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EXECUTIVE COUNCIL

Twenty-Eighth Ordinary Session

23 - 28 January 2016

Addis Ababa, ETHIOPIA

EX.CL/Draft/Dec.1 - 19(XXVIII)

DRAFT DECISIONS

DRAFT
DECISION ON IMPLEMENTATION OF THE PREVIOUS DECISIONS OF THE
EXECUTIVE COUNCIL AND THE ASSEMBLY OF THE AFRICAN UNION
Doc. EX.CL/929(XXVIII)

The Executive Council,

1. **TAKES NOTE** of the Report on Implementation of the Previous Decisions of the Executive Council and the Assembly of the African Union and **ENDORSES** the recommendations contained therein
2. **REQUESTS** the Commission in collaboration with the Permanent Representatives' Committee (PRC) to:
 - (i) **ENSURE** rationalization of the number of meetings held per year;
 - (ii) **ENSURE** that decisions proposed by the Commission do not exceed three (3) per Department and ensure full implementation within the reporting period before another decision is taken on the same subject matter;
 - (iii) **ALSO ENSURE** that the agenda of the Summit and decisions are rationalized to address strategic rather than administrative issues;
 - (iv) **FURTHER ENSURE** that adequate financial resources are allocated to enable the Commission effectively implement the decisions of the policy organs;
 - (v) **PUT IN PLACE** necessary measures to strengthen and ensure effective use of monitoring and evaluation mechanisms for the implementation of policy organs decisions including through the improvement of the follow-up matrix;
 - (vi) **ENSURE** that decisions adopted are reported on once a year to provide for adequate time for implementation by both the Commission and Member States of same and that decisions taken in January be reported on at the next January Summits and the June/July decisions at the June/July Summits;
 - (vii) **ENSURE** that adequate resources are allocated to the Commission to speed up recruitment of qualified personnel;
 - (viii) **ALSO ENSURE** that decisions on which no action is taken after two (2) or three (3) years are recommended to the policy organs for cancellation ;

- (ix) **BEGIN** the review of the process of adoption of Protocols/Treaties ensure speedy ratification by Member States;
- (x) **ENSURE** that implementation of decisions that require funding by partners be limited and Member States to make their contributions to the Organisation in time to allow for implementation of decisions.

DRAFT
DECISION ON THE REPORTS OF THE PRC SUBCOMMITTEES
Doc. PRC Report

The Executive Council,

1. **TAKES NOTE** of the Report of the Permanent Representatives' Committee (PRC) and **ENDORSES** the recommendations contained therein;

**A. ON ADMINISTRATIVE AND BUDGETARY MATTERS FOR THE 2015
SUPPLEMENTARY BUDGET**

2. **DECIDES** the following:

- i) The proposed supplementary budget will amount to USD 53,836,582.87 broken down as follows:
 - a) Operating budget of US\$ 1,035,250.39;
 - b) Programme budget: USD 52,801,332.48 to be financed as follows:
 - Contribution by Member States: :USD 1,324,752.39 subject to availability of funds;
 - Contributions by Partners: US\$ 52,511,830.48.
- ii) With effect from the 2017 budget, all budgetary requests should be realistic, detailed and annotated, including the amounts pledged by Partners;
- iii) Proposals for supplementary budget should be restricted to unforeseen and exceptional circumstances;
- iv) A supplementary budget of US\$ 150,000.00 should be secured from the Turkish Government as per the latter's pledge in 2015. This should be done before March 2017, failing which such pledge will be lost;
- v) A supplementary budget of US\$ 1,500,000.00 to be financed from the grant by the Government of the Republic of Congo;
- vi) A supplementary budget of US\$ 154,000.00 for payment of short term Commission Staff which were recruited for service delivery improvement and whose salaries were to be paid from a partner fund that was not released;
- vii) The salaries of the said staff members should be provided for in the 2016 budget and paid up to the end of their contracts. However, the job

descriptions of the said staff should be made available to the next meeting of the PRC ;

- viii) The initial approved budget for 2015 is \$393,039.455.00. The total amount for supplementary budget is \$53,836,582.87 which brings the total approved budget for 2015 at \$466,874.038.00;
 - ix) The Commission should ensure the observance of competence as well as gender and regional representation in conducting recruitment.
3. **ALSO TAKES NOTE** with concern of the low level of budget execution by the Commission during the period under review and **REQUESTS** the latter in collaboration with Member States and other Stakeholders to take the necessary measures with a view to enhancing the budget execution rate;
 4. **APPEALS** to all Member States to meet their obligations and clear their arrears as well as their assessed contributions for 2015;
 5. **REQUESTS** the Commission to take up its responsibility of engaging Member States on the need for the latter to honour their obligations;
 6. **ENCOURAGES** the Commission to pursue dialogue with Partners with a view to bringing them to release their pledged funds for 2015;
 7. **DECIDES** that the request for supplementary budget from the Administrative Tribunal should be declined since the latter will not be able to hold a Session before the end of the 2015 financial year. However, **REQUESTS** the PRC to consider a top up amount during the 2016 supplementary budget in view of the importance of the Tribunal;
 8. **ALSO REQUESTS** the Commission and the PRC to ensure that there is effective communication to enhance information sharing;
 9. **FURTHER REQUESTS** the Commission to report on the implementation of this decision in January 2017.

B. ON PROGRAMMES AND CONFERENCES

10. **REQUESTS** the Commission to highlight the budgetary assumptions on how the programmes and activities around the 2017 theme of the African Union would impact and shape the budget;
11. **EMPHASIZES** the need for Member States to increase their contributions to the programme budget as well as the peace operations budget;

12. **ALSO REQUESTS** the Commission to ensure that the BFP takes into account the priorities identified in Agenda 2063;
13. **FURTHER REQUESTS** the Commission to factor the operationalization of the African Standby Force (ASF) and its budget implications into the BFP.

C. ON STRUCTURAL REFORMS

14. **TAKES NOTE** of the Report of the Permanent Representatives' Committee (PRC) on the on-going Structural Reforms of the African Union Organs in particular the Commission pursuant to Executive Council Decision EX.CL/Dec. 877 (XXVII) adopted in Johannesburg, South Africa in June 2015;
15. **REQUESTS** the Commission, working in collaboration with the PRC, to finalize all the proposals with a view to submit a final report at the next Ordinary Session of the Executive Council scheduled for July 2016;
16. **FURTHER REQUESTS** the Commission to:
 - a) present a status report to the PRC on a regular basis and draw up timelines on the implementation plan;
 - b) Strictly apply the provisions of the existing African Union Staff Regulations and Rules regarding compulsory retirement of both regular and short term staff as well as implement an effective succession planning system;
 - c) Ensure that the financial implication of the proposed structure is not more than the already anticipated additional cost of USD 1.5 million to Member States and the additional staff strength should be covered using the savings that will be generated through improving processes and cost efficiencies mechanism as well as eliminating wastes;
 - d) Reduce its operational dependence on partners' funds in the management of key and sensitive posts in the proposed structure;
 - e) Present a detailed report on the financial implication of the proposed structure in the light of the identified posts and job descriptions;
 - f) Design and submit the macro structure for Peace Keeping Liaison Offices for inclusion into the structure of the Department of Peace and Security;
 - i) To implement the measures to improve operational efficiency and effectiveness that do not entail structural reform.

D. ON AUDIT MATTERS

17. **REQUESTS** the Commission to continue to follow-up on the implementation of the recommendations of the Office of Internal Audit as well as those of the Board of External Auditors and report on Audit Matters periodically;
18. **DECIDES** as follows:
- i) non-implementation of audit decisions will be sanctioned and those concerned will be held accountable;
 - ii) all concerned Departments/Directors/Offices of the Commission will henceforth attend meetings where audit matters are being considered with a view to ensure implementation of recommendations;
 - iii) the Commission should ensure that it carries out most of its activities hence scale up the execution rate of available funds in the first half of the year, in order to achieve a satisfactory implementation rate by the end of each financial year;
 - iv) the Commission should propose realistic project implementation plans based on the available funds and human resources capacity. In this regard, the Commission should carry out an audit of human resources capacity and staff performance;
 - v) in preparing reports on budget performance, the Commission should include detailed information on the funds received showing the breakdown of the monies received from each Partner;
 - vi) over-expenditure of budget allocation without authorization, will be addressed in line with the existing rules and in particular the Financial Regulations and Rules;
 - vii) the Commission should set deadlines for internal and external audits, and take necessary measures to ensure that those deadlines are met;
 - viii) the Office of Internal Audit should undertake an audit of the reserve funds of the Union and present the report during the first quarter of 2016 to the Executive Council in July 2016, through the PRC;
 - ix) the PRC should meet quarterly to follow-up on the implementation of audit reports and decisions.

E. ON MULTILATERAL COOPERATION – Doc. EX.CL/928(XXVIII)v**a) *On the Evaluation of the Africa's Strategic Partnerships*****19. REQUESTS:**

- i) the PRC through its Sub-Committee on Multilateral Cooperation in collaboration with the Commission to continue its evaluation of Strategic Partnerships and to submit its recommendations in the envisaged overall evaluation report during the June 2016 Summit;
- ii) the Commission in collaboration with the PRC to engage the Partners and other relevant stakeholders, with a view to identifying areas of competencies of the Strategic Partners.

20. CALLS ON the Commission to align the African Union Program Budget, jointly funded by Strategic Partners, according to the priority areas identified in the First Ten Year Implementation Plan;

21. DECIDES that the African Ambassadors accredited to the African Union take the lead in representing Africa before the Partners, while soliciting the views of their respective Ambassadors accredited to the Partner;

b) *On Rescheduling of Partnerships Summits*

22. ENCOURAGES Partners or designated host countries to ensure that other Partnership Summits' meetings (Senior Officials and Ministerial Meetings) are held in the same venue and immediately precede respective Partnership Summits where feasible;

23. APPROVES a five year cycle and organize two partnership meetings per year as from 2017 for all Strategic Partnerships and **CALLS ON** the Commission to adopt its gradual implementation taking into consideration the need to reschedule previously adopted Partnership meetings accordingly, including at the Summit level, and in consultation with the respective Partners and host countries;

c) *On Involvement of the Sub-Committee at meetings with Partners***24. REQUESTS** the Commission

- i) to ensure that financial provisions are earmarked to cover the cost of participation of the representatives of the PRC and the Sub-Committee on Multilateral Cooperation in all partnership meetings abroad, while ensuring holding such meetings at the Headquarters of the African Union whenever possible;
- ii) to review the Banjul Formula;

d) On Africa-Arab Partnership

25. **REQUESTS** the Commission in collaboration with the League of Arab States to finalize consultations on Paragraph 27 of the Concept Note with regard to the invitations to be addressed to AU Member States and continue preparations for the Summit as per the agreed roadmap;

e) On Africa-India Partnership

26. **REQUESTS** the Commission in collaboration with the PRC to follow up on the implementation of the Declaration and Framework for Strategic Partnership adopted by the 3rd Africa-India Summit;

f) On Tokyo International Conference on African Development (TICAD)

27. **COMMENDS** The Gambia and Kenya for the agreement reached to hold the TICAD VI Summit in Nairobi, Kenya;

28. **ENDORSES:**

- i) the agreement to hold TICAD VI Summit in Nairobi, Kenya, on 27-28 August 2016;
- ii) the proposal by the Co-organizers to combine the holding of the Second TICAD V Ministerial Follow-Up and of the TICAD VI Ministerial Preparatory Meetings.

29. **APPROVES** the offer made by :

- i) The Gambia to host the combined Ministerial Meeting and **REQUESTS** the Commission, in close collaboration with host and Co-Organizers of TICAD, to propose a suitable date for the said Ministerial meeting, and to engage in active preparations;
- ii) Djibouti to host the Senior Officials Meeting for the combined Ministerial Meeting in March 2016.

g) Forum on China-Africa Cooperation (FOCAC)

30. **REQUESTS** the Commission in collaboration with the PRC to follow up on the implementation of the outcomes of the Johannesburg Summit Plan of Action and to develop a follow-up mechanism in that regard;

h) On Africa-Korea Forum

31. **REQUESTS:**

- i) the Commission in close collaboration with Ethiopia ,the host country and Korea, to propose, for consideration by the PRC, a new suitable date for holding of the 4th Africa-Korea Forum in 2016;
- ii) the Commission in collaboration with the PRC, together with Korea, to take the necessary steps to ensure effective preparation for the 4th Africa-Korea Forum and to speed up the process of consideration of the draft working documents to be communicated to Member States;

i) On Africa-South America Cooperation Forum (ASA)

- 32. **ENCOURAGES** all Member States to participate in the 4th Africa-South America Summit to be held in Quito, Ecuador, 5-7 May 2016;
- 33. **REQUESTS** the Commission, together with the South American side, to take the necessary steps to ensure effective preparations of the 4th ASA Summit and the Commission to start preparations for the Summit in collaboration with the Sub-Committee on Multilateral Cooperation to speed up the process of consideration of the draft working documents;

j) On Africa-EU Partnership

34. **REQUESTS**

- i) the Commission in collaboration with the PRC and the European Union side to agree on a date for the Joint Africa-EU Joint Annual Forum (JAF);
- ii) the Commission in collaboration with the PRC to take the necessary steps to ensure effective preparation of the JAF and to speed up the process of consideration of the draft working documents.

k) Africa-Turkey Partnership

- 35. **REQUESTS** the Commission in collaboration with the PRC to engage in consultations with Turkey regarding a more suitable date for the 2nd Senior Officials Meeting;

l) On the Recruitment of staff for the Partnership Management and Coordination Division

- 36. **CALLS UPON** the Commission to fast-track the recruitment of staff to fill the approved and VACANT positions within the Partnerships Division, to enable the Division undertake its numerous and challenging mandate, and report back to the next session of the Executive Council in June 2016;

F. ON REFUGEES, RETURNEES AND INTERNALLY DISPLACED PERSONS IN AFRICA – Doc. EX.CL/928(XXVIII)vi

37. **RECALLS** the decision EX.CL/Dec.567 (XVII) of the Executive Council to increase the assessed contribution of Member States for assistance towards alleviating humanitarian situation from two (2) % to (4) %, to request the appropriate policy organ to implement this decision, in view of the increasing complexity of humanitarian situations on the continent;
38. **REQUESTS** the Commission and Member States to assist the PRC to organize and carry out assessment missions to the countries affected by dire humanitarian situation by relaying information on requests to carry out assessment missions to respective capitals in good time;
39. **ALSO REQUESTS** the regional Deans to nominate heads of delegations in time to ensure that assessment missions are carried out as scheduled;
40. **FURTHER REQUESTS** the Commission to ensure that appropriate follow up action on assessment missions is undertaken by engaging national stakeholders, civil society organisations and international partners;
41. **CALLS UPON** the African Union to speak with one voice at the World Humanitarian Summit (WHS) scheduled for Istanbul, Turkey, in 2016 and **ALSO CALL UPON** Member States and the Commission to implement the recommendations in the Common African Position (CAP).
42. **REQUESTS** the Commission to report on the implementation of this decision in January 2017.

G. ON CONTRIBUTIONS

43. **WELCOMES** the efforts by Member States to pay up their contributions and Urges those Member States that have not yet done so to honour fully their obligations;
44. **FURTHER WELCOMES** the support of development partners to the organization and **CALLS ON** them to honour their commitments;
45. **DECIDES** on the temporary exemption of State of Libya until the beginning of the 2017 financial year, taking into account its commendable and generous contribution to the Union in previous years and the difficulties it has been facing for the last few years; and **EXPRESSES** its solidarity with the People and the Government of the State of Libya to whom Council wishes a quick recovery;
46. **REQUESTS** the Commission to hold discussions with Member States that are in arrears with a view to coming up with a payment plan/schedule;

47. **CALL UPON** Member States that are in arrears of over two (2) years to settle the arrears promptly, to avoid sanctions being applied on them in accordance with the existing rules;
48. **FURTHER CALLS UPON** the United States of America to lift the long- standing unilateral economic sanctions imposed on The Sudan, to allow the latter to meet its commitments to the African Union and other International Organizations;
49. **REQUESTS** the Commission to explore means of opening an account within Africa dedicated to and aimed at facilitating timely payment of contributions by Member States;
50. **APPROVES** the setting up of a Committee of the PRC to oversee the implementation of the sanction regime and to study the issues relating to the banks and the currency used by the organization in light of the new challenges faced in the global arena;
51. **WELCOMES** the efforts by the Ad-hoc Ministerial Committee on the Scale of Assessment which has met on the margins of the 28th Ordinary Session of the Executive Council in January 2016 and finalized consultations with and reached final conclusion on the proposed new scale assessment of the Republic of Angola;
52. **DECIDES** to maintain sanctions on the **Central African Republic** for non-payment of its assessed contributions and accumulated arrears since the 2011 financial year;
53. **ALSO DECIDES** to impose sanctions on the following:
- ***Republic Sao Tome and Principe*** for non-payment of its arrears of contribution for the last two (2) financial years;
 - ***Republic of Somalia*** for non-payment of its contributions since the 2010 financial year and not honouring the request to pay up at least fifty percent (50%) of its arrears before the end of the 2015 financial year.
54. **FURTHER DECIDES** to maintain the temporary exemption granted to the Republic of Madagascar as long as it continues to honour its obligations in line with the agreed plan.

H. ON ECONOMIC AND TRADE MATTERS

55. **REQUESTS** the Commission to conduct a continent-wide study to investigate the causes of shortcomings in the African Growth and Opportunity Act (AGOA) process and make the most of the experiences of countries that have recorded better economic and commercial performance in this process;

56. **ALSO REQUESTS** the Commission to remain engaged with the United States to ensure that there is no erosion of preferences available to Member States under AGOA;
57. **URGES** Member States to set up their national AGOA response strategies to take better advantage of the economic and commercial potential of AGOA;
58. **ALSO URGES** Member States to define a common African position and respect the commitments that will be made in this context to ensure that the Africa speaks with one voice on this matter at major international meetings on negotiations of trade agreements;
59. **FURTHER URGES** Member States to speed up the implementation of the Continental Free Trade Area (CFTA) process by allocating the funds necessary for the indigenization of the negotiation process to allow the Commission to train more national experts and those within the Permanent Missions of Member States in Addis Ababa, Ethiopia;
60. **CALLS ON** Member States to sign and ratify expeditiously, the Protocols establishing the Pan-African financial institutions, ACB, AIB and AMF, with a view to providing the continent with adequate resources for the implementation of the Continental Development Agenda [full name of Protocols];
61. **URGES** Member States and negotiating regions to forward their signed Economic Partnerships Agreement (EPAs) to the Commission which in collaboration with the United Nations Economic Commission for Africa (UNECA) are mandated to analyzing them and ensuring that they are compatible with Africa's development as framed in Agenda 2063;
62. **ALSO URGES** Member States to expeditiously designate their Chief and alternate Negotiators as well as focal points within their respective Permanent Missions in Addis Ababa in preparation for the negotiations on CFTA that are about to start;
63. **REQUESTS** the Commission to capitalize on the commitment of China within the Forum on China-Africa Cooperation (FOCAC) and the Memorandum of Understanding (MOU) signed with China for industrialization;
64. **ALSO REQUESTS** the Commission to urgently organize a Ministerial Roundtable on current economic, financial, agricultural and humanitarian challenges facing the continent with a view to addressing these challenges and designing an African forward-looking response aimed to build long-term resilience;
65. **FURTHER REQUESTS** the Commission in collaboration with Member States to fast-track the implementation of flagship programmes such as the Grand Inga Dam Project to unleash the economic potential of the continent;

66. **REQUESTS** the Commission to report on the implementation of this decision to the July 2017 ordinary session of the Executive Council.

I. ON THE NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT (NEPAD)

67. **RECOMMENDS** to the Assembly to:

- i) **Request** the Commission to expedite the finalization of the integration of NEPAD Planning and Coordination Agency (NPCA) into the African Union (AU) structures and processes, particularly in light of the envisaged restructuring exercise of all the AU Organs, with a view to avoiding programmes overlap and duplication;
- ii) **Also Request** the Commission, in collaboration with NPCA to propose well defined criteria for eligibility of Member States for NEPAD projects which should take into account all Member States;
- iii) **Declare** the vacancy of the position of the Chief Executive Officer (CEO) of NPCA and request the NPCA Secretariat in collaboration with the Commission to circulate the Terms of Reference of the position to all Member States;
- iv) **Extend** NEPAD programmes and projects to the Sahrawi Arab Democratic Republic and Somalia;
- v) **Decide** that the harmonization of medical products should take into account the draft AU model law on regulation of medical products;
- vi) **Request** NPCA to provide clear completion time lines for the infrastructure development projects with respect to the sixteen (16) Mega projects as well as the new projects in the pipeline on the continent.

J. ON SPECIAL EMERGENCY FUND FOR DROUGHT AND FAMINE IN AFRICA

68. **REQUESTS** the PRC to ensure harmonization between the objectives and mandate of its sub-Committees including with those relating to refugees due to the similarity of issues dealt with and in the interest of synergy, thereby avoiding duplication of efforts; and make necessary arrangements for the participation of the Members of SEAF on the humanitarian assessment missions of the Commission;
69. **REQUESTS** the Commission to sensitize Member States, on the status of the Fund and the need to replenish it without delay in order to combat the dire humanitarian situation on the continent;

70. **ALSO REQUESTS** the PRC in collaboration with the Commission to develop a timetable for the organization of the Donors' Conference aimed at mobilizing additional resources to ensure sustainability of the Fund, to enable address among others, the effects of the El Niño phenomenon ;
71. **FURTHER REQUESTS** the Commission to take all necessary steps, in collaboration with the competent organs, to harmonize all offers made at different foras (COP21 and G8) in order to maximize the use of possible funds released;
72. **REQUESTS** the Commission to continue to raise awareness in 2016 on the effects of climate change in Africa, particularly on the impact of El Niño in East Africa, Southern Africa and other regions of the continent;
73. **CALLS UPON** Member States to pull their risks together in the area of climate change by joining the African Risk Capacity (ARC);
74. **ALSO REQUESTS** the Commission to present, the final draft of the document to implement the Executive Council's decision on expanding the mandate of the Fund and to organize, in 2016, a special session of PRC through its Sub-Committee on this issue;
75. **FURTHER REQUESTS** the Commission to find ways and means to expand the donor base of the Fund to include the private sector on the continent, high net worth individuals including from the diaspora as well as non-traditional donors;
76. **CALLS ON** all Member States and partners to assist the Sahrawi Arab Democratic Republic, which has been affected by floods in 2015;
77. **REQUESTS** the Commission to report on the implementation of this decision at its ordinary session scheduled for January 2017.

K. ON THE HEADQUARTERS AGREEMENTS

78. **REGRETS** the problem encountered by the Permanent Representative of the State of Eritrea and his spouse at the Bole International Airport on 14 May 2014;
79. **APPRECIATES** that the Host Government was magnanimous to state that it did all that was necessary to ensure that the Permanent Representative of the State of Eritrea and his spouse were accorded the full privileges and immunities on their arrival at the Bole airport and that it regrets any irregularity or incident that may have occurred on their arrival that does not amount to the full enjoyment of privileges and immunities;
80. **URGES** the Host Government to accord to the Permanent Mission, its Head and diplomatic staff of Eritrea the same privileges and immunities it accords to

diplomats from other AU Member States as well as abide by its hosting obligations;

- 81. INVITES** the Host Government in consultation with the Commission to develop better guidelines on receiving diplomats and ensure an expedient immigration processing;
- 82. REQUESTS** the Sub-Committee to follow up with its proposal to have the Host Government and the PRC to meet in a Special Session after the Summit to discuss and address broad issues of concern:
- i) The Host Government should liaise with its relevant departments to ensure that immunities and privileges are fully accorded to AU Staff and Diplomats of Member States at the airport;
 - ii) The Host Government should synchronize the exercise of the duty free privilege in Ethiopia in accordance with the Headquarters Agreement in transactions where US Dollar is the required mode of payment. The Host Government to review the rules governing the purchase of tickets and buying of duty free items in Addis Ababa in Dollars while Diplomats and AUC staff members are legally restricted from withdrawing dollars and making the necessary payment locally;
 - iii) The Host Government should expedite the implementation of the Quick Wins and effect the money transfer;
 - iv) The Commission and the Host Government to work out a timetable for the drafting and finalization of the relevant guidelines to facilitate the implementation of the Host Agreement;
 - v) The Staff members of the Commission to respect the laws of the Host Government and the Commission should respond in a timely manner to communication from the Federal Democratic Republic of Ethiopia Ministry of Foreign Affairs bringing to its attention alleged infractions by staff members of the Commission;
 - vi) The Host Government to inform the Commission before putting in effect changes in rules that may affect the rights and privileges of staff members of the Commission and the Permanent Representatives as well as their personnel accredited to the African Union as provided for in the Headquarters Agreement;
 - vii) The Commission to develop guidelines on the issuance of visas to individuals in the employment of the Commission, not fully covered in the African Union Staff Regulations and Rules and submit same to the Host Government for its consideration;

- viii) The Host Government to borrow a leaf from other countries which host International Organisations with respect to the modalities those countries use to implement the diplomatic privileges and immunities.

DRAFT
DECISION ON THE REPORTS OF THE SPECIALISED
TECHNICAL COMMITTEES

The Executive Council,

1. **TAKES NOTE** of the Reports of the Specialized Technical Committees (STCs) and **APPROVES** the recommendations contained therein;
 - A. **On Specialized Technical Committee on Communication and Information Communication Technologies (STC-CICT-1) – Doc. EX.CL/932(XXVIII)**
2. **COMMENDS** the Ministers of Communication and Information Communication Technologies for the successful holding of the First Ordinary Session and achieving important outcome for the development of the Communication and ICT sectors in Africa;
3. **ENDORSES:**
 - i) the 2015 Addis Ababa Declaration and updated African Union Plans and projects of the Communication sub-sector adopted by the sector Ministers in Addis Ababa;
 - ii) the AU Communication and advocacy Strategy 2014-2017 and AU Branding Campaign;
 - iii) the Communication strategy for Agenda 2063;
 - iv) the African media development initiatives (Pan African Media Observatory, Pan African Media Network and Pan African Media Portal);
 - v) the Safety and Protection of African Journalists and Pan African Platform on Access to Information (APAI).
4. **REQUESTS** the Commission to:
 - i) set up the structures of governance in charge of the management of the PAeN as per the Sustainable Action Plan's OPTION 1 after its hand over to the African Party in collaboration with the STC-CICT Bureau;
 - ii) accelerate the signing and ratification by Member States of the African Union Convention on Cyber-Security and Personal Data Protection;
 - iii) submit Ad-hoc reports on: (a) the Addressing and postcode systems to other pertinent STCs namely to the Committee on Finance, Economic Planning

and Integration and/or to the Committee on Public Services, Local Government Urban Development and Decentralization for further support and, (b) the electrification and connectivity of Post offices to the Committee on Finance, Economic Planning and Integration, and to the Committee on Transport, Transcontinental and Interregional Infrastructures, Energy and Tourism;

- iv) participate in the Regional Internet Governance Forum (IGF) in collaboration with UNECA and the RECs.

5. **APPEALS** to the UNECA, the African Development Bank, the European Union, the World Bank and other development partners to support the implementation of the African Union Plans and projects of the communication and ICT sub-sectors;

B. On the Specialized Technical Committee On Justice and Legal Affairs - Doc. EX.CL/935(XXVIII)

6. **TAKES NOTE** of the following Draft Legal Instruments:

- a) Draft Road Safety Charter;
- b) Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons;
- c) Draft Model Law on Medicine Regulation;
- d) Draft Statute of the Africa Sports Council;
- e) Draft Statute of the African Minerals Development Centre;
- f) Draft Statute on the Establishment of Legal Aid Fund for the African Union Human Rights Organs;
- g) Draft Statute of the African CDC and its Framework of Operation;
- h) Draft Statute of the African Science Research and Innovation Council (ASRIC);
- i) Draft Statute of the African Observatory in Science Technology and Innovation (AOSTI);
- j) Draft Statute of the Pan African Intellectual Property Organization (PAIPO);
- k) Draft Rules of Procedure of the Specialized Technical Committee on Health Population and Drug Control;
- l) Draft Rules of Procedure of the Specialized Technical Committee on Public Service, Local Government, Urban Development and Decentralisation
- m) Draft Rules of Procedure of the Economic, Social and Cultural Council of the African Union;
- n) Draft Rules of Procedure of the African Governance Platform;
- o) Draft Rules of Procedure of the Specialized Technical Committee on Social Development, Labour and Employment;
- p) Draft Rules of Procedure of the Specialized Technical Committee on Youth Culture and Sport;
- q) Draft Rules of Procedure of the Specialized Technical Committee on Education Science and Technology;

- r) Draft Rules of Procedure of the Specialized Technical Committee on communication and ICT;
 - s) Draft Rules of Procedure of the African Union Commission on the International Law;
 - t) Draft amended Statute of the Pan African University
7. **RECOMMENDS** the Draft Legal Instruments to the Assembly for adoption;
8. **ENDORSES** the recommendation of the First Extra Ordinary Session of the STC on Justice and Legal Affairs that the STC on Justice and Legal Affairs meets annually in ordinary sessions and the allocation of an appropriate budget in this regard;
9. **REQUESTS** the Commission and the PRC through its relevant Sub Committees to expeditiously implement Executive Council's Decision EX.CL/Dec.835(XV) adopted during the Twenty Fifth Ordinary Session in Malabo, Equatorial Guinea in June 2014, on inter alia, strengthening the human and financial resources of the Office of the Legal Counsel of the Commission;
- C. On Extraordinary Session of the Specialized Technical Committee (STC) on Defense – Doc. EX.CL/944(XXVIII)**
10. **WELCOMES** the progress made in the operationalization of the African Standby Force (ASF) following the successful conduct of the AA-II FTX as well as the recommendations made on how to continue to enhance the progress made in the ASF as contained in the Declaration of the STCDSS;
11. **EXPRESSES APPRECIATION** to AU Member States, the Commission and Regional Economic Communities/Regional Mechanisms (RECs/RMs) in conducting the AA-II FTX. In this regard, **COMMENDS** the progress made by EASF, ECCAS, ECOWAS and SADC in operationalizing their respective standby forces; and acknowledge the efforts of NARC towards operationalising its standby force;
12. **COMMENDS:**
- i) the progress made to date in the operationalization of AFRIPOL and **REQUESTS** the Commission to make the necessary follow up on all aspects regarding the full commencement of AFRIPOL activities;
 - ii) the efforts undertaken by the People's Democratic Republic of Algeria in setting-up the Headquarters of AFRIPOL.
13. **RECOMMENDS** to the Assembly to endorse the Declaration of the 2nd Extra-Ordinary Session of the STCDSS.

D. On The Specialized Technical Committee on Education Science and Technology – Doc. EX.CL/934(XXVIII)

14. RECOMMENDS for adoption by the Assembly:

- i) The Continental Education Strategy for Africa (CESA 16-25);
- ii) The Africa Space Policy and the Africa Space Strategy;
- iii) The Institution of 1st March as African School Feeding day.

DRAFT
**DECISION ON THE INTRODUCTION OF THE E-CONFERENCING
SYSTEM WITHIN THE AFRICAN UNION COMMISSION**

The Executive Council,

1. **TAKES NOTE** of the introduction of the e-conferencing system within the Commission;
2. **CONGRATULATES** the Commission on the launch of this home-grown electronic document management system which will greatly facilitate the work of the African Union by providing easy access to Summit documents in addition to full texts of all OAU/AU Decisions, Declarations and Resolutions since 1963 thereby reducing paper consumption;
3. **URGES** the Commission and all Member States to make maximum use of the e-conferencing system and **RECOMMENDS** that henceforth, all Summit Meetings held at the AU Headquarters in Addis Ababa, Ethiopia become paper-smart.

DRAFT
DECISION ON THE ACTIVITIES OF THE AFRICAN COMMISSION
ON HUMAN AND PEOPLE'S RIGHTS (ACHPR)
Doc. EX.CL/938(XXVIII)

The Executive Council,

1. **TAKES NOTE** of the Thirty-Ninth (39th) Activity Report of the African Commission on Human and Peoples' Rights (ACHPR);
2. **AUTHORIZES** the publication of the Thirty-Ninth (39th) Activity Report of the African Commission on Human and Peoples' Rights (ACHPR);
3. **WELCOMES** the positive developments undertaken by Member States to improve the human rights situation in their respective countries;
4. **URGES** Member States in which challenges have been identified to take the necessary measures to promote and protect human rights;
5. **ENCOURAGES** Member States to sign, ratify, domesticate and implement all regional and international human rights instruments;
6. **URGES** Member States to take the necessary measures to strengthen regional and international cooperation towards putting an end to terrorism in Africa;
7. **CALLS UPON** the ACHPR to review the criteria for granting observer status to NGOs as well as representation before the ACHPR by non-African individuals and groups and to report at the July 2016 Summit;
8. **ALSO CALLS ON** Member States to take action to address in their respective countries, the areas of concern that are highlighted in the Activity Report of the ACHPR;
9. **COMMENDS** Member States that have submitted their Periodic Reports in accordance with Article 62 of the African Charter and Article 26 of the Maputo Protocol and **INVITES** other Member States to do so;
10. **APPEALS** to the Government of Burundi to authorise and facilitate the fact-finding mission on the human rights situation in Burundi, in accordance with the relevant African Union Peace and Security Council Decision;
11. **URGES** Member States to engage with the ACHPR and other AU human rights promotion and protection organs towards organising, in their respective countries, activities to mark the celebration of 2016 which has been declared "African Year of Human Rights with Particular Focus on the Rights of Women";

12. **REQUESTS** the Commission to expedite the on-going recruitment for the various positions at the ACHPR Secretariat and to consider recruiting for the remaining positions in order to enable the ACHPR to effectively carry out its mandate;
13. **TAKES NOTE** of the establishment of an Inter-ministerial Committee on the Construction of the ACHPR Headquarters and **CALLS ON** the Government of The Gambia to expedite the process;
14. **REQUESTS** ACHPR to build the capacity and strengthen local human rights organisations;
15. **ALSO REQUESTS** the Commission to expedite the on-going recruitment for the various positions at the ACHPR Secretariat and to consider recruiting for the remaining positions in order to enable the ACHPR to effectively carry out its mandate;
16. **COMMENDS** the Republic of The Gambia for hosting the 57th Ordinary Session of the ACHPR, and **TAKES NOTE** of the offer made by the Republic of Niger to host a future Session and **CALLS ON** Member States, in particular those that have never done so, to host one of the Sessions of the ACHPR;
17. **FURTHER REQUESTS** the AU Commission to report on the implementation of this decision at its ordinary session scheduled for January 2017.

DRAFT
DECISION ON THE ACTIVITIES OF THE AFRICAN COURT
ON HUMAN AND PEOPLES' RIGHTS (AfCHPR)
Doc. EX.CL/939(XXVIII)

The Executive Council,

1. **TAKES NOTE** of the Activity Report of the African Court on Human and Peoples' Rights (the Court) for the period 1 January – 31 December, 2015, and the recommendations therein;
2. **RECALLS** its Decision EX.CL/Dec.842(XXV) of declaring 2016 as African Year of Human Rights with Focus on the Rights of Women, and **NOTES** that 2016 coincides with the Tenth Anniversary of the operationalization of the Court, and **REQUESTS** the Court, the Commission and the PRC to make arrangements to ensure the successful celebration of these two auspicious occasions;
3. **COMMENDS** and **CONGRATULATE** Member States that have ratified the Protocol establishing the Court and **CALLS ON** those that have not yet done so, to expedite the process;
4. **REQUESTS** AfCHPR in collaboration with the AU Commission and PRC, to present at the June 2016 session of the Assembly, a Declaration on the Commemoration of the 10th Anniversary on the operationalization of the African Court on Human and Peoples' Rights;
5. **REQUESTS** the AfCHPR to work closely with the PRC and the AU Commission to finalize the Study on the establishment of a Trust Fund and submit a report to the January 2017 Ordinary Session of the Executive Council, specifying in particular, the sources of funds, sustainability, the benefits, and its impact on Member States assessed contributions;
6. **FURTHER REQUESTS** Member States to continue to contribute to the Court and comply with its Decisions;
7. **ALSO TAKES NOTE** of the reservation entered into by Libya, in relation to paragraphs 19, 20 and 66 of the Activity Report of the Court.

**DRAFT DECISION ON THE REPORT OF THE ECONOMIC, SOCIAL
AND CULTURAL COUNCIL OF THE AFRICA UNION
Doc. EX.CL/940(XXVIII)**

The Executive Council,

1. TAKES NOTE of the Report and **RECOMMENDS** to the Assembly as follows:

- i) ECOSOCC to remain fully engaged and collaborate with CSOs of Member States and establish national chapters;
- ii) To call upon ECOSOCC to prepare criteria for admission of CSOs to AU bodies and organs pursuant to Decision EX.CL/890;
- iii) ECOSOCC to continue popularizing Agenda 2063 and its ten year implementation plan;
- iv) To speed up the process of fully constituting its General Assembly so that every Member State is represented.

DRAFT
DECISION ON THE PROGRESS REPORT OF THE MINISTERIAL COMMITTEE
ON THE CHALLENGES OF RATIFICATION/ACCESSION
IMPLEMENTATION OF OAU/AU TREATIES
Doc. EX.CL/950(XXVIII)

The Executive Council,

1. **ADOPTS** the Progress Report of the Ministerial Committee on the Challenges of Ratification/Accession and Implementation of OAU/AU Treaties and the recommendations contained therein;
2. **WELCOMES:**
 - i) efforts made by Members of the Ministerial Committee and Commission in assisting some Member States on the establishment of the National Sectorial Committee on challenges of ratification/accession to enable better coordination with the relevant Ministries implicated on the issue of ratification/accession and implementation of OAU/AU Treaties at National Level;
 - ii) Member States towards signature, ratification/accession of OAU/AU Treaties during the period of January to December 2015.
3. **APPEALS** to Member States who did not yet establish the National Sectorial Committee at National Level to do so, in order to set up national focal point to transmit information to the Ministerial Committee through the Commission on the efforts made and challenges faced by each Member States in relation to the ratification/accession and implementation of OAU/AU Treaties;
4. **ENCOURAGES** Member States through their respective Sectorial National Committees to bring on board civil society organizations and media to assist in the advocacy strategy to popularize African legal instruments domestically;
5. **REITERATES** its appeal to Member States to:
 - i) prioritize and accelerate the signing and ratification/accession to OAU/AU Treaties which pose no apparent contradiction with domestic legislation already in place and appeals in particular to the Member States which are not yet states parties to the treaties that represent African shared values which are the basis for collective action and solutions in addressing the political, economic and social challenges that impede Africa's integration and serving Africa's development agenda 2063 to give urgent priority to them;
 - ii) ensure that they comply with the decisions of the policy organs and initiate the process of ratification of new treaties within a period of one (1) year after its adoption in accordance with Executive Council Decision EX.CL/Dec.459

(XVI) on the Status of Signature and Ratification of OAU/AU/ Treaties and the Harmonization of Ratification Procedures adopted by the Fourteenth Ordinary Session of the Executive Council held in Addis Ababa, Ethiopia in January 2009.

6. DECIDES THAT:

- i) The Commission should prepare a detailed program of action to be presented to the Ministerial Committee meeting in June/July 2016 together with the recommendations adopted in this report. . The program of action should provide statistics and patterns on ratification and accession of Member States to existing legal instruments, including a draft time frame of sensitization missions scheduled to Member States;
- ii) The Commission should hold a brainstorming session on the challenges of ratification for all National Sectorial Committees of Member States at regional level;
- iii) Members of the Ministerial Committee and the Commission should follow upon the matter and report on a regular basis to the Executive Council on progress made in the implementation of this Decision;
- iv) The Ministerial Committee together with the Commission should identify mechanisms for monitoring implementation of OAU/AU Treaties to facilitate compliance by Member States;
- v) The Commission should ensure the review and alignment of legal instruments of the African Union to avoid duplication of issues;
- vi) The Ministerial Committee shall meet in ordinary sessions once a year on the margins of the ordinary session of the Executive Council in June/July instead of January as provided in Rule 5 of the Rules of Procedure of the AU Ministerial Committee on the Challenges of Ratification/Accession and Implementation of the OAU/AU Treaties. The Ministerial Committee shall hold its sessions at the same venue as the ordinary sessions of the Executive Council and present its report to the Executive Council.

DRAFT
DECISION ON THE REPORT OF THE MINISTERIAL PANEL FOR ELECTIONS
OF MEMBERS OF THE COMMISSION IN JUNE/JULY 2016
EX.CL/951(XXVIII)

The Executive Council,

1. **TAKES NOTE** of the Report of the Ministerial Panel for the Election of Members of the Commission in June/July 2016;
2. **ADOPTS** the Modalities for the Election of Members of the Commission in June/July 2016 as finalized by the Ministerial Panel;
3. **REQUESTS** both the Member States and the Ministerial Panel to adhere to the timeframe of the election process as set out in the Modalities for Election of Members of the Commission in June/July 2016;
4. **APPROVES** a budget of \$99,349 (Ninety-nine Thousand Three Hundred and Forty Nine dollars) for the work of the Ministerial Panel and related activities and **DECIDES** that the budget be included in the 2016 Revised Budget

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DRAFT
DECISION ON THE REPORT ON MODALITIES ON EQUITABLE
GEOGRAPHICAL AND GENDER REPRESENTATION
IN AFRICAN UNION ORGANS
Doc. EX.CL/953(XXVIII)

The Executive Council,

- 1. TAKES NOTE** of the modalities proposed by the Commission;
- 2. REQUESTS** the Commission to deepen the study done to address the current situation of imbalance in terms of geographical and gender representation in all African Union (AU) Organs as well as ensure that the two (2) principles are applied in the future;
- 3. DECIDES** that the elections for one (1) member of the African Committee of Experts on the Rights and Welfare of the Child to be held during the 28th Ordinary Session of the Council scheduled for Addis Ababa, Ethiopia in January 2016 will be conducted on the following basis:
 - i) Votes should be conducted in a way that all regions are represented equitably;
 - ii) The gender representation will be applied;
 - iii) The 11th position will be floating and rotating among all the regions.

**DRAFT DECISION OF THE MEK'ELE MINISTERIAL RETREAT
OF THE EXECUTIVE COUNCIL
Doc. EX.CL/947(XXVIII)**

The Executive Council,

1. **TAKES NOTE** of the outcomes of the Ministerial Retreat held in Mek'ele, Ethiopia 24 – 25 January 2016;
 - a) **The Africa We Have, The Africa We Want**
2. **UNDERScores** the paradox that Africa is rich, yet Africans are poor remains the burning issue that current generations of the African leadership and people must resolve, as we implement Agenda 2063, as acknowledged by the Bahir Dar retreat;
3. **URGES** the Commission, NPCA, UNECA, AfDB and Member States to ensure that the 1st Ten Year Implementation Plan of Agenda 2063 encapsulate the centrality of African unity, ownership and resolve, to advance and defend continental aspirations and priorities;
4. **REQUESTS** the Commission to organise another retreat this year, to allow for in-depth discussions on the paradox of rich Africa, poor Africans, on changing mind-sets and other relevant issues;
 - b) **ON DOMESTICATION OF AGENDA 2063 AND THE 1ST TEN-YEAR IMPLEMENTATION PLAN**
5. **TAKES NOTE** of the progress made in domestication of agenda 2063;
6. **UNDERScores** the importance of participation of African people, in all their sectoral and other formations, for implementation of the continental mission, and **REQUESTS** Member States, the Commission, the Pan African Parliament, the NPCA, RECs, ECOSOCC and other Organs and institutions to continue popularizing the Agenda 2063 aspirations, priorities and flagship programmes;
7. **URGES** Member States that have not yet started domestication, to do so and **REQUESTS** the Commission to continue to provide support to Member States, and report on the conclusions of domestication to the June/July 2016 Summit;
8. **REQUESTS** the Commission, RECs, all AU Organs and continental institutions to align their Strategic and Master Plans to the 1st Ten Year Implementation Plan and ensure maximum coordination in its implementation, in the spirit of complementarity and subsidiarity;
9. **ENCOURAGES** Member states and RECs to strengthen national and regional planning systems to drive implementation by establishing national focal points, and for government wide mainstreaming and domestic resource mobilisation and allocation;

10. **RECOGNISES** the convergence between Agenda 2063 and the Sustainable Development Goals, and the work done by the Commission to embed the 17 SDGs in the 1st Ten Year Implementation Plan, and in its results and monitoring and evaluation framework;
11. **NOTES** progress in the development of the Monitoring, Evaluation and Framework for Agenda 2063, and **WELCOMES** the measurement framework by the African Statisticians-Generals on the Strategy for Harmonization of Statistics in Africa, for the 1st Ten Year Implementation Plan;
12. **TAKES NOTE** of the report by the African Capacity Building Foundation on 'The Assessment of Internal and External Risks associated with the implementation of the AU's Agenda 2063' and the mitigation strategies proposed therein;
13. **REQUESTS** the Commission to gather reports from Member states and to present a progress report to the 2nd Bahir Dar Ministerial Follow-up Committee on the margins of the July 2016 Summit;

c) **ON AGENDA 2063 FLAGSHIP PROJECTS**

14. **NOTES** progress report of the Commission on the flagship projects, and **ENCOURAGES** the Commission to fast-track development of the proposals to catalyse implementation of Agenda 2063 and facilitate integration;

d) **ON CAPACITIES FOR IMPLEMENTATION OF AGENDA 2063**

15. **NOTES WITH APPRECIATION** the comprehensive report on Capacities for Implementation of Agenda 2063 by the African Capacity Building Foundation, which was commissioned by the Commission;
16. **ACKNOWLEDGES** the role of the African Capacity Building Foundation in building and strengthening African capacities, through its programmes with AU institutions including the Commission, the RECs and Member States to develop capacity, **PLEDGES** the support of Member States to ensure that the ACBF is strengthened, and **CALLS ON** continental and international partners to continue to provide financial support to the ACBF in pursuance of its mandate;
17. **CALLS ON** Member States to urgently develop a continental initiative on Critical Technical Skills, and to prioritise investments in the development of skills, especially in the STEM areas, essential for implementing Agenda 2063, including vocational skills and trade technicians, and the design and management of large-scale projects;

e) **ON FREE MOVEMENT OF PEOPLE AND AFRICAN PASSPORT**

18. **WELCOMES** the report of the Commission on this issue, including the lessons from countries such as Rwanda, Seychelles, Mauritius, the Gambia and the

RECs like ECOWAS, EAC and SADC on free movement of people, and the process outlined towards the adoption of a Protocol on Free Movement by January 2018;

19. **REAFFIRMS** commitment to free movement of people, of Africans having free access to all African countries, is amongst the enduring project of Pan Africanism and African integration, and that its benefits include facilitating tourism, intra-African investments and trade, people to people integration and cooperation, and the circulation and utilization of skills in the continent;
20. **NOTES** the concerns raised with regards to security and the threat of terrorism and international crime, the need to develop parameters to deal with security concerns, and **ENCOURAGES** all to continue to work with security and intelligence agencies on this and other matters.
21. **RECOMMENDS** the adoption of the process outlined towards the adoption of a Protocol on Free Movement of People by January 2018, which should come into immediate effect by Member States ;
22. **ENDORSES** the proposal from the Commission to present the African passport to Heads of State and Government at the Summit and African passports for other categories such as Foreign Ministers, AU organs, the PRC and other categories in the near future;

f) **ON TOURISM AND WILDLIFE CONSERVATION**

23. **URGES** the Commission, to ensure the following, to achieve the goal of making Africa the preferred tourist destination, of both African and global tourists, and building a strong Brand Africa:
 - i) Allocation of adequate resources to tourism activities in the Commission budget and mobilise support of all stakeholders in the continent, including international partners like the UNWTO;
 - ii) The elaboration of a continental Tourism policy and strategy as a priority activity, and mainstreaming of tourism in Agenda 2063 and other AU programmes, and to advocate for greater investment in tourism;
 - iii) Convene the Ministers responsible for Tourism before the end of 2016 or beginning of 2017 within the framework of the relevant STCs, to review progress and provide guidance.
24. **NOTES:**
 - i) that wildlife, through ecotourism, is and can be, a source of revenue if properly and sustainably managed;

- ii) the importance of conservation as it benefits local communities, including women;
25. **APPROVES** that poaching, illicit trade in wildlife products and bio-piracy be vigorously combatted and **CALLS FOR** a review of the total ban for acceptable social and economic gains;
- g) **ON COMPARATIVE STUDY ON AU WORKING METHODS AND STREAMLINING BUSINESS OF SUMMITS**
26. **TAKES NOTE** of the Report on the Comparative Study on the Working Methods of the African Union and the Streamlining of the AU Summits and Endorses the recommendations contained therein;
27. **ENCOURAGES** Member States to expedite the ratification of the revised protocol on PAP adopted in Malabo in June 2014 in order for its speedy entry into force and **REQUEST** the Commission to distribute the Malabo Protocol after the retreat;
28. **URGES** Member States and the Commission to implement its recommendations agreed to by the Assembly;
29. **REQUESTS** the Chairperson of the Commission to establish an internal Technical Committee to study the recommendations contained herein and facilitate implementation of Decision 582 of the Assembly adopted in Johannesburg Summit in June 2015 and report to the Ministerial Follow-Up Committee on the Implementation of Agenda 2063,
- h) **ON THE RENEWAL OF THE MANDATE OF THE BAHIR DAR MINISTERIAL FOLLOW-UP COMMITTEE ON AGENDA 2063**
30. **RECALLS** decision of the Executive Council, ratified by Summit on the 1st Bahir Dar Ministerial Follow-up Committee, consisting of Algeria (north), Angola (south), Cameroon (Central), Ghana (west), and Rwanda (East), as well as, the outgoing and incoming Chairperson of the Executive Council, the AU Commission Chairperson, the Chairpersons and Executive Secretaries of the 8 RECs, the CEO of the NEPAD Agency, the Executive Secretary of the UNECA and the President of the AfDB, to be renewed every two years to allow for rotation and regional balance;
31. **ENDORSES** the Mek'ele Retreat recommendation for membership of the 2nd Bahir Dar Ministerial Follow-up Committee: the five rotating regional representatives are Namibia (south), Burkina Faso (west), Cameroon (central), Algeria (north) and Rwanda (east). The other members of the committee remain as listed in paragraph 35.

DRAFT
DECISION ON THE ELECTION OF FIFTEEN (15) MEMBERS OF THE
PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION
Doc. EX.CL/954(XXVIII)

The Executive Council,

1. **TAKES NOTE** of the Report of the Commission on the Election of Fifteen (15) Members of the Peace and Security Council of the African Union;
2. **ELECTS** the following five (5) Members of the Peace and Security Council for a three-year term as of March 2016:
 1. **Congo (Rep.)** **Central Region**
 2. **Kenya** **Eastern Region**
 3. **Egypt** **Northern Region**
 4. **Zambia** **Southern Region**
 5. **Nigeria** **Western Region**
3. **ALSO ELECTS** the following ten (10) Members of the Peace and Security Council for a two-year term as of March 2016:
 1. **Burundi** **Central Region**
 2. **Chad**
 3. **Rwanda** **Eastern Region**
 4. **Uganda**
 5. **Algeria** **Northern Region**
 6. **Botswana** **Southern Region**
 7. **South Africa**
 8. **Niger** **Western Region**
 9. **Sierra Leone**
 10. **Togo**
4. **RECOMMENDS** the elected Members for appointment by the 26th Ordinary Session of the Assembly of the Union.

DRAFT
DECISION ON THE ELECTION OF ONE (1) MEMBER OF
THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS
AND WELFARE OF THE CHILD
DOC. EX.CL/955(XXVIII)

The Executive Council,

1. **TAKES NOTE** of the Report of the Commission on election of one (1) member of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC);
2. **ELECTS** the following member of the ACERWC for a **five (5)-year term**:

Name	Country
Mr. Mohamed Ould Ahmedou dit H'Meyada	Mauritania

3. **RECOMMENDS** the elected member of the ACERWC to the 26th Ordinary Session of the Assembly for appointment.

DRAFT
DECISION ON THE REPORT OF THE AFRICAN UNION ADVISORY
BOARD ON THE FIGHT AGAINST CORRUPTION
Doc. EX.CL/943(XXVIII)

The Executive Council,

- 1. TAKES NOTE** of the Report and **RECOMMENDS** to the Assembly to;
 - i) **URGE** Member States to ratify and domesticate the African Union Convention on Preventing and Combating Corruption;
 - ii) Provide the necessary resources required to make the Board more efficient.

DRAFT
DECISION ON PALESTINE AND THE MIDDLE EAST
Doc. EX.CL/930(XXVIII)

The Executive Council,

1. **TAKES NOTE** of the Reports of the Commission and the Permanent Representatives' Committee (PRC) and **ENDORSES** the recommendations therein and **RECOMMENDS** to the Assembly the following:

- i) Requests the Commission to present a report on implementation of previous decisions on Palestine and the Middle East;
- ii) The African Union to reaffirm its unwavering support for the cause of the Palestinian people, including their UNSC Resolutions 242, 338 and 194. inalienable right to the establishment of their independent State within the 1967 borders and their capital ELQODS (East Jerusalem) as well as the right of return for refugees in accordance with relevant;
- iii) The African Union to invite the Palestinian Authority and Israel to resume without delay peace talks leading to the end of the Israeli occupation and the creation of two States living side by side in accordance with international legality, the Arab Peace Plan and the proposals of the International Quartet;
- iv) The African Union to urge Israel to definitively refrain from confiscating Palestinian land to build settlements and houses and demands the dismantling of all informal constructions in order to create the necessary confidence-building measures for the resumption of the peace process;
- v) The African Union to condemn the deliberate policy of the Israeli authorities aimed at altering the status quo at Elqods through collective and individual sanctions of all kinds such as the demolition of houses and the dispossession of the inhabitants of Jerusalem of their property, punitive and vexatious measures against Palestinian people and the proliferation of barriers for Muslim and Christian believers to access the sacred places of worship such as Aqsa Mosque and other Temples of Faith. This policy, which is regularly accompanied by the closure of access to the old town, in violation of the right to free movement of Palestinians within the occupied territories, is part of a deliberate willingness to judaize Al-Aqsa, the third holiest site of Islam, through division in space and time, and change the names of the main Christian-Muslim religious and worship monuments as well as historical places of Al-Aqsa to Hebrew names;
- vi) The African Union to denounce excessive and disproportionate use of force by Israel against the peaceful resistance of the Palestinian people including, in some cases, by using unconventional means. Such practices are comparable to war crimes under international law;

- vii) The African Union to urgently appeals to the relevant United Nations mechanisms to provide protection for the people of Palestine who are subjected to oppression by the Israeli occupation forces;
- viii) The African Union to support the accession of Palestine to the United Nations as a full member.

DRAFT
DECISION ON THE ACTIVITIES OF THE AFRICAN UNION COMMISSION
FOR THE PERIOD JANUARY TO DECEMBER 2015
Doc. EX.CL/931(XXVIII)

The Executive Council,

1. **TAKES NOTE** of the Report of the Chairperson for the period January to December 2015 and **ENDORSES** the recommendations contained therein;
2. **ACKNOWLEDGES** the achievements made by the Commission in collaboration with the Permanent Representatives' Committee (PRC), to improve upon the operations efficiency and effectiveness of the Commission;
3. **FURTHER ACKNOWLEDGES** the effective operationalization of the Specialized Technical Committees (STCs), which constitutes a remarkable institutional development for the Organization;
4. **REITERATES** its previous Decision on the conduct of a comprehensive study on the status of implementation of previous Decisions of the Executive Council and the Assembly and to submit a progress report thereon in January 2017;
5. **REQUESTS** the Commission working in collaboration with the relevant stakeholders, to expedite the operationalization of the African Centre for Disease Control (CDC);
6. **FURTHER REQUESTS** the Commission, working with the Member States, to take the necessary measures for the implementation of the 2050 Africa's Integrated Maritime Strategy (AIMS).

DRAFT
DECISION ON THE PROGRESS REPORT OF THE COMMISSION
ON THE IMPLEMENTATION OF DECISIONS ON THE
INTERNATIONAL CRIMINAL COURT
Doc. EX.CL/952(XXVIII)

The Executive Council,

- 1. TAKES NOTE** of the Report of the Commission on the Progress Report of Commission on the implementation of Decisions on the International Criminal Court (ICC) and the recommendations of the Executive Council thereon;
- 2. RECOMMENDS** to the Assembly to:
 - (i) REITERATE**
 - a) the commitment of the African Union and its Member States to fight against impunity in accordance with the Constitutive Act;
 - b) its previous decisions adopted on ICC;
 - c) its previous decisions on the deferral of the proceedings initiated by the ICC against the President of the Sudan and the Deputy President of Kenya in accordance with Article 16 of the Rome Statute which allows the UNSC to defer cases for one year;
 - (ii) COMMEND** the Republic of South Africa for complying with the Decisions of the Assembly on non-cooperation with the arrest and surrender of the President of the Sudan and decide that by receiving President Bashir, the Republic of South Africa was implementing various AU Assembly Decisions on the warrants of arrest issued by the ICC against President Bashir and is consistent with its obligations under international law;
 - (iii) REITERATE** its decision on the need for all Member States to comply with the Assembly Decisions on the warrants of arrest issued by the ICC against President Bashir of The Sudan pursuant to Article 23 (2) of the Constitutive Act and Article 98 of the Rome Statute of the ICC;
 - (iv) EXPRESSE ITS DEEP CONCERN** regarding the wisdom of the continued prosecution of the case of Deputy President William Ruto of the Republic of Kenya and to **CALL ON** the ICC to terminate the case without further delay as any continued prosecution is without foundation given the unambiguous absence of any incriminatory evidence capable of belief;
 - (v) COMMEND** 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 and to **REITERATE** its previous decision that the Open Ended Ministerial Committee meet with the United Nations Security Council in order to engage on all issues that have been consistently raised by the African Union;

(vi) **TAKE NOTE** of the conclusions of the 14th Assembly of the States Parties of the ICC in which the ASP reaffirmed its understanding on the non-retroactive application of Rule 68 to situations commenced before November 2013 (with regard to the Kenyan agenda) and expressed “willingness to consider, within the framework of the appropriate subsidiary body of the Assembly, proposals to develop procedures for the implementation of Article 97” (with regard to the South African agenda) and to **EXPRESSE ITS APPRECIATION** to the President of the Assembly of States Parties, H.E. Sidiki Kaba for ensuring that in spite of perceived resistance by some State Parties, the issues and concerns of the African Union and its member states were allowed to be articulated at the 14th Assembly of States Parties to the ICC;

- (a) **deeply aggrieved** by the failure of the UN Security Council to respond to the requests of the AU for deferral of the Sudan and Kenyan cases for the past five years;
- (b) **taking serious issue** with the capture of the ICC by the so-called “Principles of the Court” comprising the Prosecutor Registrar and President of the Court in the continued privileging of views of civil society over clearly held positions of African Member States parties to the Rome Statute;
- (c) Noting the disturbing public dismissive disregard of the decisions of the 14th ASP by the Prosecution in relation to the pending Rule 68 Appeal against Kenya’s Deputy President;

(vii) **DECIDE** that:

- a) the Bureau of the Open ended Ministerial Committee be expanded to ensure equitable regional representation **AND REQUESTS** the Overall Dean and the Regional Deans in Addis Ababa to urgently undertake consultations with a view submitting their respective representatives to serve on the Bureau;
- b) the Permanent Representatives’ Committee approve adequate resources to the Commission through the Office of the Legal Counsel to support the work of the Open ended Ministerial Committee in pursuing all political, legal, and strategic avenues in addressing AU’s concerns before the United Nations and the ICC;

- c) the Open-ended Ministerial Committee review the ICC's interpretation of its power pursuant to Article 93 of the Rome Statute to oblige State Parties to forcibly compel unwilling witnesses to testify before the Court, in order to reject witness compulsion *in toto* and inform the Court and the next ASP accordingly;
- d) the Open-ended Ministerial Committee's mandate include the urgent development of a comprehensive strategy including collective withdrawal from the Court to inform the next action of AU Member States to the Rome Statute, and to further submit such strategy to an extraordinary session of the Executive Council which now has mandate to take such decision;
- e) the Peace and Security Council consider the draft ICC Action Plan on Arrest Strategies that is currently under consideration that by organization in order to make recommendations to the next AU Summit in June/July 2016 on a common African position;
- f) the Commission continues to engage with relevant stakeholders within the ICC in order to issues raised in the various Decisions of the AU Policy Organs on the ICC;
- g) the AU Mission in Brussels provide secretariat and institutional support to the African Group in The Hague in order to ensure effective coordination of its activities;

(viii) REITERATE:

- a) the imperative need for all African States Parties to the Rome Statute of the ICC to continue to ensure that they adhere and articulate commonly agreed positions in line with their obligations under the constitutive Act of the African Union;
- b) its call on all AU Member States to 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;

(ix) REQUEST the Commission in collaboration with all stakeholders to follow-up on this matter with a view to ensuring that the African proposals and concerns are addressed and to report regularly to the Assembly through the Executive Council.

DRAFT
DECISION ON THE SCALE OF ASSESSMENT AND IMPLEMENTATION OF
ALTERNATIVE SOURCES OF FINANCING THE AFRICAN UNION
Doc. EX.CL/948(XXVIII)

The Executive Council,

1. **TAKES NOTE** of the Report of the Ad-Hoc Ministerial Committee on the review of the scale of assessment;
2. **RECALLS** Assembly Decisions ref. Assembly/AU/Dec.561(XXIV) and Assembly/AU/Dec.578(XXV);
3. **DECIDES** to amend the previous decision of 12% that Angola now be assessed 8% and **FURTHER DECIDES** that the short fall of the 4% be equitably shared by a Member State falling in Tiers 2 and 3;
4. **ALSO DECIDES** that the attached table of scale of assessment forms part of this decision;
5. **DECIDES** that the PRC Sub-Committee on Administrative, Budgetary and Financial matters:
 - i) Be strengthened, reformed and renamed as the Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters;
 - ii) Its mandate be enlarged so that henceforth, it also performs a general coordinating and supervisory role with the other relevant Sub-Committees,
 - iii) Be the platform for Member States to effectively interact and exchange with the Commission on implementation of its plan and programs General Budgetary, Financial and Administrative matters, on a quarterly basis;
 - iv) Shall receive quarterly reports from the Commission on the Operational and Program budget's performance, execution and absorption. These quarterly reports shall guide the Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative matters deliberations on the release of subsequent disbursement of funds.
 - v) Shall receive relevant information from the Commission on the status of contributions.
 - vi) The Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative matters reports and makes recommendations to the AU Policy bodies through the PRC.

6. **FURTHER DECIDES** to create a Sub-Committee on Budgetary Matters which will:
- i) be specifically responsible for the Technical evaluation of the AU draft budget;
 - ii) monitor the efficient utilization of financial resources and budget implementation, the Union's annual budget be segmented in four quarters
 - iii) reinforce the technical evaluation of the draft budget, Member States be encouraged to enlist the assistance of experts from their national Ministries of Finance, to participate in the deliberations of the Sub-Committee.
 - iv) The Membership of this Sub-Committee will be open-ended;
7. **DECIDES** to restructure the Ad-hoc Ministerial Committee on Scale of Assessment as follows:
- i) Becomes a full-fledged Ministerial Sub-Committee on Scale of Assessment;
 - ii) For the purposes of streamlining and enforcing the collection of contributions, the Ministerial Sub-Committee on Scale of Assessment takes over the tasks of the Sub-Committee on Contributions;
 - iii) The Ad-hoc Ministerial Sub-Committee should therefore, be reformed and renamed as the Ministerial Sub-Committee on Scale of Assessment and Contributions.
8. **DECIDES** that, to ensure accountability and transparency, the Board of External Auditors, shall :
- i) Submit its reports simultaneously to the AUC Chairperson and the PRC Chairperson through the Chair of the Sub-Committee on General Supervision and Coordination on Budgetary, Finance and Administrative matters;
 - ii) Submit an Interim report before the June/July Summit every year;
 - iii) Present its reports directly to the Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters every six months;
 - iv) Be re-constituted and henceforth be composed of 5 nominated members (one per region) plus the members of the first tier.
9. **DECIDES** that the Ad-hoc Ministerial Committee on the Scale of Assessment shall remain seized of the matter with a view to:

- i) Revising and aligning the mandates of other relevant Sub-Committees and mechanisms;
 - ii) Clarifying the interaction between all the relevant Sub-Committees and mechanisms affected by the proposed re-structuring in implementing Assembly Decisions 561(XXIV) and 578(XXV);
10. **REQUESTS** the Commission, particularly the Office of Legal Counsel, to provide all the necessary support to ensure the implementation of the above recommendations. **FURTHER REQUESTS** the Commission to assist the Permanent Representatives of the Ad-hoc Ministerial Committee on Scale of Assessment in the review of the Terms of Reference of the relevant Sub-Committees and mechanisms affected by the proposed re-structuring in implementing Assembly Decisions 561(XXIV) and 578(XXV);
11. **FURTHER REQUESTS** the Ad-hoc Ministerial Committee on the Scale of Assessment to report on the implementation of the above recommendations at the July 2016 Summit.

DRAFT
DECISION ON THE ITEMS PROPOSED BY MEMBER STATES

The Executive Council,

- 1. TAKES NOTE** of the items proposed by Member States and **RECOMMENDS** to the Assembly as follows;

A. ON AN AFRICAN ARCHITECTURE FOR DISASTER RISK REDUCTION
(Item proposed by Cameroon) Doc. EX.CL/945(XXVIII)Add.1

- i) an agreement in principle to support the idea and emphasize the relevance and opportunity for the AU to have an architecture for risk reduction in Africa at national, regional and continental levels;
- ii) to request the Commission in collaboration with Cameroon to submit a roadmap for the creation of the Centre of excellence for disaster risk research prevention and management;
- iii) An agreement to work with partners with respect to providing resources to mitigate disasters.

B. ON THE CONVENING OF ANOTHER WORLD CONFERENCE AGAINST RACISM
(Item proposed by the Republic of The Gambia) – Doc. EX.CL/945(XXVIII)Add.2

- i) To request The Gambia to carry out consultations. In the meantime, the AU would reflect on the practical modalities of convening such a world conference;
- ii) To request the Commission and the African Group in New York to:
 - a) Work collaboratively and pursue the tabling of the proposal: “Convening of Another World Conference Against Racism, Racial Discrimination, Xenophobia and Related intolerance” at the United Nations General Assembly and the Human Rights Council and to provide a feedback on the outcome of their efforts at the June 2016 Summit;
 - b) Pursue the tabling of a United Nations General Assembly Resolution on Slavery, Colonialism, Occupation, Reparations and Restitution including the convening of an international conference to discuss these issues as well as measures and strategies to address their lasting negative impact;

- c) Engage other relevant stakeholders including other Member States of the United Nations, the Caribbean Community, the African Diaspora and relevant CSOs in order to advance this agenda.

C. ON PROPOSED 2017 THEME OF THE AFRICAN UNION ON “HARNESSING THE DEMOGRAPHIC DIVIDEND THROUGH INVESTMENTS IN THE YOUTH”*(Item proposed by the Republic of Malawi) – Doc. EX.CL/945(XXVIII)Add.3*

- i) To commend the Republic of Malawi for this timely initiative in proposing the year 2017 as the year for the Youth;
- ii) To recommend to the Assembly that 2017 be declared as the year of “*Harnessing the Demographic Dividend through the Youth*”;
- iii) To request the Commission and the PRC to develop a plan of action in this regard for consideration at the next Ordinary Session of the Assembly scheduled for June/July 2016.

D. ON THE AFRICAN AIR EXPO 2016 *(Item proposed by the Republic of Ghana) – Doc. EX.CL/945(XXVIII)Add.4*

- i) To call upon all Member States to participate actively at the Expo;

E. ON THE LIFTING THE LONG-STANDING UNILATERAL SANCTIONS IMPOSED ON THE SUDAN *(Item proposed by the Sudan) – Doc. EX.CL/945(XXVIII)Add.5*

- i) To adopt and to request the Commission to develop modalities for follow-up on the implementation of this decision.

F. ON THE BID TO HOST THE SECRETARIAT OF ECOSOCC *(Item proposed by Zambia) – Doc. EX.CL/945(XXVIII)Add.6*

- i) To welcome and fully support the offer by Zambia to host ECOSOCC;
- ii) To urge Zambia working with the Commission to expedite the processes regarding legal, structural and financial implications;
- iii) To request the Commission to undertake the appropriate evaluation mission and present a detailed report to the next Session of the Executive Council scheduled for June/July 2016.

G. ON THE AFRICAN MINISTERIAL CONFERENCE 2015 ON INTELLECTUAL PROPERTY (IP) FOR EMERGING AFRICA (*item proposed by Senegal*) – Doc. EX.CL/945(XXVIII)Add.7

- i) To welcome the initiative by Senegal to submit the proposal by the African Ministers to create a continental organization on intellectual property;
- ii) To Need to ensure that the legal, structural and financial issues are addressed;
- iii) To need to ensure harmonization of all the structures that will be dealing with the issue of intellectual property on the continent;
- iv) To also welcome the establishment of the working group to follow up on the implementation of the Dakar Declaration; however, the financing of the working group needs to be sustainable;
- v) To recommend the proposal to the Assembly for adoption provided the issues above are addressed;
- vi) To welcome the decision taken by WIPO at its 55th Session, held in October 2015, to open two external offices in Africa, and with context of enhancing the cooperation between the African Union and WIPO, invites the African Group in Geneva to expedite the process of identifying the two Member States of the AU to host the above-mentioned WIPO external offices.

H. ON THE PAN-AFRICAN FORUM FOR A CULTURE OF PEACE IN AFRICA, LUANDA BIENNALE (*Item proposed by Angola*) Doc.EX.CL/945(XXVIII)Add.8

2. **TAKES NOTE** of the announcement that the event did not take place and that a fresh proposal would be submitted after due consultation with all stakeholders.

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