in Bogota, Colombia**, the candidature of ***Mr Parks Tau***, ***Executive Mayor of the City of Johannesburg, South Africa***;

- viii) **Election to the post of the Secretary General of the World Tourism Organization** the selection process of which starts in October 2016, the Candidature of Dr Eng. Walter Mzembe of the Republic of Zimbabwe
3. **ALSO TAKES NOTE** of and **DECIDES TO** endorse the following candidatures:
- ix) **to the post of Member of the Council of the International Civil Aviation Organization (ICAO) for the period 2017-2019 (Category 2)**, during the 39th ICAO Assembly scheduled from 27 September to 7 October 2016, the candidature of:
- **The Republic of South Africa**
 - **The Federal Republic of Nigeria**
 - **The Arab Republic of Egypt**
- x) **to the post of Member of the Human Rights Council for the 2017-2019 period** during elections scheduled for November 2016 in New York, the candidature of:
- **The Republic of Rwanda**
 - **The Republic of South Africa**
- xi) **to the post of President of the United Nations Economic and Social Council**, during the elections scheduled in July 2016 in New York, the candidature of **the Republic of Zimbabwe**
- xii) **to the post of Member of the Council of Administration of the Universal Postal Union (UPU)**, during elections scheduled for September/October 2016 in Istanbul, Turkey, the candidature of:
- **The Republic of Ghana**
 - **The Republic of Kenya**
 - **Burkina Faso**
- xiii) **to the post of Member of the United Nations Committee on Contributions**, during elections scheduled to be held at the 71st Session of the United Nations General Assembly, the candidature of:
- **The Republic of Gabon**
 - **The Republic of Senegal**
- xiv) **to the post of member of the United Nations Committee on Conferences** during elections scheduled to be held at the 71st Session of the United Nations General Assembly, the candidature of **the Republic of Kenya**;
- xv) **to the post of Member of the United Nations Commission in International Trade Law** during elections scheduled to be held at the 71st Session of the United Nations General Assembly, the candidature of:

- **The Republic of Burundi**
 - **The Republic of Kenya**
 - **The Kingdom of Lesotho**
 - **The Republic of Mauritius**
 - **The Federal Republic of Nigeria**
 - **The Republic of Uganda**
 - **The State of Libya**
- xvi) **to the post of Member of the Postal Operations Council (POC)** and the Council of Administration of the Universal Postal Union (UPU) for the period 2016-2020, during elections to be held at the 26th UPU Congress scheduled from 20 September to 7 October 2016 in Istanbul, Turkey, the candidature of:
- **The Republic of Ghana**
 - **The Republic of South Africa**
 - **The Republic of Kenya**
- xvii) **to the post of President of the International Organization for Standardization (ISO)**, during elections scheduled for September 2016 in Beijing, China, the candidature of the **Republic of Kenya**;
- xviii) Election to the post of Non-Permanent Member of the United Nations Security Council for the period 2018-2019, the candidature of the Republic of Cote d'Ivoire which has been endorsed by ECOWAS for elections scheduled to take place in June 2017.
- xix) For **the selection of country to host the External Offices of the World Intellectual Property Organization (WIPO)** during the selection process scheduled from 3 to 11 October 2016, in Geneva. The Committee decided to rely on the outcome of the consultations among the African Group in Geneva for the nomination of the two African countries that will host the two bureaus. The candidates are: Algeria, Egypt, Tunisia and Morocco, for North Africa. Kenya and Nigeria for Africa South of the Sahara.
- xx) Regarding the appointment of the Secretary General of the United Nations, the Committee recommended that the 27th Ordinary Session of the Assembly should send a political message to the candidates so that the vital interest of Africa be taken into consideration, especially regarding rotation on regional basis, equitable distribution of posts, gender parity in appointment to positions of responsibility in the United Nations System, as well as the enhancement of relations between the African Union and the United Nations; follow-up of the appointment process by the African Group in order to promote the interests of Africa. The Committee also requested the African members (A/3) of the Security Council to maintain unity and cohesion with respect to the appointment process at the level of the Security Council.

AFRICAN UNION UNION AFRICAINE

African Union Common Repository

<http://archives.au.int>

Organs

Council of Ministers & Executive Council Collection

2016

DECISIONS

African Union

African Union

<http://archives.au.int/handle/123456789/5128>

Downloaded from African Union Common Repository