

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
Thirty-Sixth Ordinary Session
06 - 07 February 2020
Addis Ababa, Ethiopia

EX.CL/Dec.1073-1096(XXXVI)
Original: English/French

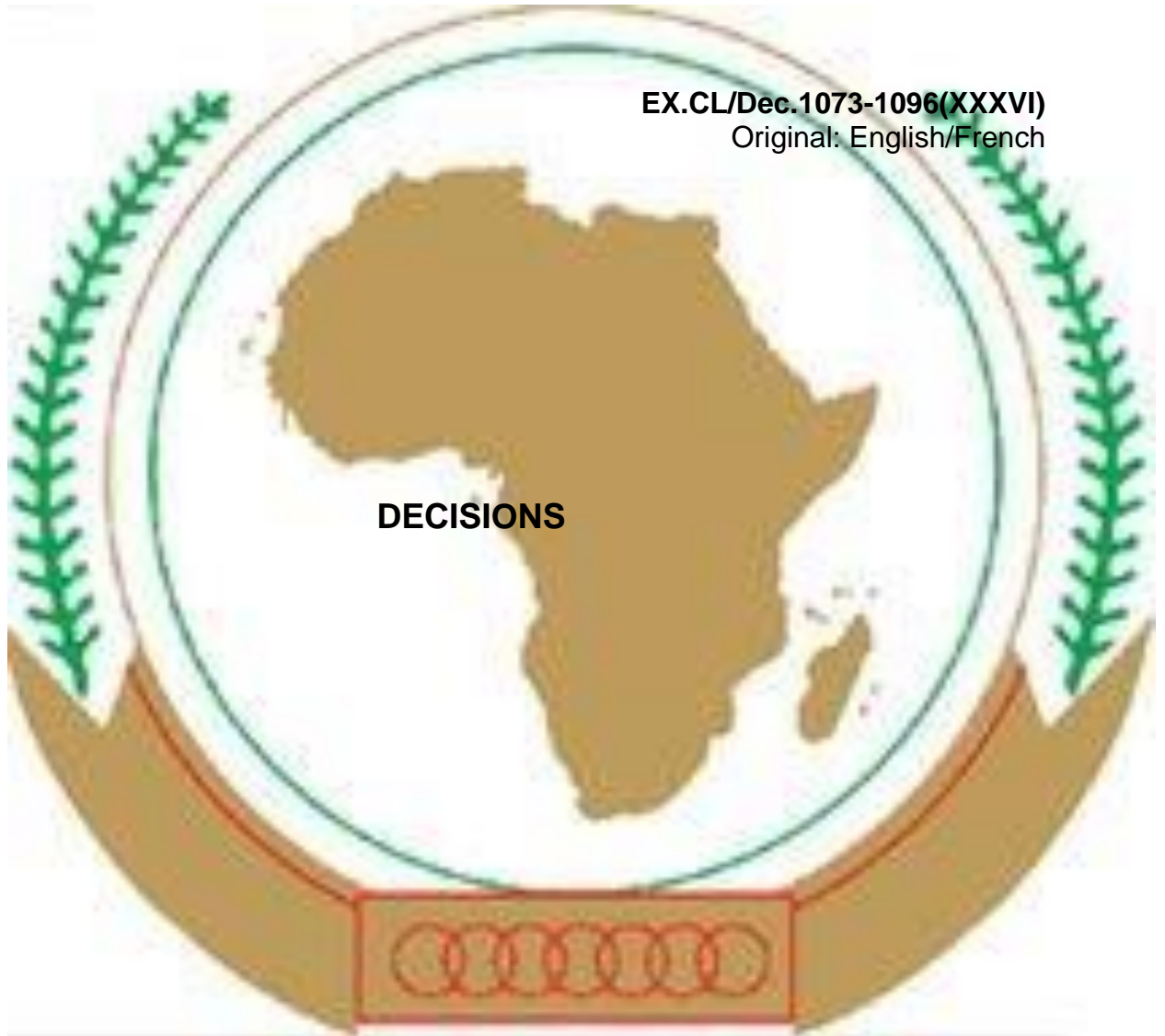


TABLE OF CONTENTS

N°	DÉCISIONS	TITLES	PAGES
1.	EX.CL/Dec. 1073(XXXVI)	DECISION ON THE REPORTS OF THE SUB-COMMITTEES OF THE PERMANENT REPRESENTATIVES' COMMITTEE	31
2.	EX.CL/Dec. 1074(XXXVI)	DECISION ON THE REPORTS OF THE SPECIALISED TECHNICAL COMMITTEES (STCs) AND OTHER MINISTERIAL MEETINGS	11
3.	EX.CL/Dec. 1075(XXXVI)	DECISION ON THE REALIGNMENT OF THE LEGAL INSTRUMENTS - Doc. EX.CL/1177(XXXV)xi	1
4.	EX.CL/Dec. 1076(XXXVI)	DECISION ON THE THEME OF THE YEAR 2019 AND HUMANITARIAN SITUATION IN AFRICA – Doc. EX.CL/1189(XXXVI)	4
5.	EX.CL/Dec. 1077(XXXVI)	DECISION OF THE COMMISSION ON THE STATUS OF IMPLEMENTATION OF PREVIOUS DECISIONS OF THE EXECUTIVE COUNCIL AND THE ASSEMBLY Doc. EX.CL/1191(XXXVI)	1
6.	EX.CL/Dec. 1078(XXXVI)	DECISION ON THE OFFERS BY MEMBER STATES TO HOST THE AFRICAN INCLUSIVE MARKET EXCELLENCE CENTRE (AIMEC) – Doc. EX.CL/1196(XXXVI)	1
7.	EX.CL/Dec. 1079(XXXVI)	DECISION ON THE ACTIVITY REPORT OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS - Doc. EX.CL/1204(XXXVI)	2
8.	EX.CL/Dec. 1080(XXXVI)	DECISION ON THE ACTIVITY REPORT OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS – Doc. EX.CL/1205(XXXVI)	2
9.	EX.CL/Dec. 1081(XXXVI)	DECISION ON THE ACTIVITY REPORT OF PAN AFRICAN PARLIAMENT – Doc. EX.CL/1206(XXXVI)	1
10.	EX.CL/Dec. 1082(XXXVI)	DECISION ON THE ACTIVITY REPORT OF THE ECONOMIC, SOCIAL AND CULTURAL COUNCIL – Doc. EX.CL/1207(XXXVI)	1
11.	EX.CL/Dec. 1083(XXXVI)	DECISION ON THE ACTIVITY REPORT OF THE AFRICAN UNION COMMISSION ON INTERNATIONAL LAW (AUCIL) – Doc. EX.CL/1208(XXXVI)	1
12.	EX.CL/Dec. 1084(XXXVI)	DECISION ON THE ACTIVITY REPORT OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC) - Doc. EX.CL/1209(XXXVI)	2
13.	EX.CL/Dec. 1085(XXXVI)	DECISION ON THE ACTIVITY REPORT OF THE AFRICAN UNION ADVISORY BOARD ON CORRUPTION – Doc. EX.CL/1210(XXXVI)	2

14.	EX.CL/Dec. 1086(XXXVI)	DECISION ON THE ANNUAL ACTIVITY REPORT OF THE AFRICAN RISK CAPACITY – Doc. EX.CL/1211(XXXVI)	1
15.	EX.CL/Dec. 1087(XXXVI)	DECISION ON THE ACTIVITY REPORT OF THE AFRICAN CAPACITY BUILDING FOUNDATION – Doc. EX.CL/1212(XXXVI)	1
16.	EX.CL/Dec. 1088(XXXVI)	DECISION ON AGENDA 2063 FIRST TEN-YEAR IMPLEMENTATION PLAN MONITORING, EVALUATION AND REPORTING	2
17.	EX.CL/Dec. 1089(XXXVI)	DECISION ON THE REPORT OF THE JOINT SITTING OF THE MINISTERIAL COMMITTEE ON SCALE OF ASSESSMENT AND CONTRIBUTIONS AND THE COMMITTEE OF FIFTEEN FINANCE MINISTERS (F15) - Doc. EX.CL/1215(XXXVI)	3
18.	EX.CL/Dec. 1090(XXXVI)	DECISION ON AFRICAN CANDIDATURES WITHIN THE INTERNATIONAL SYSTEM - Doc. EX.CL/1216(XXXVI)	4
19.	EX.CL/Dec. 1091(XXXVI)	DECISION ON THE INTERNATIONAL CRIMINAL COURT Doc. EX.CL/1218(XXXVI)	3
20.	EX.CL/Dec. 1092(XXXVI)	DECISION ON ELECTION OF ONE (1) MALE MEMBER OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD FROM THE ISLAMIC REPUBLIC OF MAURITANIA - Doc. EX.CL/1222(XXXVI)	1
21.	EX.CL/Dec. 1093(XXXVI)	DECISION ON THE ELECTION OF ONE (1) MEMBER OF THE AFRICAN UNION ADVISORY BOARD ON CORRUPTION - Doc. EX.CL/1224(XXXVI)	1
22.	EX.CL/Dec. 1094(XXXVI)	DECISION ON THE ELECTION OF FOUR (4) MEMBERS OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS - Doc. EX.CL/1225(XXXVI)	1
23.	EX.CL/Dec. 1095(XXXVI)	DECISION ON THE ELECTION OF TEN (10) MEMBERS OF THE PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION - Doc. EX.CL/1226(XXXVI)	1
24.	EX.CL/Dec. 1096(XXXVI)	DECISION ON THE ELECTION OF SIX (6) MEMBERS OF THE AFRICAN UNION COMMISSION ON INTERNATIONAL LAW (AUCIL) - Doc. EX.CL/1223(XXXVI)	1

DECISION ON THE REPORTS OF THE SUB-COMMITTEES OF THE PERMANENT REPRESENTATIVES' COMMITTEE (PRC)

The Executive Council,

1. **TAKES NOTE** of the PRC recommendations on the Reports of its Sub-Committees, taking into account observations made by Member States;
1. **SUB-COMMITTEE ON STRUCTURAL REFORMS, ADDIS ABABA, ETHIOPIA, 28-31 OCTOBER 2019 - Doc: EX.CL/1177(XXXVI)i)**
2. **RECALLS** Decision Ext/Assembly/AU/Dec.1(XI) of the November 2018 AU Extraordinary Assembly of Heads of State and Government Decision on *the Institutional Reform of the African Union (AU)* , which included, *inter alia*:
 - a. Mandating the Chairperson of the Commission to develop a new departmental structure that is lean and performance-oriented, taking into account the division of labour between the African Union, RECs and Regional Mechanisms, Member States and continental organisations;
 - b. Requesting the Chairperson of the Commission to submit, through the established procedures, a detailed leaner departmental structure, together with its financial implications, for consideration by the 35th Ordinary Session of the Executive Council scheduled from 27 to 28 June 2019 in Niamey, Niger; and
 - c. Delegating the adoption of the new departmental structure to the Executive Council during its 35th Ordinary Session in July 2019.
3. **FURTHER RECALLS** the Executive Council Decision EX.CL/Dec.1057(XXXV) to extend the submission of the departmental structures to the 36th Ordinary Session of the Executive Council in February 2020;
4. **RECOMMENDS** to the Assembly for consideration and adoption the new departmental structure of the AU Commission (Annexed) on the basis of the Report recommended for adoption by the PRC on its meeting convened in 3 December 2019 and **DIRECTS** the Commission to complete the implementation of the new structure within three years from the date of adoption of the Transition Plan and Financing Strategy;
5. **DECIDES** that the implementation of the new departmental structure shall be financed within existing resources and should come at no additional cost to Member States;

6. **ALSO DECIDES** that a staff skills and competency audit shall be undertaken and shall be applied to regular and non-regular staff to determine whether they meet the requirements of the new structure;
7. **FURTHER DECIDES** that the Commission with the oversight of the ten Recruitment Experts (R10) shall develop the job profiles and competency requirements for the new departmental structure of the Commission by June 2020; and undertake a staff skills audit and competency assessment. The Commission and R10 shall be assisted, if required, by an independent firm; and **REQUESTS** the Commission to provide all technical, administrative, financial and logistic support to facilitate this process;
8. **DIRECTS** the Commission and Member States to finalize the Transition Plan and financing strategy by June 2020 for consideration by the 37th Ordinary Session of the Executive Council;
9. **REQUESTS** the Chairperson of the Commission to finalize the review of all Representational, Regional and Liaison Offices to assess their effectiveness, efficiency and performance by June 2020 and submit proposals for the restructuring of these Offices, along with the financial implications, to the Executive Council for consideration during its 37th Ordinary Session;
10. **RECOGNISES** that restructuring alone will not deliver the necessary culture change within the Commission. **RECOMMENDS** that the review of Staff and Financial Rules and Regulations should establish a strong framework for improved accountability, performance and culture change;
11. **DECIDES** to take stock of progress in the implementation of the new departmental structure during the 41st Ordinary Session of the Executive Council. This process should take into account the ongoing work in establishing an effective division of labour between the AU Commission, the AU Development Agency/NEPAD and other AU Specialized Agencies, Regional Economic Communities, Regional Mechanisms, Member States and other continental organizations with a view to ensuring subsidiarity, complementarity and the rationalization of programmes and operations;
12. **RECALLS** paragraph 24 of the November 2018 Decision of the 20th Extraordinary Session of the Executive Council Ext/Ex.Cl/Dec.1 (XX) and **DIRECTS** the Commission to address the irregularities in the application of the existing AU Staff Regulations and Rules regarding the renewal of non-regular staff contract beyond the permissible number of renewals, within the context of the Transition Plan and further **REQUESTS** the Chairperson of the Commission to report to the next Ordinary session of the Executive Council on progress on this matter;

A. ON THE STRUCTURE OF THE AFRICAN UNION (AU) ORGANS. TECHNICAL AND SPECIALIZED AGENCIES PURSUANT TO EXECUTIVE COUNCIL AND ASSEMBLY DECISIONS

13. RECALLS the following Decisions that created Organs and Technical Specialized Offices:

- 
- i) The Assembly Decision Assembly/AU/Dec.728(XXXII) of February 2019 that endorsed the establishment of the Continental Operational Centre in Khartoum;
 - ii) The Executive Council Decision EX.CL/Dec.987(XXXII) of January 2018 that urged the Commission in collaboration with the Government of the Republic of Mali to expedite the process towards the establishment of the Centre for the Study and Research on Migration;
 - iii) The Assembly Decision Assembly/AU/Dec.730(XXXII) of February 2019 that requested the Commission to expedite the establishment of the African Migration Observatory (the Observatory) in the Kingdom of Morocco created by the Assembly Decision Assembly/AU/Dec.695 (XXXI);
 - iv) The Executive Council Decision EX.CL/Dec.820 (XXV), at its 25th Ordinary Session held in Malabo, Equatorial Guinea, that endorsed the Algiers Declaration by the African Chiefs of Police on the establishment of the African Union Mechanism for Police Cooperation (AFRIPOL). The Assembly Decision Assembly/AU/Dec.636(XXXVIII) of January 2017 that adopted the statute of AFRIPOL as a technical Institution of the Union for police cooperation for AU Member States;
 - v) The Executive Council Decision EX.CL/Dec.1153(XXXV) of February 2019 that requested the Commission to fast-track the functioning of a Centre, as the continental platform for strengthening the African ownership of African Union Centre for Post-Conflict Reconstruction and Development (AUCPCRD) created by the Assembly Decision Assembly/AU/Dec.729 (XXXII), and hosted in Cairo, Egypt;
 - vi) The Executive Council Decision EX.CL/Dec.1010(XXXIII) in July 2018 that accepted the offer from the Kingdom of Lesotho and decided the Kingdom of Lesotho to host the Secretariat of African Committee of Experts on the Rights and Welfare of the Child (ACERWC). The Executive Council also requested the Commission (i) To finalize the Host Agreement with the Kingdom of Lesotho, in accordance with the AU Rules and Regulations; and (ii) to revise the structure of the Secretariat of the ACERWC;
 - vii) The Assembly Decision Assembly/AU/Dec.452 (XX) of January 2013 that created African Observatory of Science, Technology and Innovation (AOSTI) as a technical and specialized office of the African Union and the Decision Assembly/AU/Dec.2 (XXVI) of January 2016 that endorsed the AOSTI Statute including its mandate and objectives

14. RECOMMENDS to the Assembly for consideration and adoption the following proposed structures:

a) Continental Operational Centre in Sudan for combatting irregular migration

Post	Grade	Number of Staff
Office of the Director		2
Director	D1	1
Bilingual Secretary	GSA4	1
Office of the Deputy Director		6
Deputy Director	P5	1
Bilingual Secretary	GSA4	1
Senior Legal Officer	P3	1
Senior Liaison Officer	P3	1
IT Officer	P2	1
Human Resources Officer	P2	1
Administration & Finance Unit		9
Senior Finance & Administration Officer	P3	1
Assistant Accountant	GSA5	1
Senior Communications & Public Relations Officer	(P3)	1
Protocol Officer	(P2)	1
Office Assistant	GSA4	1
Driver/ Records Assistants	GSB7	3
Security Supervisor	GSA5	1
Security	Sub-contracted	
Cleaners	Sub-contracted	
Liaison & Intelligence Analysis Unit		11
Principal Policy Officer (Intelligence Analysis)	P4	1
Policy Officer (Liaison & Data Analysis)-(two per region)	P2	10
Research & Capacity Building Unit		6
Principal Policy Officer (Research & Capacity Building)	P4	1
Policy Officers (Research & Capacity Building)	P2	5
Total Proposed Regular Posts		34

The annual estimated staff cost is \$ 2,830,846. This excludes other cost such as staff benefits and initial recruitment cost.

b) African Centre for the Study and Research on Migration in Mali

36th Ordinary Session of the Executive Council, 6- 7 February 2020, Addis Ababa, Ethiopia

Post	Grade	Number of Staff
Office of the Director		2
Director	D1	1
Bilingual Secretary	GSA4	1
Office of the Deputy Director		7
Deputy Director	P5	1
Bilingual Secretary	GSA4	1
IT Officer	P2	1
Human Resources Officer	P2	1
Senior Liaison Officer	P3	1
Senior Communications & Public Relations Officer	(P3)	1
Protocol Officer	(P2)	1
Administration & Finance Unit		7
Senior Finance & Administration Officer	P3	1
Assistant Accountant	GSA5	1
Office Assistant	GSA4	1
Driver/ Records Assistants	GSB7	3
Security Supervisor	GSA5	1
Security	Sub-contracted	
Cleaners	Sub-contracted	
Research/Capacity Building Unit		11
Principal Officer (Research & Capacity Building)	P4	1
Senior Policy Officers (Research)	(P3)	5
Senior Policy Officers (Capacity Building)	(P3)	5
Total Proposed Regular Posts		27

The annual estimated staff cost is \$ 2,287,783. This excludes other cost such as staff benefits and initial recruitment cost.

c) African Migration Observatory (the Observatory) in Morocco

Post	Grade	Number of Staff
Office of the Director		2
Director	D1	1
Bilingual Secretary	GSA4	1

Office of the Deputy Director		4
Deputy Director	P5	1
Bilingual Secretary	GSA4	1
IT Officer	P2	1
Human Resources Officer	P2	1
Senior Liaison Officer	P3	1
Administration & Finance Unit		7
Senior Finance & Administration Officer	P3	1
Assistant Accountant	GSA5	1
Senior Communications & Public Relations Officer	(P3)	1
Protocol Officer	(P2)	1
Office Assistant	GSA4	1
Driver/ Records Assistants	GSB7	1
Security Supervisor	GSA5	1
Security	Sub-contracted	
Cleaners	Sub-contracted	
Migration Statistics Unit		11
Principal Officer - Migration Statistics	P4	1
Senior Statisticians	P3	5
Statistical Assistants	(GSA6)	5
Training/Capacity Building Unit		6
Principal Officer, Training & Capacity Building	P4	1
Training & Capacity Building Experts	P3	5
Total Proposed Regular Posts		30

The annual estimated staff cost is \$ 1,250,000. This excludes other cost such as staff benefits and initial recruitment cost.

d) African Union Mechanism for Police Cooperation (Afripol) – (Algeria)

Post	Grade	Number of Staff
Director (AU Core Staff)	D1	1
Administrative Assistant – Office of the Director (AU Core Staff)	GSA5	1
Senior Legal Officer (AU Core Staff)	P3	1
Legal Officer (AU Core Staff)	P2	1
Head, Training and Capacity Building Division (AU	P5	1

Core Staff)		
Administrative Assistant –Training and Capacity Building Division (AU Core Staff)	GSA5	1
Senior Officer Training Unit (AU Core Staff)	P3	1
Training Unit Officer (AU Core Staff)	P2	1
Training Unit Officer (Seconded)	P2	2
Senior Officer Capacity Building Unit (AU Core Staff)	P3	1
Capacity Building Officer (Seconded)	P2	3
Junior Capacity Building Officer (Seconded)	P1	1
Head, Planning and Operations Division (AU Core Staff)	P5	1
Administrative Assistant – Planning and Operations Division (AU Core Staff)	GSA5	1
Senior Officer – Natural Resources Monitoring Unit (AU Core Staff)	P3	1
Natural Resources Monitoring Officer (Seconded)	P2	3
Junior Natural Resources Monitoring Officer (Seconded)	P1	1
Senior Officer – Counterterrorism and Counter Money Laundering Unit (AU Core Staff)	P3	1
Counterterrorism and Counter Money Laundering Officer (Seconded)	P2	3
Junior Counterterrorism and Counter Money Laundering Officer (Seconded)	P1	1
Senior Officer – Counter-Narcotics and Anti-Trafficking Unit (Seconded)	P3	1
Counter-Narcotics and Anti-Trafficking Officer (Seconded)	P2	3
Junior Counter-Narcotics and Anti-Trafficking Officer (Seconded)	P1	1
Senior Officer – Cybercrime and Organized Crime Unit (Seconded)	P3	1
Cybercrime and Organized Crime Officer (Seconded)	P2	3
Junior Cybercrime and Organized Crime Officer (Seconded)	P1	1
Senior Officer – Community Policing Unit (Seconded)	P3	1
Community Policing Officer (Seconded)	P2	1
Junior Community Policing Officer (Seconded)	P1	1
Head Administration and Finance Unit (AU Core Staff)	P3	1
Administrative Assistant – Administration and Finance	GSA5	1

Unit (AU Core Staff)		
Human Resources Officer (AU Core Staff)	P2	1
Procurement Officer (AU Core Staff)	P2	1
Travel Assistant (AU Core Staff)	GSA5	1
Finance Officer (AU Core Staff)	P2	1
Accountant Assistant (AU Core Staff)	GSA5	1
Conferences and Documentations Officer (AU Core Staff)	P2	1
Conferences and Documentations Officer (Seconded)	P2	2
Protocol Officer (AU Core Staff)	P2	1
Protocol Assistant (AU Core Staff)	GSA5	1
Security Supervisor (AU Core Staff)	GSA5	1
Secretary/Receptionist (AU Core Staff)	GSA4	1
Security	Sub-contracted	
Cleaner	Sub-contracted	
Driver (AU Core Staff)	GSB7	2
Senior Record Assistants (AU Core Staff)	GSA3	1
Head Communication and Information Technology Division (AU Core Staff)	P5	1
Administrative Assistant – Communication and Information Technology Division (AU Core Staff)	GSA5	1
Senior Officer – Media, Publications and Public Relations (AU Core Staff)	P3	1
Media, Publications and Public Relations Officer (Seconded)	P2	2
Senior Officer – Prosecution and Judicial Services (AU Core Staff)	P3	1
Senior Officer – Prosecution and Judicial Services (Seconded)	P3	1
Officer – Prosecution and Judicial Services (Seconded)	P2	3
Senior Officer – IT (AU Core Staff)	P3	1
Officer – IT (Seconded)	P2	2
Assistant – IT (Seconded)	GSA5	1
Head Coordination and Liaison Division (AU Core Staff)	P5	1
Administrative Assistant – Coordination and Liaison Division (AU Core Staff)	GSA5	1
Senior Officer – Regional Liaison Office: ACSRT, CISSA, Regional Police Bureaus Unit (AU Core	P3	1

Staff)		
Officer – Regional Liaison Office: ACSRT, CISSA, Regional Police Bureaus (Seconded)	P2	2
Assistant – Regional Liaison Office: ACSRT, CISSA, Regional Police Bureaus (Seconded)	GSA5	1
Senior Officer – International Liaison Office: INTERPOL, EUROPOL, AMERIPOL, FRANCOPOLE, ASIAPOL Unit (AU Core Staff)	P3	1
Officer- International Liaison Office: INTERPOL, EUROPOL, AMERIPOL, FRANCOPOLE, ASIAPOL (Seconded)	P2	2
Senior Officer – Liaison Police Consulting Countries and PSSG (Seconded)	P3	1
Officer – Liaison Police Consulting Countries and PSSG (Seconded)	P2	2
Total Proposed Regular Posts		37
Total Proposed Seconded Posts		46
Total		83

The annual estimated staff cost is **\$3,232,380.06**. This excludes other cost such as staff benefits and initial recruitment cost.

e) African Union Centre for Post-Conflict Reconstruction and Development (AUCPCRD) – (Egypt)

Position	Grade	Number of staff
Executive Secretary	P6	1
Programme Coordinator	P5	1
Senior Finance and Administrative Officer	P3	1
PROGRAMMES & RESEARCH DIVISION		
Research and Training Unit		
Senior Policy Officer, Policy Analysis and Research	P3	1
Programmes Unit		
Principal Programme Management, Monitoring and Evaluation	P4	1
Senior Policy Officer, Security Sector Reform	P3	1
Senior Policy Officer, Disarmament, Demobilization & Reintegration	P3	1
Senior Policy Officer, Socio-Economic Recovery	P3	1
Senior Policy Officer, Governance	P3	1

Senior Policy Officer, Human Rights and Rule of Law	P3	1
Senior Policy Officer, Humanitarian Affairs	P3	1
Senior Policy Officer, Gender, Peace and Security	P3	1
PARTNERSHIPS AND OUTREACH UNIT		
<i>Partnerships Unit</i>		
Senior Policy Officer, Partnerships	P3	1
Policy Officer, Partnerships	P2	1
<i>Communications and Outreach Unit</i>		
Senior Policy Officer, Knowledge Management	P3	1
Policy Officer, Communications and Public Information	P2	1
<i>Staff directly under Finance and Administration Unit</i>		
Administration and Finance Officer	P2	1
Human Resources Officer	P2	1
Bilingual Secretary	GSA4	3
Driver (for Executive Secretary)	GSB7	1
Driver (Administration and official Staff duties)	GSB7	2
Administrative Assistant/	GSA5	2
Assistant Accountant	GSA5	1
Protocol Assistant	GSA5	1
Security Supervisor	GSA5	1
Total		30

The annual estimated staff cost is **\$3,360,666.70**. This excludes other cost such as staff benefits and initial recruitment cost.

f) Secretariat of African Committee of Experts on the Rights and Welfare of the Child (ACERWC) – Lesotho

Post	Grade	Number of Staff
Executive Secretary	P6	1
Deputy Secretary	P5	1
Principal Child Rights Promotion Officer	P4	1
Senior Child Rights Promotion Officer	P3	2
Child Rights Promotion Officer	P2	2
Principal Child Rights Protection Officer	P4	1
Senior Child Rights Protection officer	P3	2
Child Rights Protection officer	P3	2

Senior Legal Officer	P3	1
Senior Program Officer	P3	1
Legal Researcher	P2	6
Senior Liaison Officer	P3	1
Senior Communications Officer	P3	1
Communications Officer	P2	1
Senior Social Work Officer	P3	1
Social Work Officer	P2	1
Senior Finance Officer	P3	1
Assistant Accountant	GSA5	1
Human Resources Officer	P2	1
Program Officer (M&E)	P2	1
Gender Officer	P2	1
Interpreter and Translator	P3	4
Procurement Officer	P3	1
ICT Officer	P2	1
Protocol Officer	P2	1
Administrative Assistant	GSA5	1
Bilingual Secretary	GSA4	1
Front Desk officer	GSA2	1
Clerk	GSA3	1
Records Assistants	GSB6	1
Driver	GSB7	2
Security Supervisor	GSA5	1
Security	Sub-contracted	
Cleaners	Sub-contracted	
Total Proposed Regular Posts		46

The annual estimated staff cost is **\$3,605,489.54**. This excludes other cost such as staff benefits and initial recruitment cost.

g) African Observatory of Science, Technology and Innovation (AOSTI) – Equatorial Guinea

Title	Grade	Request (No of Posts)
Executive Secretary	P6	1
Principal Scientific Officer	P4	1
Principal Innovation Officer	P4	1

Principal Statistics Officer	P4	1
Scientific Officer	P2	1
Innovation Officer	P2	1
Administrative Assistant	GSA5	1
Finance & Admin Officer	P2	1
IT Officer	P2	1
Secretary (Executive Secretary)	GSA4	1
Secretary	GSA4	2
Stores / Senior Record Assistants	GSA3	1
Records Assistants	GSB6	1
Cleaner	Sub-contracted	
Security Guard	GSA5	1
Security	Sub-contracted	
Driver	GSA1	2
TOTAL		17

The annual estimated staff cost is **\$932,119.12**. This excludes other cost such as staff benefits and initial recruitment cost.

15. **DECIDES** for cost effectiveness that Security service in these offices should be outsourced or be provided by the Host Country within the framework of the Host Agreement. There should be only one security post in the structure to serve as focal point with AUC Security;
16. **DECIDES** that cleaning services in these offices should be fully outsourced;
17. **DECIDES** that the implementation of the above structures should be phased and subject to budget availability;
18. **DECIDES** that the recruitment process should be undertaken in line with the new recruitment system developed by R10 experts;
19. **DECIDES** to take stock of progress in the implementation of the above mentioned structures after each implementation phase.

II. THE JOINT SITTING OF THE SUB-COMMITTEE ON GENERAL SUPERVISION AND COORDINATION ON BUDGETARY, FINANCIAL AND ADMINISTRATIVE MATTERS AND THE EXPERTS OF F15 - Doc: EX.CL/1177(XXXVI)v

20. **TAKES NOTE** of the Report of the Joint Sitting of the PRC Sub-Committee on General Supervision and Coordination on Administrative, Budgetary and Financial Matters, and the F15 Committee of Experts, and the PRC Report on the meeting held on 9 October 2019;
21. **TAKES NOTE** of the AUDA-NEPAD final budget submission to cover the gap and being the only Organ to comply with Executive Council Decision EX/CL.Dec1069(XXXV);
22. **TAKES NOTE** of the PRC recommendations on the Report of the Joint Sitting of the PRC Sub-Committee on General Supervision and Coordination on Administrative, Budgetary and Financial Matters, and the F15 Committee of Experts and **DECIDES** to re-allocate **182,000 USD** from the approved 2020 Programme Budget line of the Commission titled “4th Africa-India Summit and its preparatory activities” to the Budget line titled “5th Africa-Arab Summit Follow-up activities” to support all activities related to the 5th Africa-Arab Partnership bearing in mind that the Africa-India Summit will be held in 2021;
23. **APPROVES** total Supplementary Budget of **US\$43,819,886** for the African Union for the year 2019 of which **US\$7,776,374** is for Operational budget while **US\$36,043,512** is for Programmes (Table 1). This is further broken down as follows (Table 2):
 - A. **US\$15,236,629** is to come from Reserves Fund;
 - B. **US\$1,538,895** from the Maintenance Fund (OCC Wall Cladding and Passport Equipment);
 - C. **US\$17,785,186** from Partners;
 - D. **US\$600,000** from Voluntary Contribution to AUDA-NEPAD; and
 - E. **US\$8,659,176** is to be sourced from internal savings through reallocation.

Table 1: Supplementary Budget by Category

Organ	Operational Budget	Programmes Budget	Total
AUC ¹	5,380,060	32,457,794	37,837,854
APRM	2,036,708	2,985,718	5,022,426
PAP	40,000		40,000
AUDA-NEPAD	319,606	600,000	919,606
Grand Total	7,776,374	36,043,512	43,819,886

¹ Includes budget for ACDC US\$1,445,800 for Operational (all from Reserves) & US\$12,686,521 for Programmes (US\$1,000,000 from Reserves & US\$11,686,521 from Partners)

Table 2: Supplementary Budget by Source of Fund

Organ	AU Reserve Fund	Maintenance Fund	Partners	Voluntary contribution	Reallocation	Total
AUC	9,894,597	1,538,895	17,785,186		8,619,176	37,837,854
APRM	5,022,426					5,022,426
PAP					40,000	40,000
AUDA-NEPAD	319,606			600,000		919,606
Grand Total	15,236,629	1,538,895	17,785,186	600,000	8,659,176	43,819,886

24. ACKNOWLEDGES receipt of **US\$1,100,000** by AUDA-NEPAD as voluntary contribution from Member States and **COMMENDS** the Member States concerned for the support as follows:

- Cash contributions from South Africa **US\$500,000**
- Cash contributions from Rwanda **US\$100,000**
- In-kind contributions from South Africa **US\$ 500,000**

25. DIRECTS the Commission to defer the activities proposed under the Qatar Initiative until the Initiative is considered by the Sub-Committee on Refugees, Returnees and Internally Displaced Persons, and to report to the Executive Council through the PRC in February 2021;

26. REQUESTS the Commission through the Office of the Internal Audit to carry out a thorough review of all outstanding arrears and debts owed by AUDA-NEPAD and APRM and to report to the Executive Council through the PRC in February, 2021.

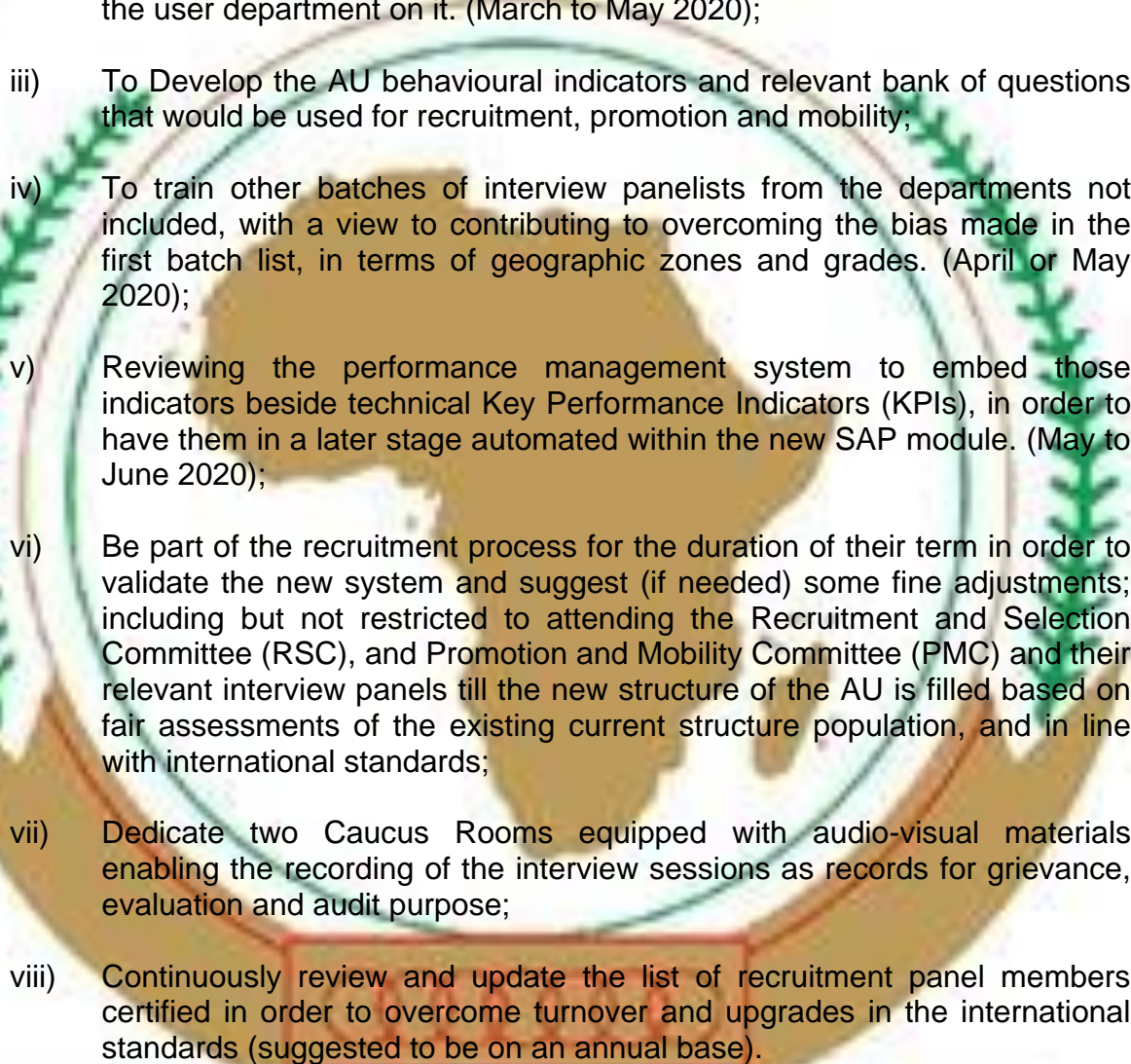
A. ON THE REPORT OF EXPERTS ON RECRUITMENT

27. RECALLS Executive Council Decision Ext/EX.CL/Dec.1(XX) and EX.CL/Dec.1057(XXXV), which requested the Commission to work with a group of ten (10) independent experts, two (2) from each of the AU Regions, to review and improve the AU Recruitment and Selection System;

28. TAKES NOTE with appreciation of the Report of the Recruitment Experts (R10);

29. DIRECTS the Commission to provide all the necessary support to facilitate the work of the independent experts on recruitment in line with the recommended revised work plan;

30. REQUESTS the Commission to fully implement the recommendations of the Recruitment Experts (R10) as contained in the revised work plan as follows:

- 
- i) To commence the application of the Competency Based Interviewing (CBI) method and its grading system, even in the presence of the APROB while allowing R10 members to attend as observers;
 - ii) To install and integrate the new SAP module “Success Factor” and train the user department on it. (March to May 2020);
 - iii) To Develop the AU behavioural indicators and relevant bank of questions that would be used for recruitment, promotion and mobility;
 - iv) To train other batches of interview panelists from the departments not included, with a view to contributing to overcoming the bias made in the first batch list, in terms of geographic zones and grades. (April or May 2020);
 - v) Reviewing the performance management system to embed those indicators beside technical Key Performance Indicators (KPIs), in order to have them in a later stage automated within the new SAP module. (May to June 2020);
 - vi) Be part of the recruitment process for the duration of their term in order to validate the new system and suggest (if needed) some fine adjustments; including but not restricted to attending the Recruitment and Selection Committee (RSC), and Promotion and Mobility Committee (PMC) and their relevant interview panels till the new structure of the AU is filled based on fair assessments of the existing current structure population, and in line with international standards;
 - vii) Dedicate two Caucus Rooms equipped with audio-visual materials enabling the recording of the interview sessions as records for grievance, evaluation and audit purpose;
 - viii) Continuously review and update the list of recruitment panel members certified in order to overcome turnover and upgrades in the international standards (suggested to be on an annual base).

31. REQUESTS the Recruitment Experts to evaluate all recent recruitments starting from January 2019;

32. DIRECTS the Commission to ensure involvement of the R10 in the migration process from the old structure to the new structure and to make sure that all the positions are occupied and provide a clear and comprehensive transition plan;

33. **FURTHER DIRECTS** the Commission to conduct by July 2020, a full audit of the AU SAP System and the reasons behind the delay in the installation of the SAP recruitment model which was purchased in 2012 and only installed in 2019;
34. **URGES** the Commission to work with the support of the R10, to correct, as a matter of priority, the glaring imbalance in the representation of Member States, in accordance with the quota system and the principle of equitable geographical representation within the African Union, and report regularly to the PRC on progress made;
35. **APPROVES** the extension of the R10 mandate from March to September 2020, including to provide recommendations aimed at addressing the imbalance in the representation of Member States, in accordance with the quota system.

B. ON PREFERENTIAL EXCHANGE RATES FOR GENEVA AND BRUSSELS OFFICES

36. **DIRECTS** the Commission to discontinue application of Preferential Exchange Rates for both the Geneva and Brussels Offices effective 1 March 2020;
37. **FURTHER DIRECTS** that the discontinuation of the Preferential Rates for both locations should take into consideration the local laws with respect to locally recruited GSB category staff, for which a special allowance should be presented for consideration of Policy Organs in July 2020.

C. ON AFRICAN PEER REVIEW MECHANISM (APRM)

38. **INSTRUCTS** the Commission to expedite the process of addressing all aspects related to the arrears of APRM State Parties and discuss with the Ministerial Committee on the Scale of Assessment on the modalities to secure the payments of these arrears.

D. ON THE 2019 MID-YEAR PROGRAM PERFORMANCE REVIEW

39. **EXPRESSES** concern about the low rates of execution and the absence of reports from some Departments as well as the poor quality of the reports.
40. **DIRECTS** the Commission to implement the following recommendations on improving the quality of future reports as follows:
 - i) The Commission should adopt the results-based performance management reporting where performance is measured against clear indicators and targets to achieve set objectives and goals. The approved plans should have indicators and targets to monitor performance both at mid-term and at the end of the year. The budget framework paper shall

be prepared bearing in mind and with emphasis on results-based planning;

- ii) The Commission should ensure that the methodology used to calculate the technical and financial execution rates are clarified in the report;
- iii) The Directorate in charge of strategic planning should have a continuous monitoring and evaluation mechanism for departments, offices and Organs, to examine and report on the individual achievements, challenges and reasons for poor performance with the view to enable the Joint Sitting to better understand individual departments' and Organs' constraints and propose necessary and timely interventions to improve performance including the application of appropriate sanctions where necessary;
- iv) The Commission should provide a report on savings possibilities per department, based on a review of their financial execution rates. Where there is poor financial execution, there should be a consideration for interdepartmental reallocation in case of requests for supplementary budgets and thus avoid resorting to the Reserve Fund. The Reserve Fund must be used only in exceptional circumstances;
- v) The mid-term performance report should be considered in August, before the supplementary budget can be considered. Further, the mid-term performance report should include the budget allocated to each department and Organ detailing the activities and related implementation calendars, a presentation that delinks the operational and programme budgets and the source of funds (Member State and or Partner);
- vi) The Accounting Officer shall serve the Controlling Officers of Organs and Directors of departments that fail to comply with reporting requirements for the mid-term performance review, with warning letters to caution and request for detailed explanations for non-compliance. Punitive measures shall be applied upon receipt of the third warning letter in accordance with the provisions of the Staff Rules and Regulations;
- vii) The Joint Sitting recalls with concern, the PRC meeting on the AU budget for 2019 held in Nouakchott, Mauritania, in July 2018, which was greatly affected by lack of proper documentation leading to a situation whereby the approved budget for the AU-CDC did not have an allocation for its operational budget and in this regard request the Commission to strictly adhere with timelines for distribution of documents to facilitate inter-governmental processes and meetings of Policy Organs.;
- viii) The Commission to undertake a comprehensive evaluation of all the arrears and debts of the APRM and NEPAD and to submit the Report, through the PRC, to the Executive Council in July 2020;

- ix) Budget allocation ceilings shall be the three year average budget execution of each department, Office and Organ.

E. ON THE AFRICAN CAPACITY BUILDING FOUNDATION (ACBF) ASSESSMENT

- 41. DECIDES** to implement a combination of option 2 and 3 out of the 8 options proposed regarding the AU support to ACBF, with an analysis of the conditionality that would be applied to the funding, as follows:

<i>Option 2 : Programmatic Support to AUC Departments and AU Organs</i>	<i>Funding based on joint-programming between ACBF and AUC Departments, Directorates and Organs to leverage on comparative advantages.</i>	<i>Funding on programmes to be implemented by ACBF will be reflected through the annual budgetary process as per Decision EX.CL/1020(XXXIII) of June 2018.</i>
<i>Option 3: Pass-through funds</i>	<i>Pass-through funds to ACBF from international and other development partners including voluntary Member States contributions.</i>	<i>Terms and conditions attached to the funds would be reviewed by Policy Organs as per Decision EX.CL/Dec.1069 (XXXV) of July 2019 to check for alignment with priority arrears of Agenda 2063.</i>

- 42. INSTRUCTS** the Commission to do an inventory of all the capacity building programmes and projects that have been budgeted for in the year 2020 within various departments and Organs and channel those to the ACBF;
- 43. FURTHER INSTRUCTS** the ACBF to provide a regular report to the AU Policy Organs; and **REQUESTS** the AU External Board of Auditors, in conformity with the relevant rules of the Union to carry out a posteriori external audit of the AU funded accounts of the ACBF;
- 44. DIRECTS** the Commission to be a full-time member of the Board of Governors and the Executive Board of the ACBF and **REQUESTS** ACBF to make necessary legal proceedings.

F. ON THE REVISED AU PENSION REGIME

- 45. TAKES NOTE** of the consultant's proposal for internal management of the AU Staff Pension Fund with the Secretariat of the AUSPF being financed by Member States within the current structure;

46. **EXPRESSES** concern regarding the unavailability of competent staff to manage internally the pension regime with the support of the AU Staff Association;

47. **FURTHER EXPRESSES** concern on the need for more time for Policy Organs to assess the risks associated to the various proposed options and **DEFERS** the consideration of the Report by the PRC for July 2020.

G. ON THE AFRICAN UNION FUND FOR AFRICAN WOMEN

48. **INSTRUCTS** the Commission to establish a mechanism to properly manage the African Women Fund and submit credible Financial Report in February, 2021.

H. ON THE SUPPLEMENTARY BUDGET FOR THE 2020 FINANCIAL YEAR

49. **TAKES NOTE** of the Report of the Joint Sitting of the PRC Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters, Sub-Committee on Programmes and Conferences and the F15 Committee of Experts;

50. **ACKNOWLEDGES** a total supplementary budget request of **US\$32,180,343** in reference to Article 17 (1) of the Financial Rules and Regulations subsection “b” and “c” which requires the submission in line with the following criteria:

- i) Urgent activities which could not have been foreseen at the time of submission of the initial budget;
- ii) In respect of special decisions taken by the Policy Organs of the Union.

51. **APPROVES** total supplementary budget request of **US\$32,180,343** for the year 2020 of which **US\$2,200,982** is for Operational budget (Table 1) while **US\$29,979,361** is for Programmes (Table 2).

Table 1: Operational Supplementary Budget Request

Organ	Amount (USD)	Decision/Justification	Fund
AUC	401,760	AHRM - Experts on Recruitment (R10)	AU Reserve Fund
AUC	180,000	Additional cost of running the upcoming 2020 Summit	AU Reserve Fund
STATAFRIC	1,619,222	EX.CL/Dec.1057 (XXXV) for Operationalization of STATAFRIC office in Tunis.	AU Reserve Fund
Grand Total	2,200,982		

Table 2: Programme Supplementary Budget Request

Organ	Amount (USD)	Decision/Justification	Fund
AUC-PSC	17,927,173	PSC/PR/COMM (DCCCXXVI) during its 898th Meeting held on 28th November 2019 in Addis Ababa, Ethiopia, under Article 7 of the Protocol relating to the establishment of the Peace and Security Council, clause 1, 6 and 7. To support to the Multiple National Joint Task Force (MNJTF) of the Lake Chad Basin Commission	Partners (European Union)
AUC-PSC	6,526,400	Support Funds for the African Standby Force Command, Control, Communication and Information Systems Project. The African Union Commission signed the Contract on 8th March 2019 and Denel Ltd counter-signed the Contract on 20th September 2019	Partners (European Union)
AUC-PSC	1,615,788	Support to the deployment of Special Mixed Security Units (USMS) in Central Africa Republic. PSC Decision refer. PSC/PR/BR.2 (DCCXCIV) during its 794th Meeting held on 19th September 2018 in Addis Ababa Ethiopia, PSC Decision refer. PSC/MIN/COMM (DCCCXXVI) COMMUNIQUÉ during its 826th Meeting held on 9th February 2019 in Addis Ababa, Ethiopia and PSC Decision refer. PSC/PR/COMM.1 (DCCXLIVIII) COMMUNIQUÉ during its 848th Meeting held on 9th May 2019 in Addis Ababa, Ethiopia	Partners (European Union)
AUDA-NEPAD	1,630,000	To support the completion of the PIDA PAP II Process in 2020	Partners (European Union)
AUDA-NEPAD	2,280,000	Support the deployment of AUDA-NEPAD 100,000 SMEs programme in 2020	Partners (World Bank)
Grand Total	29,979,361		

52. EXPRESSES concern on the implication of the supplementary budget on the overall 2020 budget as follows:

Budget Category	Initial Approved Budget (EX. CL/Dec.1069(XXXV))	Supplementary Budget	Total Budget	% Increase
	Amount (USD)	Amount (USD)	Amount (USD)	
Operational	157,264,330	2,200,982	159,465,312	1.4%
Programme	216,993,599	3,910,000	220,903,599	1.8%
Peace Support Operation	273,121,512	26,069,361	299,190,873	9.5%
Grand Total	647,379,441	32,180,343	679,559,784	5.0%

53. **DIRECTS** the Commission to expedite action to relocate the existing staff in statistics to their permanent office in Tunis in compliance with Assembly Decision Assembly/AU/462(XX);
54. **ALSO DIRECTS** the Commission to adhere to the cap stipulated in Assembly Decision 733 regarding the Member States' contribution to the AU budget of 2020;
55. **APPROVES** the payment of the compensation to Mr. Moctar Yedali as per the decision of the Administrative Tribunal, **EXPRESSES** concern and **DIRECTS** the Commission to conduct an investigation, through Internal Audit and OLC, to hold the persons involved in the case of Moctar accountable for mismanagement, and failure to represent the Commission before the Tribunal and decision-making, causing a loss to the Organization.

I. ON THE 2021 BUDGET FRAMEWORK PAPER

56. **ACKNOWLEDGES** the time constraints faced by the Commission and the Permanent Representatives' Committee (PRC) to consider the Draft 2021 Budget Framework Paper;
57. **MANDATES** the PRC to review and approve the Draft 2021 Budget Framework Paper immediately after the 33rd Ordinary Session of the Assembly of February 2020;
58. **REQUESTS** the Commission to report on the implementation of this Decision at the 37th Ordinary Session of the Executive Council in June/July 2020.

III. THE SUB-COMMITTEE ON AUDIT MATTERS – Doc. EX.CL/1177(XXXVI)vi

A. ON THE TERMS OF REFERENCE (TOR) FOR FORENSIC AND PERFORMANCE AUDIT OF THE AUC

59. **RECALLS** Executive Council Decision EX.CL/Dec.1057(XXXV) on the forensic audit and **COMMENDS** the PRC Sub-Committee on Audit Matters for coordinating the engagement of the Independent Forensic Audit Firm;
60. **EXPRESSES** concern about the non-adherence of the Commission with the deadline stipulated in Decision EX.CL/Dec.1057(XXXV) to finalize the forensic and performance audit by February 2020;
61. **DIRECTS** the Commission to ensure that the audit is expedited and the Report thereof be presented, after the review of the BoEA, to the PRC through the Sub-Committee on Audit Matters by 31 May 2020.

B. ON THE AHRM REPORT ON STOPPING OF DOUBLE PAYMENTS OF HOUSING ALLOWANCES

62. **TAKES NOTE** of the action taken by the Commission to stop the payment of double housing allowance in August 2019.
63. **DIRECTS** the Commission to:
- a) Ensure that all management responses on concerns of Member States on financial issues that are presented to the Member States are validated by the Office of Internal Audit;
 - b) Impose sanctions on the staff members who do not follow the AU Rules and Regulations as well as any directives passed to enhance internal control systems, including those staff who have not submitted their declarations of spouses and other family relations working for the AU. The sanctions may include barring the concerned staff from undertaking missions, blocking step increments or promotions and blocking payments of any arrears during the period of non-compliance, in accordance with the Staff Rules and Regulations, and the Financial Rules and Regulations;
 - c) Work out by March 2020 modalities of recovery from the staff members who received double payment of the allowances, including those who left the Organisation, where feasible, and report to the Sub-Committee on Audit Matters;
 - d) Report every quarter to the Sub-Committee on Audit Matters on the measures taken against the staff who violate the AU Rules and Regulations.

C. ON THE INTERNAL AUDIT REPORTS ON BUDGET PERFORMANCE FOR THE PERIOD JANUARY TO JUNE 2019, AND REVITALIZED PEACE FUND FOR THE PERIOD MARCH 2018 – APRIL 2019

64. **DIRECTS** the Commission to:

- i) Impose sanctions on the staff members who did not adhere to the AU Financial Rules and Regulations relating to budget execution, including staff members who authorized and processed payments of USD 1,687,761.32 from the Ecobank Peace Fund account as this could not be classified as a human error, and report to the June/July 2020 Session of the Executive Council on actions taken;
- ii) Enhance the planning process on operation budget for costs that cannot be avoided, by submitting detailed information on the estimated costs using the actual costs requirements;
- iii) Strengthening the Certification (Financial Control) Unit and the Section dealing with Reconciliations so as to ensure detection of errors made in processing payments before any damage is done, and avoid the recurrence of the similar weaknesses in the future.

D. ON THE PBFA REPORT ON SPECIAL FUNDS ACCOUNTS

65. DIRECTS the Commission to:

- i) Prepare a detailed analysis on all special funds including those that have been dormant for over five years based on the achievement of objectives in consultation with the relevant departments before closing them to determine if they are no longer relevant, and have it audited by the Office of Internal Audit and submit it to the Sub-Committee on Audit Matters for consideration by 31 May 2020;
- ii) Abide by the relevant Executive Council Decisions in allocating funds to all special funds using the respective percentages on the contributions received from Member States yearly in line with annual budgets, taking into consideration the discontinuation of financing the 1993 AU Peace Fund;
- iii) Ensure that balances in the bank accounts are aligned and reflect balances in the general ledger of Special Funds, and report to the Sub-Committee on Audit Matters periodically.

E. ON THE REPORT OF THE MATRIX ON IMPLEMENTATION OF THE AUDIT RECOMMENDATIONS (FROM INTERNAL AND EXTERNAL AUDITS)

66. DIRECTS the Commission to:

- i) Ensure that the Office of Internal Audit (OIA) prepares separate matrix of long outstanding audit recommendations with clear reasons for non-implementation;
- ii) Ensure that the Office of Internal Audit continues monitoring the implementation of all the audit recommendations and submit the results thereof to the Sub-Committee on Audit Matters for consideration;
- iii) Ensure that the release of the 2020 budget of the Commission, of the other bodies and institutions of the AU will depend on the rate of execution of the Audit recommendations.

F. ON THE DRAFT REPORT ON IMPLEMENTATION OF ENTERPRISE RISK MANAGEMENT (ERM) WITHIN AFRICAN UNION

- 67. **COMMENDS** the Commission for the adoption of the ERM Policy, and regrets the delay in its implementation;
- 68. **CALLS UPON** the Commission to fast-track the operationalization and implementation of the risk management policy, bearing in mind the ongoing reform of the AU;
- 69. **ALSO CALLS UPON** the Commission to make regular updates to the PRC Sub-Committee on Audit Matters on the operationalization of the ERM in the AU;
- 70. **REQUESTS** the Commission to organize a retreat for the members of the PRC Sub-Committee on Audit matters in particular on Enterprise Risk Management so as to enhance their oversight role.

G. ON THE THE REPORT OF THE AU COMMISSION ON CONSEQUENCE MANAGEMENT AND THE OVERSIGHT ROLE OF THE CHAIRPERSON OF THE AU COMMISSION WITHIN THE UNION ON THE FUNCTIONING OF OTHER AU ORGANS

- 71. **TAKES NOTE** of the Report of the Chairperson on the implementation of the Council Decision EX.CL./DEC. 1057 (XXXV) paragraph 40 adopted by the Thirty Fifth (35th) Ordinary Session of the Executive Council held in Niamey, Niger in July 2019;
- 72. **ALSO TAKES NOTE** of the sanctions taken against staff found guilty of irregularities and violations of AU Rules and Regulations, after having followed due process;
- 73. **REQUESTS** the Commission to provide legal guidance to all AU Organs and Institutions regarding the financial and administrative statutory oversight authority of the Chairperson of the Commission over all non-Policy Organs and Institutions

of the Union, including the Pan-African Parliament, African Court on Human and Peoples' Rights, the African Commission on Human and Peoples Rights and their elected officials;

74. **DIRECTS** the Commission to expedite the process of addressing pending cases following due process, and report to the Sub-Committee on Audit Matters by May 2020;
75. **DIRECTS** the Office of the Legal Counsel to examine the Legal Instruments and Rules of Procedures of the AU Organs and identify areas of incoherence or conflict with other AU Legal Instruments, and advise AU Policy Organs on amendments, as appropriate, and report to the 37th Ordinary Session of the Executive Council in July 2020;
76. **REQUESTS** the Commission to present a Report by July 2020 on the operationalization of the Court of Justice of the Union which is mandated to consider appeals from the AU Administrative Tribunal, as well as the establishment of an interim appeals mechanism;
77. **ALSO REQUESTS** the Commission to report on the implementation of this Decision during the Ordinary Session of the Executive Council in June/July 2020.

IV. **THE SUB-COMMITTEE ON MULTILATERAL COOPERATION – Doc. EX.CL/1177(XXXVI)vii**

A. **ON GENERAL ISSUES**

78. **REQUESTS** the PRC, in close collaboration with the Commission and African Union Development Agency/NEPAD (AUDA-NEPAD), to work together in mapping out all AU Partnerships and engagements in line with AU Agenda 2063 and its flagship projects;
79. **ALSO REQUESTS** the PRC, together with the Commission, AUDA-NEPAD, Regional Economic Communities (RECs) in consultation with the African Diplomatic Corps (ADC) in the partner countries and the Partner involved, to define practical arrangements for planning, monitoring, evaluation and coordination, for effective implementation of Partnership projects;
80. **FURTHER REQUESTS** the PRC to take full account in their interaction with Partners, of the principles of reciprocity and mutually balanced benefits in a spirit of win-win partnership, taking into account the views of the Group of African Ambassadors accredited to Partner countries;
81. **INSTRUCTS** the PRC to ensure that each Partnership Summit adopts a Declaration and an Action Plan and that preparatory processes for any Statutory Partnership meeting begins three (3) months in advance of the meeting date;

82. **REQUESTS** the PRC, in close collaboration with the Commission, to develop a Partnership Strategy and Policy Framework document to be considered by the Thirty Eighth Ordinary Session of the Executive Council in February 2021;
83. **REQUESTS** the PRC to undertake an urgent updated and comprehensive review to each of the existing partnerships with single countries with a view to assess their effective contributions and added value, and to report to the Executive Council at its 38th Ordinary Session in 2021.
84. **REAFFIRMS** its Decision EX.CL/Dec.899²(XXVIII)Rev.2 of January 2016 (paragraph 20) and emphasizes the decision to organize two (2) Partnership Summits per year;
85. **DIRECTS** the Commission and other Organs of the Union to regularly report to the PRC on all Commission-led Cooperation with external Partners as related to Memorandum of Understandings, Agreements, Dialogues, etc., before and after its engagements in order to promote transparency and to ensure that interests of Member States are covered;
86. **RECALLS** its Decisions EX.CL/Dec.942 (XXX) of January 2017 and EX.CL/Dec. 986(XXXII)Rev.1 of January 2018, which call for the strengthening of the institutional capacity of the Partnerships Management and Coordination Division (PMCD) and **DECIDES** that PMCD should be allocated with the requisite staffing to carry out its important mandate.

B. ON REPRESENTATION IN PARTNERSHIPS STATUTORY MEETINGS

87. **RECALLS** Executive Council Decision EX.CL/Dec.1057(XXXIV) of July 2019 on AU representation in partnership meetings, which **DECIDED** to refer the item back to the PRC Sub-Committee on Multilateral Cooperation for further consideration with a view to reaching consensus regarding this issue, and Assembly Decision Assembly/AU/Dec.635(XXVIII), Paragraph 5) c) v), taken in January 2017, which states that: “Partnership Summits convened by external parties shall be reviewed with a view to providing an effective framework for African Union partnerships. Africa will be represented by the Troika, (namely the current, incoming and outgoing Chairpersons of the African Union), the Chairperson of the AU Commission, and the Chairpersons of the Regional Economic Communities (RECs) as well as the Chairperson of the NEPAD”, and

²Decision No.: EX.CL/Dec.899 (XXVIII) Rev.2 of January 2016 (paragraph 20): “APPROVES a five (5) year cycle and to organize two (2) partnership meetings per year as from 2017 for all Strategic Partnerships and REQUESTS 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”

Executive Council Decision EX.CL/Dec.877(XXVII) (Paragraph 10), taken in June 2015, which “Reaffirms the right of all AU Member States to participate without discrimination in all meetings, activities and events organized within the framework of the partnership in which the AU is a stakeholder”;

88. **REAFFIRMS** the right of all AU Member States to participate in Statutory Meetings, related to partnerships between the African Union/African Continent and another Continent or Regional Organization;
89. **DECIDES** that African Union/African Continent shall be represented at the Statutory Meetings of partnership between the African Union/African Continent and a partner country by the Members of the Bureau of the Assembly of the Union, the Chairpersons of Regional Economic Communities (RECs), the Chairperson of the Heads of State and Government Orientation Committee (HSGOC) of AUDA-NEPAD and the Chairperson of the AU Commission;
90. **FURTHER DECIDES** that the internal preparatory process of the Statutory Meetings between the African Union/African Continent and a partner country shall be inclusive with the participation of all AU Member States;
91. **REQUESTS** the PRC in collaboration with the Commission to define the mandate for representatives in Statutory Meetings between African Union/African Continent and a partner country, for consideration by the Executive Council, in June/July 2020.

C. ON THE HOST COUNTRIES OF PARTNERSHIPS SUMMITS AND EVENTS

92. **COMMENDS** all Member States who offered to host Partnership Meetings and Events;
93. **RECOMMENDS** the offer made by the Islamic Republic of Mauritania to host the 4th Africa-India Summit for endorsement by the Assembly and **RECOMMENDS** to the latter to approve the request by the Islamic Republic of Mauritania to postpone the Summit till 2021;
94. **APPROVES** the selection of the Republic of Rwanda as Host Country for the 2nd AU-EU Ministerial Meeting, to be held in the first quarter of 2020;
95. **ALSO APPROVES** the selection of the Republic of Togo as Host Country for the 8th Edition of the Africa-Arab Partnership Trade Fair, to be held in 2020;
96. **RECOMMENDS** the offer made by the Republic of Tunisia to host the TICAD 8 Summit to be held in 2022 for endorsement by the Assembly;

97. **REAFFIRMS** its Decision EX.CL/Dec.877(XXVII), paragraph 11(iii) of June 2015, which requests the Commission to adopt a mechanism for the application of the principle of rotation in hosting Partnership Summits and ensure that there are no overlaps;
98. **RECOMMENDS** to the Assembly to encourage Partners or designated host countries to ensure that statutory preparatory meetings (Senior Officials and Ministerial) are held at the same venue and immediately precede respective Partnerships Summits as per Executive Council Decision EX.CL/Dec.899 (XXVIII), paragraph 19, Rev.2 of January 2016;
99. **REQUESTS** the PRC to work closely with the Commission to finalize the criteria for hosting Partnership Meetings and Events for submission to the Thirty Seventh Ordinary Session of the Executive Council in July 2020.

D. ON THE PROJECT FOR THE ESTABLISHMENT OF AN AFRICA – INDIA BUSINESS CENTRE IN INDIA

100. **ENCOURAGES** the African and Indian Private Sectors to work together to achieve the objectives of the Africa-India Partnership and **WELCOMES** the initiative for the establishment of an Africa-India Business Centre in Mumbai, India.

E. AU-EU PARTNERSHIP

101. **REQUESTS** the PRC in close collaboration with the Commission, the Republic of Rwanda and the European Union (EU), to agree on the dates for the 2nd AU-EU Ministerial Meeting and commence preparations as soon as possible;
102. **ALSO REQUESTS** the PRC in close collaboration with the Commission to work closely with the European Union for timely preparations for the 6th AU-EU Summit, to be held in 2020 in Europe.

F. AFRICA – ARAB PARTNERSHIP

103. **TAKES NOTE** of the postponement of the 5th Africa-Arab Summit and the proposal by the League of Arab States to hold it on 16 March 2020;
104. **RECOMMENDS** the holding of the 5th Africa-Arab Summit on a mutually agreed date in 2020, and to be preceded by the preparatory Senior Officials and Ministerial Meetings, respectively, in line with Executive Council Decision EX.CL/Dec.899(XXVIII)Rev.2, paragraph 20³ of January 2016;

³Decision No.: EX.CL/Dec.899 (XXVIII) Rev.2 of January 2016 (paragraph 20): “APPROVES a five (5) year cycle and to organize two (2) partnership meetings per year as from 2017 for all Strategic Partnerships and REQUESTS the Commission to adopt its gradual implementation taking into...

105. **TAKES NOTE** of the launch of the preparatory process and **FURTHER REQUESTS** the PRC in close collaboration with the Commission and the General Secretariat of the League of Arab States to develop the working documents of the 5th Africa-Arab Summit and to adopt the Draft Joint Africa-Arab Partnership Action Plan and its Financing mechanism for consideration by the 5th Africa-Arab Summit.

G. TOKYO INTERNATIONAL CONFERENCE ON AFRICAN DEVELOPMENT (TICAD)

106. **WELCOMES** the successful hosting and the outcomes of the TICAD 7 Summit;
107. **REQUESTS** the PRC in close collaboration with the African Diplomatic Corps (ADC) in Tokyo and the Commission, to follow up on the implementation of the TICAD 7 Action Plan as it relates to the three (3) agreed upon priority areas, which are in line with AU Agenda 2063 and to report on progress-made in February 2021.

H. AFRICA-TURKEY PARTNERSHIP

108. **TAKES NOTE** of the postponement by Turkey of the 3rd Africa-Turkey Summit from 2019 to 2020, as well as its proposal to hold the Summit on 20 April 2020, in Istanbul, Turkey;
109. **DECIDES** in close collaboration with the Commission and Turkey to propose new dates, starting in 2021, for the holding of the 3rd Africa-Turkey Summit, in line with Executive Council Decision EX.CL/Dec.899 (XXVIII) Rev.2, paragraph 20⁴ of January 2016.

I. FORUM ON CHINA-AFRICA COOPERATION(FOCAC)

110. **REQUESTS** the PRC in close collaboration with the Commission and the African Diplomatic Corps in Beijing, China, to follow-up with China on the implementation of the FOCAC Beijing Action Plan 2019-2021 concerning continental and Regional projects and to report on the progress made.

J. AFRICA – INDIA PARTNERSHIP

⁴Decision EX.CL/Dec.899 (XXVIII) Rev.2 of January 2016 (paragraph 20): “APPROVES a five (5) year cycle and to organize two (2) partnership meetings per year as from 2017 for all Strategic Partnerships and REQUESTS 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

111. **TAKES NOTE** of the request of the Islamic Republic of Mauritania to postpone the 4th Africa-India Summit to 2021 and **RECOMMENDS** to the Assembly to approve its request;
112. **REQUESTS** the PRC in close collaboration with the Commission, India and the Islamic Republic of Mauritania to propose suitable dates for the 4th Summit, in 2021, and to commence preparations for the Summit in cooperation with the African diplomatic corps in New Delhi.

V. THE SUB-COMMITTEE ON HUMAN RIGHTS, DEMOCRACY AND GOVERNANCE - Doc: EX.CL/1177(XXXVI)ix

113. **RECALLS** Executive Council Decision **EX.CL/Dec.1045(XXXIV)**, which reiterated the need to urgently and fully operationalize the PRC Sub-Committee on Human Rights, Democracy and Governance;
114. **TAKES NOTE** of the Report of the Sub-Committee on Human Rights, Democracy and Governance;
115. **COMMENDS** the PRC for the operationalization of the PRC Sub-Committee on Human Rights, Democracy and Governance (HRDG) on 18 October 2019 in Addis Ababa, Ethiopia;
116. **RECOGNIZES** the importance of the Sub-Committee in the promotion of Human Rights Democracy and Governance within the framework of the African Governance Architecture (AGA);
117. **REQUESTS** the Commission to provide the necessary support to the Sub-Committee to deliver on its mandate.

VI. THE PRC SUB-COMMITTEE ON NEPAD

118. **TAKES NOTE** of the Report of the Sub-Committee on NEPAD;
119. **REQUESTS** AUDA-NEPAD to continue consultations on the pooling of the Funds from the partners and voluntary contribution by Member States for the implementation of Agenda 2063 and its flagship projects;
120. **RECOGNISES** the expanded mandate of AUDA-NEPAD and in this regard **REMINDS** AUDA-NEPAD that it can submit to the relevant AU structure detailed and itemised programme and project proposals as a supplementary budget for 2020;
121. **ALSO REQUESTS** the Commission to undertake and conclude the recruitment of the new CEO of AUDA-NEPAD by 31 December 2020. The Commission

should communicate the Terms of Reference (TOR), timelines and the details of the recruitment process to the Member States;

122. **RECOMMENDS** the extension of the term of the current CEO of AUDA-NEPAD until the appointment of the new CEO.

VII. THE SUB-COMMITTEE ON RULES, STANDARDS AND CREDENTIALS

123. **TAKES NOTE** of the Report of the Sub-Committee on Rules, Standards and Credentials, as well as the PRC recommendations on the Report, and **DECIDES** to adopt a standalone decision on the realignment of the legal instruments.
124. **TAKES NOTE WITH APPRECIATION** of Nouakchott declaration issued by religious leaders from all African countries, which reaffirmed the importance of distinction between terrorism and violence preached by extremist armed groups and the noble message of the Islamic religion, and invited our countries to support religious tolerance and coexistence between individuals and peoples based on universal human and African values.



DECISION ON THE REPORTS OF THE SPECIALISED TECHNICAL COMMITTEES (STCs) AND OTHER MINISTERIAL MEETINGS

The Executive Council,

1. **TAKES NOTE** of the Reports of the Specialized Technical Committees (STCs) and other Ministerial Meetings;
2. **RECALLS** Decision EX.CL/Dec.1032(XXXIV), adopted at the 34th Ordinary Session of the Executive Council, held in Addis Ababa, Ethiopia, in February 2019, regarding the moratorium on the creation of new bodies and offices;
3. **STRESSES** that the following Decisions should not bear any financial, legal and structural implications to the AU;
4. **REQUESTS** that all STCs adopt their Reports at the end of their meetings.

REPORTS OF THE SPECIALISED TECHNICAL COMMITTEES (STCs)

- I. **THE 3RD ORDINARY SESSION OF THE SPECIALIZED TECHNICAL COMMITTEE ON HEALTH, POPULATION AND DRUG CONTROL, CAIRO, EGYPT, 29 JULY TO 2 AUGUST 2019 - Doc: EX.CL/1178(XXXVI)**

5. **COMMENDS**

- i) The Ministers responsible for Health, Population and Drug Control for the successful holding of the Third Ordinary Session of their Specialized Technical Committee and achieving notable outcomes in the areas of health financing, universal health coverage, population and drug control in Africa;
- ii) The Government and people of the Arab Republic of Egypt for the generous hosting of the Third Ordinary Session of the AU Specialized Technical Committee (STC) on Health, Population and Drug Control.

6. **WELCOMES** the commitment of the STC on Health, Population and Drug Control to the implementation of Decision Assembly/AU/Dec.735(XXXII), and **FURTHER WELCOMES**, the progress that has been made in the signing of the Treaty for the Establishment of the African Medicine Agency (AMA) by eleven AU Member States and ratification by one and urges all Member States to sign and ratify the Treaty to enable it to come into force; and **ENCOURAGES** the Commission to report on progress to the Thirty-Seventh Ordinary Session of the Executive Council in July 2020;

7. **TAKES NOTE** of the Report and the recommendations of the Third Ordinary Session of the AU Specialized Technical Committee (STC) on Health, Population and Drug Control;

8. **ADOPTS** without financial, legal and structural implications:

- i) The Accountability Framework for the Africa Health Strategies;
- ii) The Revised African Union Plan of Action on Drug Control and Crime Prevention (2019-2023).

9. **RECOMMENDS** the African Common Position on Antimicrobial Resistance and the Cairo Declaration on Viral Hepatitis in Africa for adoption by the Assembly.

II. **THE 3RD ORDINARY SESSION OF THE SPECIALIZED TECHNICAL COMMITTEE ON COMMUNICATION AND ICT, SHARM EL SHEIKH, EGYPT, 25-26 OCTOBER 2019 - Doc. EX.CL/1180(XXXVI)**

10. **TAKES NOTE** of the Report of the Third Ordinary Session of the Specialized Technical Committee on Communication and Information and Communication Technologies (**STC-CICT-3**) held in Sharm El Sheikh, Arab Republic of Egypt, from 25 to 26 October 2019 and the 2019 Sharm El Sheikh Declaration;

11. **COMMENDS** the Ministers responsible for Communication, Information and Communication Technology and Postal Services for the successful holding of the Third Meeting of their Specialised Technical Committee (STC) and achieving notable outcomes for the development of the Communication, Information and Communication Technology and Postal Services sectors in Africa;

12. **ENDORSES** the Digital Transformation Strategy for Africa (DTS) that will contribute to harness digital technologies and innovation to transform African societies and economies to promote Africa's integration, generate inclusive economic growth, stimulate job creation, break the digital divide, and eradicate poverty for the continent's socio-economic development and ensure Africa's ownership of modern tools of digital management;

13. **REQUESTS** the Commission to undertake the following among others:

- (i) Mobilize the necessary resources to implement the Comprehensive Digital Transformation Strategy for Africa and develop the matrix for the implementation of the Strategy;
- (ii) To promote the strategy at all AU relevant activities including the STCs;
- (iii) Develop sectoral implementation strategies/plans of the DTS including those critical ones already identified namely (a) Digital Industry, (b) Digital Trade, (c) Financial Services, (d) Digital Governance, (e) Digital Education, (f) Digital Health and (g) Digital Agriculture in order to have

comprehensive DTS for the Continent;

14. FURTHER REQUESTS the Commission to:

- (i) Develop guidelines on Privacy, Over The Top services (OTT), a continental framework on data policy and a road map and guidelines for spectrum harmonization and deployment for current and future mobile and wireless broadband networks such as International Mobile Telecommunications (IMT) 2020 /5G;
- (ii) Dedicate appropriate resources for the implementation of a comprehensive Cybersecurity program which includes assistance to the AU Member States to adopt cyber strategies, Cyber legislation and establishment of CIRTs/CERTs;
- (iii) Submit a report on Audit of the common assets of the Pan African e-Network with financial implications before applying the recommendation of the relevant Ministers to transfer its assets to RASCOM;
- (iv) Ensure that the Brand and Communication Style Guide and the Communication Policies and Procedures are instituted within the Organization.

- 15. CALLS UPON** the African Development Bank (AfDB), United Nations Economic Commission for Africa (UNECA) and other Development Partners to support the implementation of the DTS.

III. THE THIRD SPECIALIZED TECHNICAL COMMITTEE ON MIGRATION, REFUGEES AND IDPS, ADDIS ABABA, ETHIOPIA - Doc: EX.CL/1182(XXXVI)

- 16. TAKES NOTE** of the Report of the Third Ordinary Session of the STC on Migration, Refugees and IDPs held from 7 to 8 November 2019 in Addis Ababa, Ethiopia under the theme of the year: ***“Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa”***;

- 17. EXPRESSES** satisfaction on the activities undertaken in the implementation of the Theme of the Year and appreciates the sterling leadership of the Champion of the 2019 Theme of the Year, **H.E. Teodoro Obiang Nguema Mbasogo**, President of the Republic of Equatorial Guinea;

- 18. IMPLORES** all AU Member States that have not yet done so to sign, ratify domesticate and implement the 1969 OAU Convention Governing the Specific Aspects of Refugees Problems in Africa and the 2009 AU Convention on the Protection and Assistance to Internally Displaced Persons in Africa (The Kampala Convention);

- 19. WELCOMES** the progress made by the Commission and the Government of the Republic of Mali, the Kingdom of Morocco and the Government of Sudan towards

the establishment and operationalization of the African Centre for the Study and Research on Migration, the African Migration Observatory, and the Continental Operational Centre in Khartoum respectively as Specialised Technical Offices of the Commission, and **TAKES NOTE** of their Draft Statutes;

20. **URGES** the Commission to continue its collaboration with the Government of Mali, the Kingdom of Morocco and the Government of Sudan and other relevant Organs to operationalize the three (3) Specialised Technical Offices on migration;
21. **REQUESTS** the Department of Political Affairs to work closely with the Department of Peace and Security towards implementing the Theme of 2020, “Silencing the Guns: Creating Conducive Conditions for Socio-Economic Development” given that part of the root causes for forced displacement are conflicts;
22. **ALSO REQUESTS** the Commission to identify the impediments and bottlenecks to the ratification of the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Rights of Establishment without financial cost with a view to expedite ratification in order for the said protocol to enter into force;
23. **TAKES NOTE** of the proposal of the STC for the Chairperson of the Union to appoint a Head of State and/or Government as a Champion to promote the signature, ratification and implementation of the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment;
24. **REAFFIRMS** the need for the expeditious operationalization of the African Humanitarian Agency to respond to the humanitarian challenges on the Continent, and **REQUESTS** the Commission to report about progress achieved to the upcoming 37th Ordinary Session of the Executive Council;
25. **REQUESTS** the Commission to expedite the validation of the feasibility study on the African Humanitarian Agency with full involvement of Member States and RECs, submit proposals in relation to the structure and budget for consideration by the PRC, and develop the Draft Statute for the Agency;
26. **APPROVES** the organization of an Extraordinary Session of the STC on Migration, Refugees and Internally Displaced Persons in March/April 2020 to consider:
 - i) The Draft Statute for the African Humanitarian Agency before its submission to the Extraordinary Session of the STC on Justice and Legal Affairs and the 37th Ordinary Session of the Executive Council in June/July 2020;

- ii) The Draft Plan of Action on the implementation of the Global Compact on Safe, Orderly and Regular Migration; and
- iii) The Draft Rules of Procedure of the STC on Migration, Refugees and IDPs before its submission to the Extraordinary Session of the STC on Justice and Legal Affairs and the 37th Ordinary Session of the Executive Council of June/July 2020.

27. ADOPTS without any financial or structural implications the Terms of Reference of the Pan African Forum on Migration (PAFOM) and the new frequency of the meeting of the PAFOM to be annually for Senior Officials and every two years for the Ministers; to take effect in 2022 after the 2020 forum in Senegal and 2021 forum in Rwanda.

IV. THE FIFTH ORDINARY SESSION OF THE SPECIALIZED TECHNICAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS - Doc. EX.CL/1183(XXXVI)

28. TAKES NOTE of the Report and Recommendations of the Fifth Ordinary Session of the Specialized Technical Committee on Justice and Legal Affairs held in Addis Ababa, Ethiopia from 14 to 22 November 2019;

29. ALSO TAKES NOTE of the following Draft Legal Instruments and **DECIDES** to recommend the same to the Assembly for consideration and adoption⁵:

- i) *Draft Statute of the African Peer Review Mechanism;*
- ii) *Draft Rules of Procedure of the Heads of State and Government of Participating States of the African Peer Review Mechanism;*
- iii) *Draft Revised Protocol on Relations between the AU and Regional Economic Communities (RECs);*
- iv) *Draft Rules of Procedures of the Mid-Year Coordination Meeting between AU and Regional Economic Communities (RECs);*
- v) *Draft Statute for the Establishment of African Centre for the Study and Research on Migration;*
- vi) *Draft Statute for the Establishment of African Migration Observatory;*
- vii) *Draft Statute for the Establishment of Continental Operational Centre in Sudan for Combating Irregular Migration.*

30. APPROVES the following Draft Legal Instruments:

⁵ The Kingdom of Morocco entered reservations against the following Common Articles: Article 7 of the Draft Statute for the Establishment of African Centre for the Study and Research on Migration; Article 8 Draft Statute for the Establishment of African Migration Observatory; and Article 8 of the Draft Statute for the Establishment of Continental Operational Centre in Khartoum. The reservations relate to the two term of office of the Board Members of the Migration Institutions. The Kingdom of Morocco preferred to retain the five year term as adopted by the STC on Migration, Refugees and Internally Displaced Persons.

- i) *Draft Rules of Procedure of the Specialized Technical Committee on Defense, Safety and Security;*
- ii) *Draft Rules of Procedure of the African Peer Review Mechanism Panel of Eminent Persons;*
- iii) *Draft Rules of Procedure of the African Peer Review Mechanism Committee of Focal Points;*
- iv) *Draft Rules of Procedure of the African Peer Review Mechanism Secretariat.*

31. **APPROVES** the proposal of the STC on Justice and Legal Affairs to hold an Extraordinary Session before the 37th Ordinary Session of the Executive Council, to consider the following; Draft Legal Instruments that were deferred from the 5th Ordinary Session of the STC, subject to completion of the validation processes:

- i) *Model Law on Protection of Cultural Property and Heritage;*
- ii) *Draft Statutes of the African Union High Council of Local Authorities;*
- iii) *Draft Protocol to the African Charter on Human and Peoples' Rights relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa;*
- iv) *Draft Statute of the African Union Special Fund for Prevention and Combating of Terrorism and Violent Extremism in Africa;*
- v) *Draft Rules of Procedure of African Union Commission on International Law;*
- vi) *Intergovernmental Agreement on Trans African Highway Network;*
- vii) *Draft Framework for the Implementation of the Judgments of the African Court on Human and Peoples' Rights;*
- viii) *Draft Rules of Procedure of the African Union Mechanism for Police Cooperation;*
- ix) *Draft Rules of Procedure of the Ministerial Committee on Implementation of Agenda 2063.*

32. **REQUESTS** the Extraordinary Session of the STC to also consider Draft Legal Instruments on the establishment of the African Humanitarian Agency; Revised Staff Rules and Regulations; and Revised Financial Rules and Regulations, subject to completion of the validation processes;

33. **RECALLS** Decision Assembly/AU/Dec.635 (XXVIII) wherein the Assembly decided to hold one Ordinary Summit per year and in view of the urgent nature of some of the draft legal instruments, **RECOMMENDS** to the Assembly to delegate its authority to the Executive Council to consider and adopt draft legal instruments that will be considered by the 5th Extraordinary Session of the STC on Justice and Legal Affairs;

34. **DIRECTS** the Commission to always submit executive summaries to the STC on Justice and Legal Affairs, detailing the justification, legal basis and validation processes underlining the development of each draft legal instrument on the

provisional and draft agenda of the STC Sessions, to ensure that the procedures and practice of the AU have been respected;

35. **FURTHER DIRECTS** the STC on Justice and Legal Affairs and the Commission to desist from considering any item that is not in line with the Rules of Procedure of the STC;

36. **NOTES**, with concern, the proliferation of legal instruments with low levels of ratification/accession and implementation and **CALLS UPON** the STC on Justice and Legal Affairs and the Commission to: avoid duplication and proliferation of legal instruments; ensure the standardization of format, style, structure and final clauses of legal instruments; and to discharge all its functions in addition to the consideration of draft legal instruments;

37. **RECALLS** Decision EX.CL/Dec.1032(XXXVI) adopted in February 2019, wherein a moratorium was placed on submission of proposals by the STCs for the establishment of new bodies without submitting their financial, legal and structural implications and **DIRECTS** all STCs to strictly adhere to this Decision.

V. **THE EXTRAORDINARY SPECIALIZED TECHNICAL COMMITTEE ON SOCIAL DEVELOPMENT, LABOUR AND EMPLOYMENT (SDLE-STC), ABIDJAN, CÔTE D'IVOIRE - Doc: EX.CL/1184(XXXVI)**

38. **TAKES NOTE** of the Report of the Extraordinary Session of the Specialized Technical Committee on Social Development, Labour and Employment, in Abidjan, Côte d'Ivoire, on 2 and 6 December 2019;

39. **REFERS** the Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security, to the next Ordinary Session of the Specialized Technical Committee on Justice and Legal Affairs;

40. **ADOPTS** the following without any financial, legal and structural implications:

- i) The Social Agenda 2063; and
- ii) The Ten-Year Plan of Action on Eradication of Child Labour, Forced Labour, Human Trafficking and Modern Slavery.

41. **REQUESTS** the Commission to follow-up on the issue of the election of the new ILO Director General and report regularly on the matter.

VI. **THE THIRD SPECIALIZED TECHNICAL COMMITTEE ON EDUCATION, SCIENCE AND TECHNOLOGY, ADDIS ABABA, ETHIOPIA - Doc: EX.CL/1185(XXXVI)**

42. **TAKES NOTE** of the Report of the Third Ordinary Session of the STC on Education, Science and Technology, held from 10 to 13 December 2019;
43. **REAFFIRMS** the role of Science, Technology and Innovation as enablers of achieving the aspirations of Agenda 2063, “the Africa We Want”, and that Africa’s growth, competitiveness and economic transformation require sustained investments in education, science and technology and innovation;
44. **RECALLS** Decision Assembly/AU/Dec.174(X) authorising the establishment of the African Education, Science and Technology Fund;
45. **URGES** the Commission to coordinate the assessment of the implementation of Science, Technology and Innovation Strategy for Africa (STISA-2024) and undertake an end of period review to enable timely preparation of the next iteration of STISA-2034, closely aligned to AU Agenda 2063 and the Sustainable Development Goals;
46. **COMMENDS** the Republic of South Africa for the offer to financially support the prestigious Kwame Nkrumah Awards for Scientific Excellence and **APPEALS** to all Member States to take ownership of this and other continental programmes and provide both technical and financial support for the implementation;
47. **RECALLING** Decision EX.CL/Dec.676(XX) on the establishment of an African Accreditation Agency, **REQUESTS** the Commission to put in place a working group to develop the Statute specifying the legal framework and the organizational structure of the Agency;
48. **DIRECTS** the STC to maintain its current periodicity of convening every 2 years.

VII. THE THIRD ORDINARY SESSION OF THE SPECIALISED TECHNICAL COMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, WATER AND ENVIRONMENT (ARDWE) - Doc: EX.CL/1187(XXXVI)

49. **TAKES NOTE** of the Report of the Third Ordinary Session of the Specialized Technical Committee (STC) on Agriculture, Rural Development, Water and Environment (ARDWE);
50. **ALSO TAKES NOTE** of the following Frameworks and Strategies and **REQUESTS** the AU Commission to mobilize resources from the partners to support their implementation:
 - i) the Continental Framework for boosting Intra-African Trade in Agricultural Commodities and Services;

- ii) the AU Post-Harvest Loss Management Strategy **REQUESTS** the Commission to identify institutions to be recognized as Centers of Excellence on post-harvest loss management;
- iii) the Windhoek Declaration on Enhancing Resilience to Drought and the Strategic Framework for Drought Risk Management in Africa;
- iv) the African Union Sustainable Forest Management Framework;
- v) the Framework for Irrigation Development and Agricultural Water Management (IDAWM) in Africa;
- vi) the Strategic Framework for Scaling-up Holistic Country-Led Model for Aflatoxin Control in Africa;
- vii) the AU Sanitary and Phytosanitary (SPS) Policy Framework;
- viii) the Bobo-Dioulasso Declaration on Reducing the Drudgery of Rural Women in Agriculture within the framework of the campaign on “Sending hand-held hoe to the Museum” and **URGES** Member States to accelerate agricultural mechanization;
- ix) the Animal Health Strategy for Africa (AHSA);
- x) the AU Framework on Antimicrobial Resistance Control, 2020-2025;
- xi) the Blueprint for Africa’s Blue Economy Strategy.

51. **TAKES NOTE** of the Inaugural Africa Biennial Report on Disaster Risk Reduction (DRR).

VIII. REPORT OF THE 12TH ORDINARY MEETING OF THE SPECIALIZED TECHNICAL COMMITTEE ON DEFENSE, SAFETY AND SECURITY, CAIRO, EGYPT 15-19 DECEMBER 2019 - DOC: EX.CL/1186 (XXXVI)

52. **WELCOMES** the convening of the 12th Ordinary Meeting of the Specialized Technical Committee on Defense, Safety and Security held in Cairo, Arab Republic of Egypt, from 15 to 19 December 2019;

53. **TAKES NOTE** of the Declaration adopted by the STC on 19 December 2019, and **RECOMMENDS** it to the Assembly for consideration and adoption⁶.

REPORTS OF OTHER MINISTERIAL MEETINGS

IX. THE 5TH CONFERENCE OF AFRICAN MINISTERS RESPONSIBLE FOR CIVIL REGISTRATION, LUSAKA, ZAMBIA, 17-18 OCTOBER 2019 (Doc: EX.CL/1179(XXXVI))

54. **TAKES NOTE** of the Declaration of the Fifth Conference of African Ministers Responsible for Civil Registration, held in Lusaka, Zambia, from 17 to 18 October

⁶ Reservation by the Kingdom of Morocco

2019 on the theme of “Innovative Civil Registration and Vital Statistics System: Foundation for Legal Identity Management;”

55. **RECOGNIZES** that integrated civil registration and identification systems are essential for promoting good governance, creating inclusive societies, protecting human rights, ensuring the effective and efficient delivery of public services, and tackling inequality; as well as providing an individual with essential legal documents to secure basic human, people’s and civil rights such as the right to a name, identity and nationality, and access to health care, education, employment, and social protection;
56. **ALSO RECOGNIZES** the importance of digital transformation for the achievement of Agenda 2063 and 2030 Agenda for Sustainable Development and acknowledges the efforts made by the Commission in collaboration with ECA, AfDB, RECs, World Bank, and other partners in developing a comprehensive Digital Transformation;
57. **TAKES NOTE** of the proposal for the creation of a sub-committee on civil registration, under the relevant Specialized Technical Committee of the African Union, in accordance with the existing Rules and Regulations.

X. AFRICAN MINISTERS OF TRADE AND THE COUNCIL OF MINISTERS OF THE AFRICAN CONTINENTAL FREE TRADE AREA (AfCFTA) – Doc. EX.CL/1188(XXXVI)

58. **TAKES NOTE** of the Report of the 10th Meeting of the African Ministers of Trade, held on 14 December 2019, Accra, Ghana and the recommendations therein;
59. **FURTHER TAKES NOTE** of the 2nd Meeting of the Council of Ministers of the African Continental Free Trade Area, held on 15 December 2019, Accra, Ghana and the recommendations therein;
60. **RECALLS** its Decision Ext/Assembly/AU/Dec.1/(XII) of Niamey, Niger that the Permanent Secretariat of the AfCFTA shall be operational in Accra, Ghana no later than 31 March 2020;
61. **EXPRESSES** gratitude to the Government of the Republic of Ghana for offering facilities for the AfCFTA Secretariat as well as a grant of USD ten (10) million and **COMMENDS** the Government of the Republic of Ghana for availing those funds to support the operations of the AfCFTA Secretariat for the period from April to December 2020;
62. **MANDATES** the PRC to consider and adopt, by 31 March 2020, the supplementary budget for the operationalization of the AfCFTA Secretariat, based on the pledged grant of USD ten (10) million from the Government of Ghana;

- 
63. **REQUESTS** the AfCFTA Secretariat to prepare and present the budget for 2021 within the normal AU budget cycle;
64. **RECOMMENDS** to the Assembly that the structure and the staffing of the Secretariat should be done in two phases, namely, the first phase be initial recruitment of the Secretary General, four (4) Directors and essential staff, and the second phase be the positions to be filled after adoption of a permanent structure and budget, reviewing the appropriate functions of the appointed Directors and their exact number;
65. **TAKES NOTE** of the decision of the Council of Ministers to conduct a panel comprising of the Bureau of the Council of Ministers responsible for Trade, the AUC Commissioner for Trade and Industry, a Senior African Trade Official, the President of the Afreximbank, the Executive Secretary of UNECA and a Senior Representative from the Host country, to select the Secretary General of the AfCFTA, and the four (4) Directors as proposed by the PRC, and **RECOMMENDS** it for consideration and approval by the Assembly;
66. **TAKES NOTE** of the recommendations of the panel on the selection of the Secretary General and **RECOMMENDS** to the Assembly the three (3) selected candidates for consideration; and **FURTHER RECOMMENDS** that the salary grade of the Secretary General shall be at the level of SP2 while affirming the functions of the Deputy Chairperson of the Commission as controller of the Union;
67. **RECOMMENDS** that the positions of the four (4) Directors of the AfCFTA Secretariat be advertised for a period of one month from 10 February 2020 and their selection be done by the Panel appointed by the AfCFTA Council of Ministers. The Director's positions are: Director of Administration, and Human Resource Management; Director of Finance; Director of Trade in Goods and Competition; Director of Trade in Services, Investment and Intellectual Property Rights;
68. **FURTHER RECOMMENDS** that in order to ensure that the Secretary General and the Directors have support of technical experts, competent officers be seconded by the RECs, Member States, International Organizations allied to AU, and AUC to Accra, Ghana, for a period of six months in accordance with the Decision of the 1st Meeting of the Council of Ministers of AfCFTA, contained in paragraph 16(a), AU/TI/AfCFTA/CoM/1/FINAL/REPORT.

DECISION ON THE REALIGNMENT OF THE LEGAL INSTRUMENTS
Doc. EX.CL/1177(XXXV)xi

The Executive Council,

1. **TAKES NOTE** of the PRC recommendations on the alignment of the Rules of Procedures of the Assembly, the Executive Council, the Permanent Representatives' Committee, and the Statute of the Commission;
2. **RECALLS** Decision Ext/Assembly/AU/Dec.1(XI) requesting the Commission to align all relevant legal instruments, in line with the Institutional Reform;
3. **FURTHER RECALLS** Decision EX.CL/Dec.1040(XXXIV) requesting the Commission to further review and finalize all relevant legal instruments and submit a report, as well as, the amended version of the legal instruments through the PRC to the 36th Ordinary Session of the Executive Council in January/February 2021;
4. **ALSO RECALLS** Decision Assembly/AU/Dec.597(XXV)) requesting the Commission to expedite the work of the PRC Sub-Committee on Rules, Standards and Credentials to incorporate into the revised Rules of Procedures on the streamlining of Summit and Working Methods of the African Union;
5. **COMMENDS** the PRC on the progress achieved in the alignment and **REQUESTS** the PRC to urgently conclude the process and present the Draft Legal Instruments to the 37th Ordinary Session of the Executive Council in June/July 2020;
6. **NOTING** that this is a transitional period from the old electoral system of the Members of the Commission to the new modalities adopted as per Decision Ext/Assembly/AU/ Dec.1(XI);
7. **RECOMMENDS** to the Assembly that flexibility be availed within the timeline for the electoral process, as prescribed by Decision Ext/Assembly/AU/ Dec.1(XI) of November 2018, leading to the upcoming election of the Members of the Commission in February 2021, and that this flexibility should not exceed a total of 75 days.

**DECISION ON THE THEME OF THE YEAR 2019 AND
HUMANITARIAN SITUATION IN AFRICA
Doc. EX.CL/1189(XXXVI)**

The Executive Council,

1. **APPRECIATES** the efforts of the AU Leader for the Theme of the Year 2019, H.E. Teodoro Obiang Nguema Mbasogo, President of the Republic of Equatorial Guinea, towards achieving durable solutions to forced displacement in Africa, and highly appreciates his engagement in steering the planned activities and expressing solidarity to forcibly displaced persons and host communities;
2. **EXPRESSES** its appreciation to Member States hosting refugees, returnees and internally displaced persons and calls for renewed efforts to implement African solutions in resolving African humanitarian crises on the continent and **ENCOURAGES** them to continue this gesture of solidarity in the spirit of Pan-Africanism;
3. **APPRECIATES** the timely support from Member States to those affected by humanitarian crises and **CALLS** for strengthening of such cooperation and solidarity in future humanitarian crises;
4. **TAKES NOTE** of the outcomes and results of the various activities carried out by the Commission and AU Organs, Member States, Regional Economic Communities, Civil Society and partners, in particular the United Nations High Commissioner for Refugees (UNHCR), within the framework of the 2019 Theme of the year roadmap "Project 2019 Implementation Roadmap Matrix";
5. **RECALLS** Decision Assembly/AU/Dec.718(XXXII) on the Report of the Peace and Security Council on its activities and the State of Peace and Security in Africa. **APPRECIATES** the efforts of Member States hosting large numbers of refugees and **WELCOMES** their efforts in addressing this issue in close cooperation with the international community;
6. **EMPHASISES** the importance of addressing root causes and achieving durable solutions to forced displacement in Africa in line with relevant African Union legal and policy frameworks and **IMPLORES** Member States, humanitarian and development partners, as well as frontline responders, to scale up response beyond emergency relief;
7. **NOTES WITH GREAT CONCERN** the growing challenges of the humanitarian situation in Africa exacerbated by growing impacts of climate change and in some instances in spite of positive developments across the continent, driven by conflicts, terrorism, political instability, and **URGES** Member States to address these structural root causes of forced displacement, by strengthening and developing early warning and early response systems;

8. **REITERATES** the importance of the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa, welcomes its ratification in 2019 by Equatorial Guinea, Somalia and South Sudan, **CALLS ON** the 15 Member States that have not signed and 26 that have not yet ratified/acceded to the Convention to do so. **ALSO CALLS ON** the 12 Member States that have not signed and 9 that have not ratified/acceded to the 1969 OAU Convention to do so. Member States are also called upon to domesticate and implement the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the 2009 AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa;
9. **UNDERScores** the importance of effective international responsibility-sharing mechanisms in order to achieve and ensure the availability of adequate, flexible and predictable resources to help address the enormous challenges posed by forced displacement and humanitarian crises in Africa;
10. **NOTES WITH CONCERN** the impact of sanctions in worsening the socio-economic conditions in countries that are already experiencing dire humanitarian situations;
11. **DECIDES to:**
 - A. **On Implementation of Outcomes of the Theme of the Year and Role of the AU Leader for the 2019 Theme**
 - i. **APPEAL** to the AU Leader of the 2019 Theme of the Year, H.E. Teodoro Obiang Nguema Mbasogo, President of the Republic of Equatorial Guinea to continue supporting efforts of the AU in addressing challenges of forced displacement;
 - ii. **UNDERTAKE** measures to address specific longstanding protracted situations of forced displacement in the continent;
 - iii. **CALLS ON** the Commission to work closely with AU Organs especially Department of Peace and Security, African Union Post-Conflict Reconstruction and Development (AUPCRD), UN Partners, Humanitarian and Development Partners to reflect and ensure sustainable post conflict reconstruction and development of war-ravaged areas for sustainable voluntary return, resettlement and reintegration of refugees, IDPs and other victims of armed conflicts;
 - iv. **ALSO CALLS ON** the Commission to work closely with the AU Leader of the 2019 Theme of the Year in convening a Continental Conference on humanitarian issues to further discuss strategies for addressing root causes and durable solutions to forced displacement in Africa;

- v. **RECALLS** Decision Assembly/AU/Dec.604(XXVI) of 30 January 2016, in Addis Ababa, Ethiopia and **NOTES** the urgent need for the establishment of the African Humanitarian Agency, and **CALLS** on the Commission to expedite processes and consultations on modalities for the operationalization of the African Humanitarian Agency in 2020.

B. On Root Causes of Forced Displacement in Africa

- i. **IMPLEMENT** pledges and recommendations that have been made in the context of the activities of the 2019 Theme of the Year by establishing stronger linkages with the 2020 theme of the year on “*Silencing the Guns: Creating Conducive Conditions for Africa’s Development*”;
- ii. **REDOUBLE** efforts towards inculcating a culture of human rights, justice, constitutionalism and the rule of law;
- iii. **PUT** in place mechanisms for the prevention, management and resolution of election-related violent conflicts;
- iv. **STRENGTHEN and/or ESTABLISH** national infrastructures for peace with a view to ensure reconciliation, social harmony and cohesion in the process of nation-building;
- v. **TACKLE** challenges that breed such social ills such as poverty, inequality, unemployment, exclusion and marginalisation;
- vi. **ADDRESS** the specific needs of social groups in vulnerable situations such as women, children, youth, persons with disabilities and older persons and ensure their full and effective participation;

C. On Early Warning and Prevention:

- i. **UNDERTAKE** measures to strengthen their national systems on disaster related displacement, disaster risk and reduction and early warning in line with the Sendai Framework, the African Regional Strategy for Disaster Risk Reduction and the Programme of Action for the Implementation of the Sendai Framework for the Disaster Risk Reduction 2015-2030 in Africa;
- ii. **PUT IN PLACE** sustainable mechanisms aimed at mitigating the adverse effects of environmental degradation, extreme weather patterns and climate change;
- iii. **ENSURE** that early warning mechanisms of the AU, RECs and Member States include early signs of disasters to facilitate early response and recovery.

D. On Durable Solutions:

- i. **MANDATES** the AU Commission, upon request by Member States, to contribute to coordination efforts and enabling internally displaced persons and refugees to make a free and informed choice between return, local integration and resettlement, in conformity with relevant African and International legal instruments;
- ii. **URGES** the Member States, RECs, AU Commission to ensure that policies, strategies and mechanisms for addressing forced displacement reinforce the inextricable nexus between and among governance, peace, post-conflict reconstruction and recovery, development and climate change.

E. On Partnerships and International Cooperation

- i. **CALLS ON** the Commission to undertake measures to strengthen partnerships with RECs, Member States and other non-state actors in its response to forced displacement in the continent;
 - ii. **URGES** the Member States, RECs, and the AU Commission and Partners to ensure the availability of adequate, flexible and predictable resources to help address the enormous challenges posed by forced displacement and humanitarian crises in Africa and **FACILITATE** multi-year, flexible funding that transcends the emergency relief with a view to address the humanitarian-development nexus;
 - iii. **CALLS UPON** the Commission to explore opportunities for mobilization of resources from non-traditional donors and the private sector in Africa and beyond;
 - iv. **CALLS FOR** the immediate lifting of international sanctions on African countries to ameliorate the adverse effects of humanitarian crises;
 - v. **URGES** the Commission to consult and engage with AU Member States whose citizens are slated for relocation to third countries through the processes in which the AU Commission is party.
- 12. REQUESTS** the Commission, to support Member States in their efforts in addressing humanitarian challenges;
- 13. ALSO REQUESTS** the Commission to report regularly on progress in the implementation of this decision.

**DECISION OF THE COMMISSION ON THE STATUS OF IMPLEMENTATION OF
PREVIOUS DECISIONS OF THE EXECUTIVE COUNCIL AND THE ASSEMBLY
Doc. 1191(XXXVI)**

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 for the year 2019;
2. **COMMENDS** the Commission on the improvement of the implementation of the Policy Organs decisions and **ENCOURAGES** all Departments/Directorates/Units to deploy all necessary measures to ensure full implementation of decisions of the Policy Organs;
3. **EXPRESSES** concern regarding the non-submission of reports on implementation of decisions of the Executive Council and the Assembly of the African Union by all Member States in 2019 and **URGES** Member States to submit relevant information with a view to facilitating effective monitoring of implementation;
4. **REITERATES** the need to scrupulously observe the guidelines regarding the preparation and adoption of AU Decisions to facilitate their effective implementation by all stakeholders, i.e. Member States, the Commission, and other Organs;
5. **DECIDES** to put in place a Performance Management System which includes appropriate sanctions and rewards and **REQUESTS** the Commission to present the proposed modalities of this system to the 37th Ordinary Session of the Executive Council;
6. **RECALLS** Executive Council Decision EX.CL/Dec.1031(XXXIV) that requests for a single report template to be applied to all PRC Sub-Committee reports; and
7. **REQUESTS** the Commission to develop a template for reports of the STCs and utilize the same template for all reports submitted to the Policy Organs;
8. **ALSO REQUESTS** the Commission, through the Office of the Secretary General of the Commission, to establish an annual master calendar to ensure smooth planning and coordination of meetings and events by the Commission and Member States;
9. **UNDERScores** the urgent need to rationalize the agendas and number of decisions taken at each Summit in accordance with the relevant decisions of the Policy Organs, including Decision **EX.CL/Dec.898 (XXVIII)Rev.1** and Decision Assembly/AU/Dec.582 (XXV), *inter alia*.

**DECISION ON THE OFFERS BY MEMBER STATES TO HOST THE AFRICAN
INCLUSIVE MARKET EXCELLENCE CENTRE (AIMEC)
Doc. EX.CL/1196(XXXVI)**

The Executive Council,

1. **RECALLING** Decision EX.CL/Dec.986-1007(XXXII), that adopted the establishment of the African Inclusive Market Excellence Center (AIMEC) and requested the Commission to submit the relevant structural, financial and legal implications, in line with the AU Rules and Procedures; as well as to ensure that the selection of the Member State to host AIMEC be carried out in conformity with the relevant criteria;
2. **TAKES NOTE** of the Evaluation Mission Report on the Hosting of the African Inclusive Market Excellence Centre (AIMEC), and **COMMENDS** the Evaluation Mission for its efforts in this regard;
3. **COMMENDS** the quality and professionalism of the offers prepared by the Republics of Benin and Tunisia to host the Centre;
4. **RECOMMENDS** to the Assembly that the Republic of Tunisia shall host the AIMEC;
5. **REQUESTS** the Commission, in collaboration with the Republic of Tunisia to finalise the Host Country Agreement in accordance with the Executive Council Decision EX.CL/195 (VII) Rev.1 of July 2005 on hosting the AU Organs.



**DECISION ON THE ACTIVITY REPORT OF THE AFRICAN COURT ON HUMAN AND
PEOPLES' RIGHTS
Doc. EX.CL/1204(XXXVI)**

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 to 31 December 2019, and the recommendations therein;
2. **COMMENDS** the African Court and the Republic of Uganda for the successful organization of the 4th African Judicial Dialogue and takes note of the recommendations of the Dialogue; and **REQUESTS** the Commission and the PRC, in collaboration with the African Court, to undertake an in-depth study and present the legal and financial implications on the establishment of an African Judicial Network within the African Union structures;
3. **NOTES** that two decades after its adoption, only thirty (30) Member States of the African Union have ratified the Protocol and eight (8) of the 30 States Parties, have deposited the Declaration required under Article 34 (6) thereof, allowing individuals and NGOs to bring cases directly to the Court, and **TAKES NOTE** of the decision of the United Republic of Tanzania to withdraw from Article 34 (6);
4. **CONGRATULATES** the thirty (30) States Parties to the Protocol, namely; Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Côte d'Ivoire, The Comoros, Congo, Gabon, The Gambia, Ghana, Kenya, Libya, Lesotho, Mali, Malawi, Mozambique, Mauritania, Mauritius, Nigeria, Niger, Rwanda, South Africa, Sahrawi Arab Democratic Republic, Senegal, Tanzania, Togo, Tunisia and Uganda;
5. **FURTHER CONGRATULATES** the eight (8) States Parties that have deposited the Declaration under Article 34(6) of the Protocol, namely: Benin, Burkina Faso, Côte d'Ivoire, Ghana, Malawi, Mali, The Gambia and Tunisia;
6. **ENCOURAGES** those Member States that have not already done so, to accede to the Protocol and deposit the Declaration required under Article 34 (6) of the Protocol;
7. **REQUESTS** the Chairperson of the AUC to, in conformity with previous Executive Council Decisions, take all necessary measures to operationalize the Legal Aid Fund, and to this end, **ENCOURAGES** all Member States of the Union to make generous voluntary contributions to the Fund to ensure its sustainability and success;

8. **FURTHER URGES** the Commission to expedite the processes of organizing the Joint Retreat between the PRC and Legal, Judicial and Legislative Organs of the Union before June 2020, with a view to considering the reform proposals for the said Organs;
9. **CALLS ON** the African Court to meaningfully engage with the PRC to exchange with the latter on, among other things, the recurrent challenges to the effective discharge of the mandate of the Court, in particular, the slow pace of ratification of the Protocol, the low number of deposits of the declaration, the withdrawal of declarations by some States and the poor state of implementation of decisions of the Court;
10. **EXPRESSES** its appreciation to the Government of the United Republic of Tanzania for the facilities it has placed at the disposal of the Court, and for the architectural designs for the construction of the permanent premises of the Court submitted to the AUC, and **URGES** the Government of the United Republic of Tanzania, the PRC and the Commission, in collaboration with the Court, working under the framework of the Task Force established by decision EX.CL/Dec.994(XXXII), to take steps to ensure the expeditious construction of the premises, bearing in mind the structures of the African Court of Justice and Human and Peoples' Rights;
11. **REQUESTS** the Court, in collaboration with the PRC and the AUC, to report at the next Ordinary Session of the Executive Council in June/July 2020, on the implementation of this Decision;
12. **AUTHORISES** the publication of the Activity Report of the Court; and in that regard **REQUESTS** State Parties, if they so wish, to submit, within fourteen (14) days of the date of closure of the Executive Council Session at which this Decision is adopted, their written observations on the Activity Report, to be annexed thereto upon its publication.

**DECISION ON THE ACTIVITY REPORT OF THE AFRICAN COMMISSION ON
HUMAN AND PEOPLES' RIGHTS
Doc. EX.CL/1205(XXXVI)**

The Executive Council,

1. **TAKES NOTE** of the Forty-Seventh (47th) Activity Report of the African Commission on Human and Peoples' Rights (the ACHPR), and comments as well as observations by Member States;
2. **EXPRESSES** its appreciation for the efforts deployed by the ACHPR during the reporting period to promote and protect human rights on the continent;
3. **WELCOMES** the Report of Cameroon on the implementation of the decision of the ACHPR in **Communication 389/10 - Mbiankeu Geneviève v. Cameroon**, and **CALLS ON** other States Parties to provide the ACHPR with all relevant information on the measures taken to comply with the ACHPR's requests for Provisional Measures and the implementation of its decisions on complaints on alleged human rights violations under the Communications procedure in accordance with Rule 112 of its Rules of Procedure;
4. **FURTHER CALLS ON** Member States to cooperate with the ACHPR by considering favorably its requests for undertaking promotion and protection missions and by responding timeously to the ACHPR's communications;
5. **REQUESTS** the PRC to work with the Commission and the ACHPR in expediting the process of reviewing the structure of the Secretariat of the ACHPR in line with Decision EX.CL 995 (XXXII) to better align the ACHPR's human resources capacity and organogram with the mandate vested in it under the African Charter, the Maputo Protocol and the Protocol Establishing the African Court;
6. **ALSO REQUESTS** the ACHPR to report on the implementation of paragraph 8 of **Assembly/AU/Dec.200 (XI)** stipulating, "to have the status of the ACHPR as an Organ of the AU regularized";
7. **CALLS ON** the AUC Chairperson to put in place urgent measures for the full implementation, within a reasonable timeframe, of various Executive Council Decisions calling for expedited recruitment to the vacant positions in the Secretariat, including the recruitment of Arabic and Portuguese Legal Officers and Translators as per **Decision EX.CL/Dec.974(XXXI)**, and report to the Executive Council in this regard;
8. **WELCOMES** the assurance that President Adama Barrow of The Gambia gave to the ACHPR to prioritize the construction of the permanent headquarters of the ACHPR and **CALLS ON** the AUC to activate the support group envisaged in

Decision EX.CL/Dec.1045(XXXIV) and to work with the Gambian Government and the ACHPR for putting in place concrete plans including the finalization of the architectural designs of the permanent headquarters of the ACHPR in 2020 and for the commencement of the construction of the permanent headquarters;

9. **COMMENDS** the States Parties that are up to date in their submission of periodic reports to the ACHPR and **URGES** other States Parties to submit their Periodic Reports in compliance with Article 62 of the African Charter on Human and Peoples' Rights (African Charter), Article 26 of the Maputo Protocol, and Article 14 (4) of the Kampala Convention;
10. **STRESSES** the importance of constant and constructive engagement between ACHPR and the PRC within the wider efforts to implement the African Governance Architecture Agenda (AGA);
11. **REITERATES** the fundamental importance of proper follow up of the outcomes of the Joint PRC-ACHPR Retreat held in 2017 in Kenya as well as the provisions of Executive Council Decision 1015 in this regard, and calls for ensuring of the holding of the Annual Joint Retreat previously decided by relevant Executive Council Decisions;
12. **ENCOURAGES** the Kingdom of Morocco and the ACHPR to continue engaging in a dialogue on the implementation of Executive Council Decision concerning the fact finding mission to the territory referred to by the African Union as the Sahrawi Arab Democratic Republic and the United Nations as Western Sahara as mandated by previous relevant African Union Decisions;⁷
13. **EXPRESSES ITS APPRECIATION** to the Republic of Gambia for hosting the 65th Ordinary Session of the ACHPR held in Banjul, The Gambia, from 21 October to 10 November 2019, and the excellent facilities accorded to all participants during the Session;
14. **CALLS ON** Member States, particularly those that have not yet done so, to consider hosting one of the Sessions of the ACHPR;
15. **AUTHORISES** the publication of the 47th Activity Report; and in that regard **REQUESTS** States Parties, if they so wish, to submit, within fourteen (14) days of the date of closure of the Executive Council Session at which this Decision is adopted, their written observations on the Activity Report, to be annexed thereto upon its publication.

⁷ Reservation by the Kingdom of Morocco

DECISION ON THE ACTIVITY REPORT OF PAN-AFRICAN PARLIAMENT
Doc. EX.CL/1206(XXXVI)

The Executive Council:

1. **TAKES NOTE** of the Activity Report of the Pan-African Parliament;
2. **CONGRATULATES** the Member States that have ratified the new Protocol of the Pan-African Parliament and **ENCOURAGES** those that are yet to do so to take concrete steps towards the ratification of the new PAP Protocol;
3. **REQUESTS** the PRC and the Commission to work in collaboration with PAP and the Government of South Africa to expedite the review process of the Host Country Agreement;
4. **WELCOMES** the proposal of a joint retreat between the PAP and the PRC to strengthen collaboration between the two Organs and to promote synergies in addressing the challenges affecting the Pan-African Parliament and to agree on a proper modality for the preparations and the expected outcome.



**DECISION ON THE ACTIVITY REPORT OF THE ECONOMIC, SOCIAL AND
CULTURAL COUNCIL
Doc. EX.CL/1207(XXXVI)**

The Executive Council,

1. **TAKES NOTE** of the Activity Report on ECOSOCC, the recommendations contained therein and the expanded operational capacity of the ECOSOCC Secretariat as well as the potential this offers to extend the scope and impact of its programmes;
2. **WHILE COMMENDING** their ongoing collaboration to ensure the successful relocation of the ECOSOCC Secretariat, **REQUESTS** the Republic of Zambia and the Commission to expeditiously address all matters related to relocation with the view to conclude the process by February 2021;
3. **ALSO REQUESTS** the Commission to report on the progress made on the implementation of this Decision to the 37th Ordinary Session of the Executive Council in July 2020.



**DECISION ON THE ACTIVITY REPORT OF THE AFRICAN UNION
COMMISSION ON INTERNATIONAL LAW (AUCIL)
Doc. EX.CL/1208(XXXVI)**

The Executive Council,

1. **TAKES NOTE** of the Activity Report of the African Commission on International Law (AUCIL) for the period from 1 January to 31 December 2019, and the recommendations therein;
2. **FURTHER TAKES NOTE** that 2020 marks the Tenth (10th) Anniversary of the operationalization of the AUCIL;
3. **INVITES** the Specialised Technical Committee (STC) on Justice and Legal Affairs to include a permanent agenda item on the “Progressive Development and Codification of International and African Union Law”;
4. **TAKES NOTE** of the Study and recommendations on the amendments of AUCIL Statute; and, in accordance with its Article 26 of the AUCIL Statute, **DECIDES** their transmission to the STC on Justice and Legal Affairs for consideration;
5. **RECALLS** the offer of Equatorial Guinea to host the AUCIL Secretariat and **CALLS ON** the PRC and the AUC, to expeditiously finalize the structure of an independent AUCIL Secretariat, the process of its relocation, and submit a report upon the adoption of the amendments;
6. **TAKES NOTE** of the AUCIL for the timely completion of the study on the legal implications of amending Article 5(1) of the Protocol on the Establishment of the African Court on Human and Peoples’ Rights to grant the African Committee of Experts on the Rights and Welfare of the Child direct access to the Court, and **DECIDES** its transmission to the STC on Justice and Legal Affairs for consideration, prior to the submission of concrete recommendations on the way forward to the Executive Council.



**DECISION ON THE ACTIVITY REPORT OF THE AFRICAN COMMITTEE OF
EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)
Doc. EX.CL/1209(XXXVI)**

The Executive Council,

1. **TAKES NOTES** of the Report of the African Committee of Experts on the Rights and Welfare of the Child;
2. **COMMENDS** the Committee for the work done in monitoring the implementation of the African Charter on the Rights and Welfare of the Child;
3. **WELCOMES** the initiative of the ACERWC to lead on the celebration of the 30th Anniversary of the adoption of the African Children's Charter in the year 2020; and **URGES** Member States of the African Union to take concrete steps to commemorate the Anniversary in 2020 and intensify their efforts to ensure the full implementation of the African Children's Charter;
4. **ENCOURAGES** Member States who have not yet ratified the African Children's Charter, to consider ratifying;
5. **ALSO ENCOURAGES** Member States which have placed reservations on the application of particular provisions of the African Children's Charter to withdraw their reservations;
6. **APPRECIATES** States 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;
7. **ADOPTS** the theme for the Day of the African Child (DAC) 2021: 30 years after the adoption of the Charter: accelerate implementation of Agenda 2040 for "an Africa Fit for Children", and **ENCOURAGES** Member States to commemorate the DAC and report on the implementation of the recommendations of the Committee;
8. **CALLS ON** Member States to combat Online Child Sexual Exploitation (OCSE), and enhance their efforts to protect children from the potential risks that they are exposed to online, initiate multi-stakeholder country level responses to protect children's rights in the cyberspaces;
9. **ALSO CALLS ON** the Commission to finalize the process of appointing the Special Envoy on CAAC by the end of 2020, in the light of the Decision Assembly/AU/Dec.718 (XXXII);
10. **RECALLS** the Decision Assembly/AU/Dec.737(XXXII) which adopted the Saleema Initiative to End Female Genital Mutilation (FGM) and invites Member

States to mobilize the necessary resources to eliminate FGM, and other harmful social norms and traditional practices, strengthening policy and legislative frameworks for the protection of women and girls against FGM, as well as enhancing the allocation of sustainable financial resources and data for the elimination of this practice;

11. **REFERS** to Executive Council Decision EX.CL/Dec.977(XXXI) adopting “Africa’s Agenda for Children 2040: Fostering an Africa Fit for Children” as the Union’s document and **URGES** Member States to work towards the full implementation of the Agenda;
12. **CALLS ON** RECs to work closely with the ACERWC towards establishing a harmonized child protection mechanism through establishing the required normative and institutional frameworks;
13. **EXPRESSES** appreciation to the Government of Eritrea for hosting the Regional Workshop on Popularizing Agenda 2040 and the study on “Children on the move” for the North and East Africa Regions;
14. **ALSO EXPRESSES** appreciation to the Government of Egypt for successfully hosting the 46th Ordinary Session of ACERWC;
15. **TAKES NOTE** of the current process of relocation of the Secretariat of the ACERWC to the Kingdom of Lesotho, **REQUESTS** the Commission to take the necessary measures to respond to the human and financial resource needs of the Secretariat of the ACERWC in accordance with the applicable procedures; and pursuant to the Executive Council Decision EX.CL/Dec.1010 (XXXIII), and **CALLS UPON** the Government of the Kingdom of Lesotho and the AUC to facilitate the relocation of the Secretariat of the ACERWC.



**DECISION ON THE ACTIVITY REPORT OF THE AFRICAN UNION ADVISORY
BOARD ON CORRUPTION
Doc.EX.CL/1210(XXXVI)**

The Executive Council,

1. **TAKES NOTE** of the Report of the African Union Advisory Board on Corruption and the recommendations contained therein;
2. **STRONGLY** advises the Board to scrupulously verify the information it receives to guard against tarnishing the standing of Member States and **DIRECTS** it to delete paragraph 23(f) of the Report;
3. **COMMENDS** São Tomé and Príncipe, Mauritius and Equatorial Guinea for acceding to the African Union Convention on Preventing and Combating Corruption (AUCPCC);
4. **URGES** Member States that have not yet acceded to the Convention, to proceed to consider accession with a view to achieving universal ratification of the AUCPCC;
5. **NOTES** the successful completion of the review of State Reports from Namibia and Uganda and urges them to implement the recommendations and findings;
6. **COMMENDS** the Board for the development of State Reports and requests States Parties that are yet to do so to welcome Review Missions by the Board, and is pleased with those carried out by the Board to facilitate assessment of the levels of implementation of the Convention and the finalization of the State reporting process;
7. **REQUESTS** Member States to take progressive measures to invest in technology to detect asset flows, tighten financial controls to prevent money laundering, establish public beneficial ownership registers and enhance country-to-country reporting as measures to prevent illicit flow of assets from their territories;
8. **CONGRATULATES** the Board for the ongoing work toward development of a Common African Position on Asset Recovery;
9. **ADOPTS** the theme for the 2020 African Anti-Corruption Day as “Fighting Corruption through Effective and Efficient Judicial Systems”;
10. **REQUESTS** the Commission to submit the proposed amendment to the Convention submitted by Nigeria to change the name of the Board for

consideration by the STC on Justice and Legal Affairs and **ENCOURAGES** States Parties to support the proposed amendment;

11. **URGES** the Commission to take urgent measures to clarify the distinct functions and lines of responsibility between the Board and the Secretariat and report to the Executive Council at its 37th Ordinary Session.



**DECISION ON THE ANNUAL ACTIVITY REPORT OF
THE AFRICAN RISK CAPACITY
Doc. EX.CL/1211(XXXVI)**

The Executive Council,

1. **RECALLING** African Union Agenda 2063, adopted by the AU Assembly in 2015, and its Aspiration 1, specifically the goal which envisages an 'Environmentally Sustainable and Climate Resilient Africa';
2. **CONVINCED** that the African Risk Capacity (ARC) plays a critical role in building financial resilience to extreme weather events and other natural disasters across the African continent, through provision of technical assistance to Member States and the development of innovative risk insurance products;
3. **FURTHER CONVINCED** that the ARC contributes to building a climate-resilient continent and in enhancing natural disaster preparedness and prevention and thus contributing to protect the vulnerable communities and protecting developments gains;
4. **COMMEND** the ARC and the outgoing Director General for the important role that ARC has played towards building a resilient Africa;
5. **URGES** Member States that have not yet signed and ratified the Agreement for the Establishment of the ARC Agency to accelerate their processes of signing and ratifying of the Agreement;
6. **CALLS UPON** Member States to support the ARC governance reform process in order to ensure that ARC is able to effectively serve its Member States;
7. **INVITES** the African Union Commission to support the African Risk Capacity where appropriate, and in an adequate manner.

**DECISION ON THE ACTIVITY REPORT OF THE
AFRICAN CAPACITY BUILDING FOUNDATION
Doc. EX.CL/1212(XXXVI)**

The Executive Council,

1. **WELCOMES AND TAKES NOTE** of the Activity Report of the African Capacity Building Foundation (ACBF) together with the recommendations contained therein;
2. **FURTHER TAKES NOTE** of the Report of the PRC Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters after the Assessment conducted by the AU Commission including its proposal regarding the financial contribution that the AU could make to the operation of ACBF, pursuant to Decision EX.CL/Dec.1049 of February 2019;
3. **ACKNOWLEDGES** the importance for Africa to have African institutions leading the capacity development effort for the effective implementation of the African Continental Free Trade Area (AfCFTA) and welcomes the Capacity Development Programme ACBF in developing to enhance readiness for the AfCFTA at African Union, Organs, RECs and Member States levels;
4. **REQUESTS** ACBF to take the lead in building a coalition of African institutions to deliver the required capacity development services;
5. **REQUESTS** the Commission to work with ACBF for the organization of a Donor Pledging Conference during the year 2020 for the mobilization of adequate financial resources for the implementation of the Capacity Building Programme.



DECISION
ON AGENDA 2063 FIRST TEN-YEAR IMPLEMENTATION PLAN MONITORING,
EVALUATION AND REPORTING
Doc. EX.CL/1217(XXXVI)

The Executive Council,

1. **TAKES NOTE** of the Report of the Seventh Meeting of the Ministerial Follow-Up Committee on Agenda 2063 and **ENDORSES** the recommendations contained therein;
2. **NOTES WITH CONCERN** that since the adoption of Agenda 2063 in January 2015 through Assembly Decision **Assembly/AU/Dec.565(XXIV)**, domestication of Agenda 2063 in Member States is still lagging behind. Initial Domestication Missions have been undertaken to forty-two (42) of the fifty-five (55) Member States. **CALLS UPON** the Commission to ensure that initial Domestication Missions to the remaining thirteen (13) Member States are undertaken, and reports to the Executive Council during its Thirty-Seventh Ordinary Session in July 2020. **URGES** Member States that have not yet received initial domestication missions to work closely with the Commission, AUDA-NEPAD, AfDB, RECs and UNECA to ensure full domestication of Agenda 2063 by July 2020.
3. **WELCOMES** the roll-out of Agenda 2063 Monitoring and Evaluation Framework and its Reporting Tool and **CALLS UPON** the Commission, AUDA-NEPAD, RECs, AfDB and UNECA to continue to assist Member States in the roll-out of the Monitoring and Evaluation Framework and Reporting Tool;
4. **ADOPTS** the Integrated Monitoring and Evaluation Architecture with its empirical reporting methodology for tracking, monitoring and reporting on the implementation of Agenda 2063 at national, regional, and continental levels. This architecture should be of an evolving nature to allow for continuous improvement, in conformity with the requirements of gradual implementation of Agenda 2063;
5. **CALLS UPON** the Commission and AUDA-NEPAD and other stakeholders to;
 - i) Support Regional Economic Communities and Member States to enhance their capacities in statistics and data management, monitoring, reporting and knowledge exchange for accelerated implementation of Agenda 2063;
 - ii) Work with UNECA and AfDB in strengthening national statistical institutions in Member States to ensure reliability and availability of quality statistical data;

- iii) To support Member States, Regional Economic Communities and AU - continental-level entities to prepare the biennial performance reports on the implementation of Agenda 2063;
6. **CALLS UPON** the Commission, in collaboration with AUDA-NEPAD, to support Member States and RECs to develop, strengthen and deploy appropriate tools, approaches and institutional capacity for improved integrated national and regional policy development, planning and implementation;
7. **RECALLING** Executive Council Decision **EX.CL/Dec.998(XXXII) Rev.1** in which the Commission was requested to categorize Flagship Projects into short, medium and long term in order to prioritize them according to the funding capacity available on the continent, therefore **REQUESTS** the Commission to ensure that the exercise is finalized before the thirty seventh Ordinary Session of the Executive Council in July 2020;
8. **ALSO REQUESTS** the Commission to develop business plans and come up with alternative possible sources of funding for Agenda 2063 Flagship Projects in line with the ongoing Resource Mobilization efforts within the Commission. The Flagship Projects should thereafter be reassessed, prioritized and have their implementation sequenced in relation to available resources;
9. **INVITES** the Commission, after the prioritization exercise, to implement what is achievable in the remaining timeframe of the first ten years of Agenda 2063, and postpone the other activities until future ten-year plans, with emphasis on the integrating nature of each Flagship Project.



**DECISION ON THE REPORT OF THE JOINT SITTING OF THE MINISTERIAL
COMMITTEE ON SCALE OF ASSESSMENT AND CONTRIBUTIONS AND THE
COMMITTEE OF FIFTEEN FINANCE MINISTERS (F15)
Doc. EX.CL/1215(XXXVI)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Ministerial Committee on Scale of Assessment and Contributions and F15;
2. **COMMENDS** Member States for contributing 79% of the funds assessed to them in 2019 towards the Union regular budget.
3. **ALSO COMMENDS** 50 Member States for contributing US\$154,124,812 to the AU Peace Fund since 2017 which demonstrates the high level of commitment by the Union to fully operationalise the Fund;
4. **RECALLS** Decision Assembly/AU/Dec.734(XXXII) on the scale of assessment and the Peace Fund requesting the AU High Representative for Financing the Union and the Peace Fund, supported by the Commission, to undertake regional consultations on the matter of assessing the Peace Fund and report back to the Executive Council in Niamey, Niger, in June 2019, and **DECIDED** that in the interim, the existing scale of assessment as applied to the regular budget of the Union shall be applied to the 2017-2019 assessment of the Peace Fund and, in the event no concrete recommendations emerge from the consultations, the new scale of assessment as applied for the regular budget shall also be applied to the Peace Fund from 2020-2022⁸;
5. **TAKES NOTE** of the briefing of the AU High Representative on regional consultations on the scale of assessment of the AU Peace Fund and **REQUESTS** the Commission to adjust accordingly the annual amounts paid to the Fund in order to demonstrate a reduced burden on Member States but that allows full endowment of the Peace Fund by 2023;
6. **COMMENDS** the High Representative for Financing of the Union and Peace Fund for the excellent work undertaken to meet with the regions on the matter of assessing the Peace Fund, and **REQUESTS**, in line with all relevant decisions, that the consultations be concluded, and that the High Representative reports back to the Executive Council in July 2020.

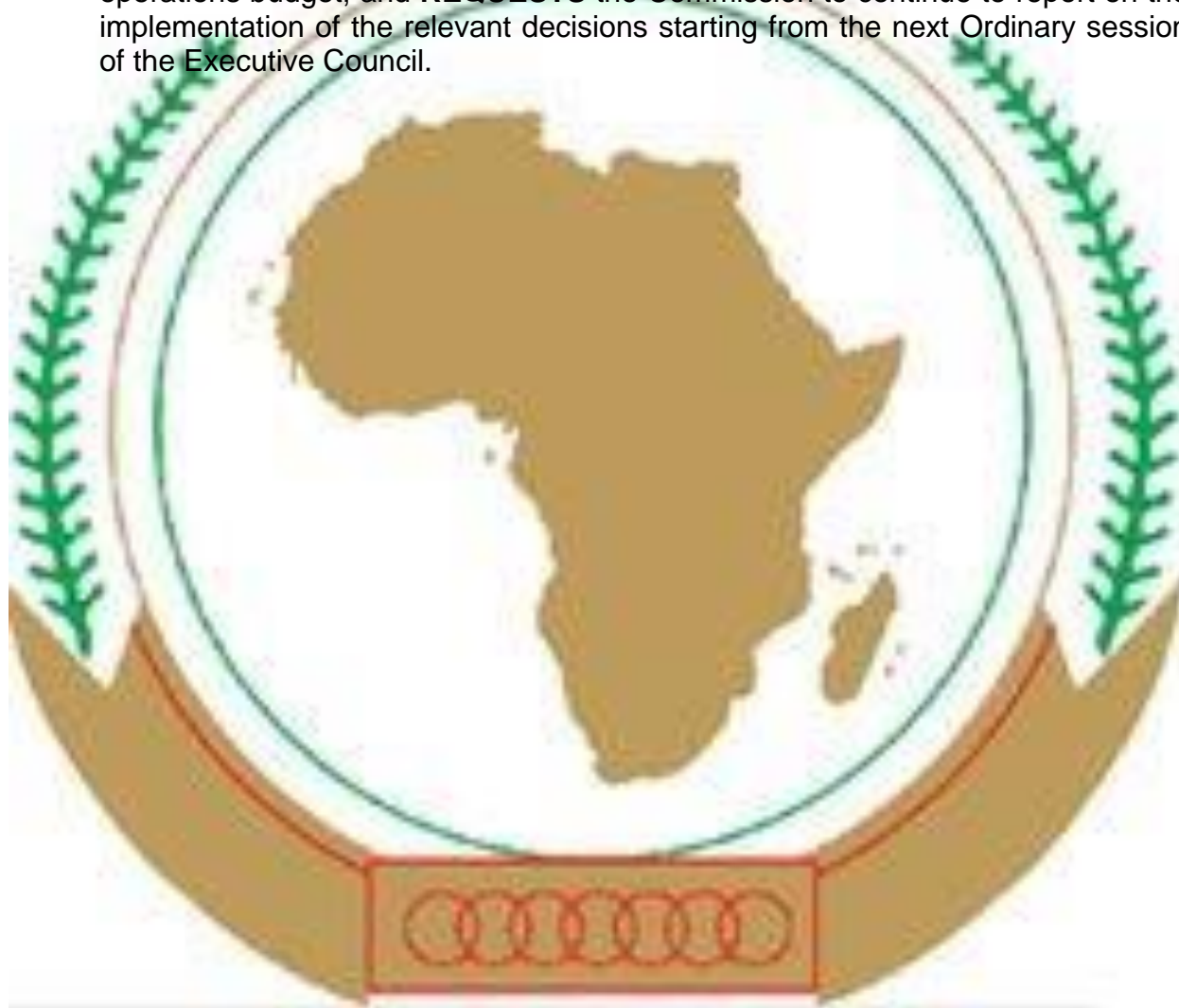
⁸ Reservation by the Arab Republic of Egypt on paragraphs 7: "The ruling of Paragraph no. 14 overrides the outcomes of the regional consultations to be undertaken by the AU High Representative according to the aforementioned decision. Besides, the Paragraph implies the implementation of the Scale of Assessment retroactively (for the years 2017-2019); such retroactive implementation contravenes the universal budgetary principles applied on national budgets and the African Union Budget." – Reservation entered during the adoption of decisions and confirmed through Note Verbale No. /2019 – AU, dated 27 March 2019.

7. **ALSO DIRECTS** the Commission to consider all Member States' assessed contributions to the Peace Fund during the interim period as payments on account while awaiting the conclusion of the regional consultations⁹.
8. **DECIDES** that all discussions on whether arrears on Peace Fund should be considered when applying the sanctions should be suspended pending the conclusion of consultations on how the fund should be assessed by Member States;
9. **RECALLS** Decision Ext/Assembly/AU/Dec.3(XI) of November 2018, in Addis Ababa, Ethiopia which adopted the strengthened sanctions regime for implementation as from July 2019 **and FURTHER RECALLS** Decision EX.CL/Dec.1071(XXXV) in which the Commission was mandated to hold consultations with Member States on the elaboration of modalities for implementation of the strengthened Sanctions Regime and to submit a report by February 2020;
10. **REQUESTS** the PRC to expedite the alignment of the relevant provisions of the Assembly Rules of Procedure, AU Financial Rules and Regulations and the Statutes of the Commission for consideration and adoption by the relevant Policy Organs in order to ensure the implementation of the strengthened sanctions regimes without further delay;
11. **DECIDES** to extend the application of the old Sanctions Regime until such a time the relevant provisions of the Assembly Rules of Procedure, AU Financial Rules and Regulations and the Statutes of the Commission have been revised and adopted.
12. **DECIDES** to impose sanctions on the following listed Member States:
 1. Guinea Bissau
 2. Sao Tome & Principe
 3. Liberia
 4. South Sudan
13. **RECALLS** decision Ext/Assembly/AU/Dec.3(XI) which states that the Assembly may consider requests from Member States experiencing force majeure circumstances making them temporarily unable to pay their assessed contributions. Member States shall notify the Assembly in writing for consideration and decision.
14. **TAKES NOTE OF** the requests from Saharawi Arab Democratic Republic, Seychelles, Burundi. **ACKNOWLEDGES** the challenges faced by these Member States in meeting their annual contributions to the Union, and **REQUESTS** the

⁹ Reservations by the Arab Republic of Egypt.

Commission to engage with Member States facing difficulties paying their contributions to the Union and those in arrears for two (2) or more years in order to agree on the payment plan for clearing the arrears, and report back to the Executive Council in July 2020.

15. **RECALLS** decision Assembly/AU/Dec.578(XXV) which endorsed the recommendations of the Ad-Hoc Ministerial Committee that the new scale of assessment shall be based on achieving 100% of the Union's Operational budget; 75% of Union's Program budget; and 25% of Union's Peace support operations budget, and **REQUESTS** the Commission to continue to report on the implementation of the relevant decisions starting from the next Ordinary session of the Executive Council.



**DECISION ON AFRICAN CANDIDATURES WITHIN THE
INTERNATIONAL SYSTEM
Doc. EX.CL/1216(XXXVI)**

The Executive Council,

A. TAKES NOTE of the Report of the Ministerial Committee on African Candidatures within the International System;

B. ENDORSES:

(i) **For re-election to the post of President of the African Development Bank (AfDB) for the period 2020-2025**, during the election scheduled for May 2020 in Abidjan, Cote d'Ivoire, the candidature of:

- **Dr. Akinwunmi A. Adesina** of the Federal Republic of Nigeria.

(ii) **For election as Member of the Committee for the Elimination of All Forms of Discrimination Against Women (CEDAW)**, during the election scheduled for 29 June 2020 in New York, USA, the candidatures of:

- **Ms. Hilary Amesika Gbedemah** of the Republic of Ghana.
- **Mme. Aicha Vall Verges** of the Islamic Republic of Mauritania.

(iii) **For election as Member of the United Nations Advisory Committee on Administrative and Budgetary Questions (ACABQ) for the period of 2021-2023**, during the election scheduled for November 2019 in New York, USA, the candidatures of:

- **Mr. Nabil Kalkoul** of the People's Democratic Republic of Algeria.
- **Mr. Abdallah Bachar Bong** of the Republic of Chad.

(iv) **For re-election as Member of the Committee on Economic, Social and Cultural Rights (CESCR) for the period of 2022-2024**, during the election scheduled for April 2020 in New York, USA, the candidatures of:

- **Dr. Mohamed Ezzeldin** of the Arab Republic of Egypt.
- **Prof. Sandra Liebenberg** of the Republic of South Africa.

(v) **For election as Member of the United Nations Human Rights Committee for the period of 2021-2024**, during the election scheduled for June 2020 in New York, USA, the Candidatures of:

- **Mrs. Wafaa Bassim** of the Arab Republic of Egypt
- **Mr. Imeru Tamrat Yigezu** of the Federal Democratic Republic of Ethiopia

- **Mr. Koita Bamariam** of the Islamic Republic of Mauritania
- (vi) **For Election as member of the United Nations Human Rights Council for the period 2021-2023**, during the election scheduled for February 2020, in New York, USA the candidatures of:
- **Republic of Malawi;**
 - **Republic of Senegal;**
 - **One seat to be filled by the Central Region.**
- (vii) **For election to the post of Judge at the International Criminal Court (ICC) for the period 2021-2030**, during the election scheduled for December 2020 during the Assembly of State Parties to the Rome Statute, in New York, USA, the candidature of:
- **Mr Gberdao Gustave Kam** of Burkina Faso; or
 - **Ms. Miatta Maria Samba** of the Republic of Sierra Leone;
- (viii) **For re-election as Member of the United Nations Committee on the Rights of the Child for the period of 2021-2025**, during the election scheduled for June 2020 in New York, USA, the candidatures of:
- **Dr. Benyam Dawit Mezmur** of the Federal Democratic Republic of Ethiopia.
 - **Prof. Ann Marie Skelton** of the Republic of South Africa
- (ix) **For election as Member of Nigeria's National Group at the Permanent Court of Arbitration (PCA)**, during the election scheduled for February 2020, Hague, The Netherlands, the candidature of:
- **Mr. Abubakar Malami** of the Federal Republic of Nigeria.
- (x) **For election as member of the United Nations Committee on the Rights of Persons with Disabilities for the period 2021-2024**, during the election scheduled for June 2020 in New York, USA, the candidature of:
- **Mrs. Soumia Amrani** of the Kingdom of Morocco.
- (xi) **For election as Member of the Council of the International Seabed Authority (ISA) for the period of 2021-2024**, during the election scheduled for July 2020 in Kingston, Jamaica, the candidature of:
- **The Republic of Mauritius.**

- (xii) **For election as Vice President of the Postal Operations Council of the Universal Postal Union (UPU)**, during the election scheduled for September 2020 at the 27th Session of UPU Congress in Abidjan, Cote d'Ivoire, the candidature of:

- **The Kingdom of Morocco.**

- (xiii) **For re-election as a Member of the United Nations International Law Commission for the period 2021-2025** during the election scheduled for September 2020 in New York, USA, the candidature of:

- **Dr. Yacouba Cisse** of the Republic of Cote d'Ivoire.

- (xiv) **For election as Member of the Council of Administration of the Universal Postal Union (UPU) for the period 2020-2024**, during the election scheduled for 2020 in Abidjan, Cote d'Ivoire, the candidature of:

- **The Kingdom of Morocco.**

- (xv) **For election as the President of the Group of 77 Plus China, for the period 2021-2022**, during the election scheduled for September 2020, in New York, USA, the candidature of:

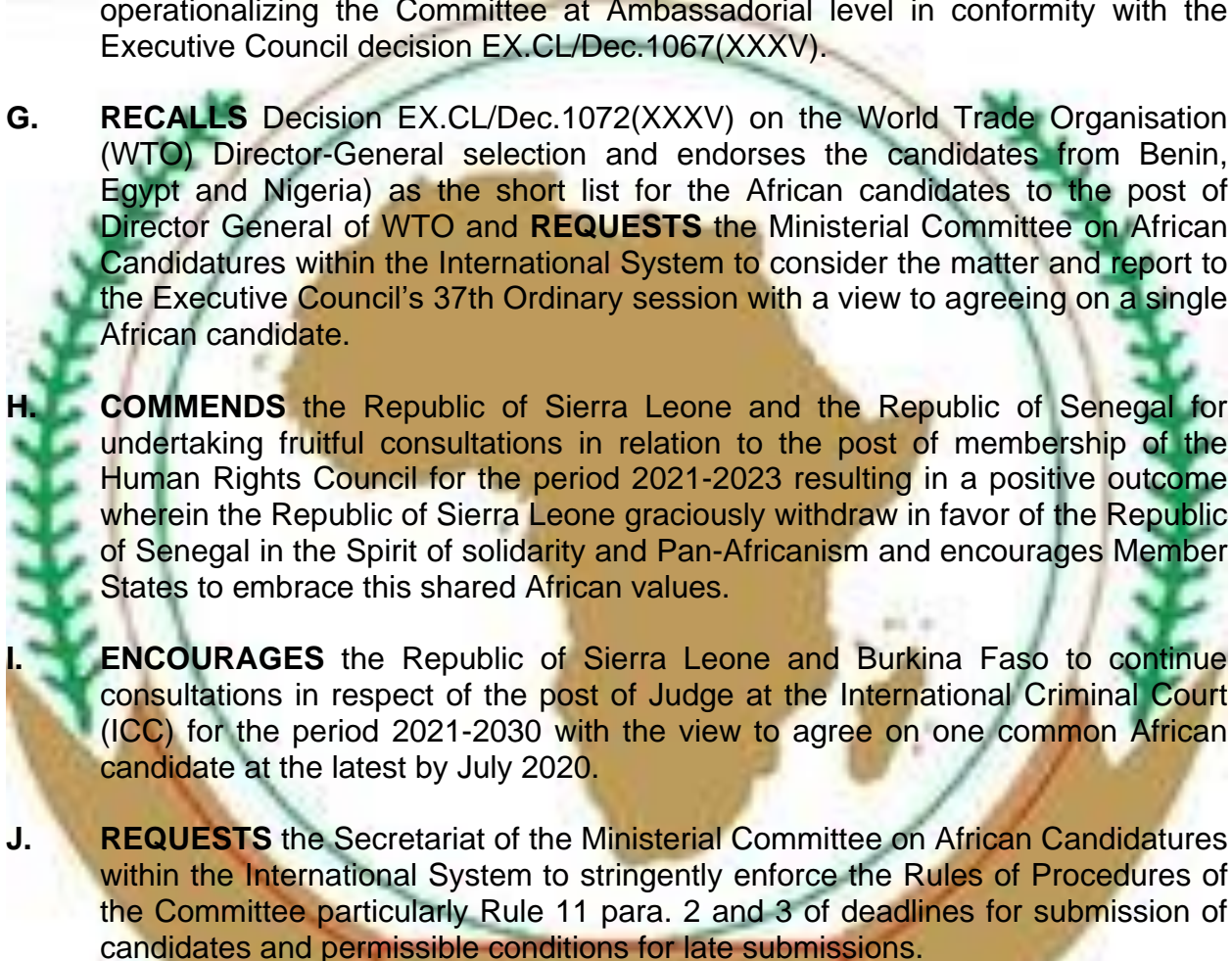
- **The Republic of Guinea.**

- (xvi) **For re-election as member of the International Civil Service Commission of the United Nations for the period 2021-2024**, during the election scheduled for November 2020 in New York, USA, the candidature of:

- **Mr. Larbi Djacta** of the People's Democratic Republic of Algeria.

C. DECIDES to refer the matter of the candidature to the post of Judge at the International Court of Justice (ICJ) to the Ministerial Committee on African Candidatures within the International System to urgently consider the three candidatures from Nigeria, Rwanda and Uganda with a view to endorse one African candidate for this post and to report directly to the Assembly before the end of the 33rd Session of the Assembly of Heads of State and Government.

D. REQUESTS, with regard to the revision of the rules of procedure of the Committee, the Commission to circulate the document to Members of the Committee and to receive their inputs by the end of February 2020, **FURTHER REQUESTS** the Commission to organize a retreat of the Committee to finalize the document and submit to the Specialized Technical Committee (STC) on Justice and Legal Affairs by the end March 2020 for consideration in readiness for adoption by the Executive Council during its mid-year session in July 2020.

- 
- E. REITERATES** its decision EX.CL/1051(XXXIV) that the Chairs of the African Groups, the Chairs of the Committees on Candidatures within African Groups and the relevant AU Permanent Representatives should participate in sessions of the Committee at all times.
- F. COMMENDS** Ambassadors of Member States of the Ministerial Committee on African Candidatures within the International System for setting up and operationalizing the Committee at Ambassadorial level in conformity with the Executive Council decision EX.CL/Dec.1067(XXXV).
- G. RECALLS** Decision EX.CL/Dec.1072(XXXV) on the World Trade Organisation (WTO) Director-General selection and endorses the candidates from Benin, Egypt and Nigeria) as the short list for the African candidates to the post of Director General of WTO and **REQUESTS** the Ministerial Committee on African Candidatures within the International System to consider the matter and report to the Executive Council's 37th Ordinary session with a view to agreeing on a single African candidate.
- H. COMMENDS** the Republic of Sierra Leone and the Republic of Senegal for undertaking fruitful consultations in relation to the post of membership of the Human Rights Council for the period 2021-2023 resulting in a positive outcome wherein the Republic of Sierra Leone graciously withdraw in favor of the Republic of Senegal in the Spirit of solidarity and Pan-Africanism and encourages Member States to embrace this shared African values.
- I. ENCOURAGES** the Republic of Sierra Leone and Burkina Faso to continue consultations in respect of the post of Judge at the International Criminal Court (ICC) for the period 2021-2030 with the view to agree on one common African candidate at the latest by July 2020.
- J. REQUESTS** the Secretariat of the Ministerial Committee on African Candidatures within the International System to stringently enforce the Rules of Procedures of the Committee particularly Rule 11 para. 2 and 3 of deadlines for submission of candidates and permissible conditions for late submissions.

DECISION ON THE INTERNATIONAL CRIMINAL COURT Doc. EX.CL/1218(XXXVI)

The Executive Council,

1. **TAKES NOTE** of the Progress Report of the Commission on the Implementation of the Decisions of the Assembly on the International Criminal Court (“ICC”), namely Assembly/AU/Dec.245(XIII) (July 2009); Assembly/AU/Dec.270(XIV) (February 2010); Assembly/AU/Dec.296(XV) (July 2010); Assembly/AU/Dec.334(XVI) (January 2011); Assembly/AU/Dec.366(XVII) (July 2011); Assembly/AU/Dec.397(XVIII) (January 2012); Assembly/AU/Dec.419(XIX) (July 2012); Assembly/AU/Dec.482(XXI) (May 2013); Ext/Assembly/AU/Dec.1 (October 2013); Assembly/AU/Dec.493(XXII) (January 2014); Assembly/AU/Dec.547(XXIV) (January 2015); Assembly/AU/Dec.586(XXV) (June 2015); Assembly/AU/Dec.590(XXVI) (January 2016); Assembly/AU/Dec.616 (XXVII) (July 2016); Assembly/AU/Dec.622(XXVIII) (January 2017); Assembly/AU/Dec.672(XXX) (January 2018); and Assembly/AU/Dec.738(XXXII) (February 2019), and the recommendations of the Open-ended Committee of Ministers of Foreign Affairs on the International Criminal Court (“*The Open-ended Ministerial Committee*”).
2. **REITERATES:**
 - i. The unflinching commitment of the African Union and its Member States to combating impunity and promoting democracy, the rule of law and good governance throughout the entire continent, in conformity with the Constitutive Act of the African Union;
 - ii. The need for all Member States, in particular, those that are also State Parties to the Rome Statute, to continue to comply with Assembly Decisions Assembly/AU/Dec.245(XIII) (July 2009); Assembly/AU/Dec.270(XIV) (February 2010); Assembly/AU/Dec.296(XV) (July 2010); Assembly/AU/Dec.334(XVI) (January 2011); Assembly/AU/Dec.366(XVII) (July 2011); Assembly/AU/Dec.397(XVIII) (January 2012); Assembly/AU/Dec.419(XIX) (July 2012); Assembly/AU/Dec.482(XXI) (May 2013); Ext/Assembly/AU/Dec.1 (October 2013); Assembly/AU/Dec.493(XXII) (January 2014); Assembly/AU/Dec.547(XXIV) (January 2015); Assembly/AU/Dec.586(XXV) (June 2015); Assembly/AU/Dec.590(XXVI) (January 2016); Assembly/AU/Dec.616 (XXVII) (July 2016); Assembly/AU/Dec.622(XXVIII) (January 2017); Assembly/AU/Dec.672(XXX) (January 2018); and Assembly/AU/Dec.738(XXXII) (February 2019), on the ICC;
 - iii. The call for the ICC to respect the duty of all States Parties to the Rome Statute to honour their other international obligations as stipulated in Article 98, which includes the right to host international

meetings and to ensure the participation of all invited delegations and high officials; and

- iv. The call for Member States to ratify the Protocol on Amendments to the Protocol of the African Court of Justice and Human and Peoples' Rights (Malabo Protocol).

3. EXPRESSES WITH CONCERN:

- i. the double standards applied by the ICC in its selection of cases as evidenced in the decision of the Pre-Trial Chamber II to reject the Prosecutor's request to proceed with investigations into the alleged crimes committed in Afghanistan; and
- ii. the absence of Ministers at meetings of the Open-ended Ministerial Committee on the ICC.

4. **TAKES NOTE** of the outcome of the Experts' Workshop to discuss the impasse in the Sixth Committee as it relates to the scope and application of universal jurisdiction.

5. **COMMENDS** the efforts of the Commission in finalizing the Draft Questions on the "Request for an advisory opinion of the International Court of Justice on the consequences of legal obligations of States under different sources of international law with respect to immunities of Heads of State and Government and other senior officials".

6. **FURTHER COMMENDS** the Republic of Zambia and the Commission for their efforts in remobilizing the African Group of States Parties to the Rome Statute in The Hague.

7. **CALLS UPON** all Member States to oppose the Decision of the Appeals Chamber in the Hashemite Kingdom of Jordan's Appeal Against the 'Decision under Article 87(7) of the Rome Statute on the Non-Compliance by Jordan with the Request by the Court for the Arrest and Surrender of Omar Al-Bashir', which is at variance with the Rome Statute of the International Criminal Court, customary international law and the AU Common Position.

8. **URGES** States Parties to the Rome Statute, in particular, African States, to stand against the increasing politicisation of the Court.

9. **REQUESTS** Member States to prioritise the implementation of Assembly Decisions on the ICC and submit recommendations on the way forward with key issues raised by this Decision.

10. **FURTHER REQUESTS** the Commission, in consultation with the African Groups in The Hague and New York, to develop a matrix of issues of concern to African States, including issues relating to the rights of the accused and the immunities of Heads of State and Government and other senior officials, and to propose the necessary amendments to the Rome Statute within the ambit

of ongoing discussions on reform of the ICC by the Assembly of States Parties (ASP).

11. **DECIDES** to maintain the African Position to keep the discussions on universal jurisdiction in the Sixth Committee.
12. **REQUESTS** the African Group in New York, in collaboration with the Commission, to remove the “Request for an advisory opinion of the International Court of Justice on the consequences of legal obligations of States under different sources of international law with respect to immunities of Heads of State and Government and other senior officials” from the Agenda of the United Nations General Assembly until further notice.
13. **DIRECTS** the Commission to provide technical support to the African Group in New York and The Hague in order to develop and promote the AU Common Position on the ICC and universal jurisdiction **AND FURTHER DIRECTS** the Executive Council and the PRC to make available the necessary financial resources for the implementation of this Decision by February 2021.



**DECISION ON ELECTION OF ONE (1) MALE MEMBER OF
THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF
THE CHILD FROM THE ISLAMIC REPUBLIC OF MAURITANIA
Doc. EX.CL/1222(XXXVI)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Commission on the Election of one (1) Male Member of the African Committee of Experts on the Rights and Welfare of the Child from the Islamic Republic of Mauritania.
2. **FURTHER TAKES NOTE** of the nomination of the following member of the African Committee of Experts on the Rights and Welfare of the Child to serve the remainder of the term of the late Hon. Mohamed Ould Ahmedou dit H'meyada, until **January 2021**.

NO.	NAME	COUNTRY	REGION	GENDER
1	Aboubekrine El Jera	Mauritania	North	M

3. **RECOMMENDS** the nominated member of the African Committee of Experts on the Rights and Welfare of the Child to the Thirty Third Ordinary Session of the Assembly, for approval.



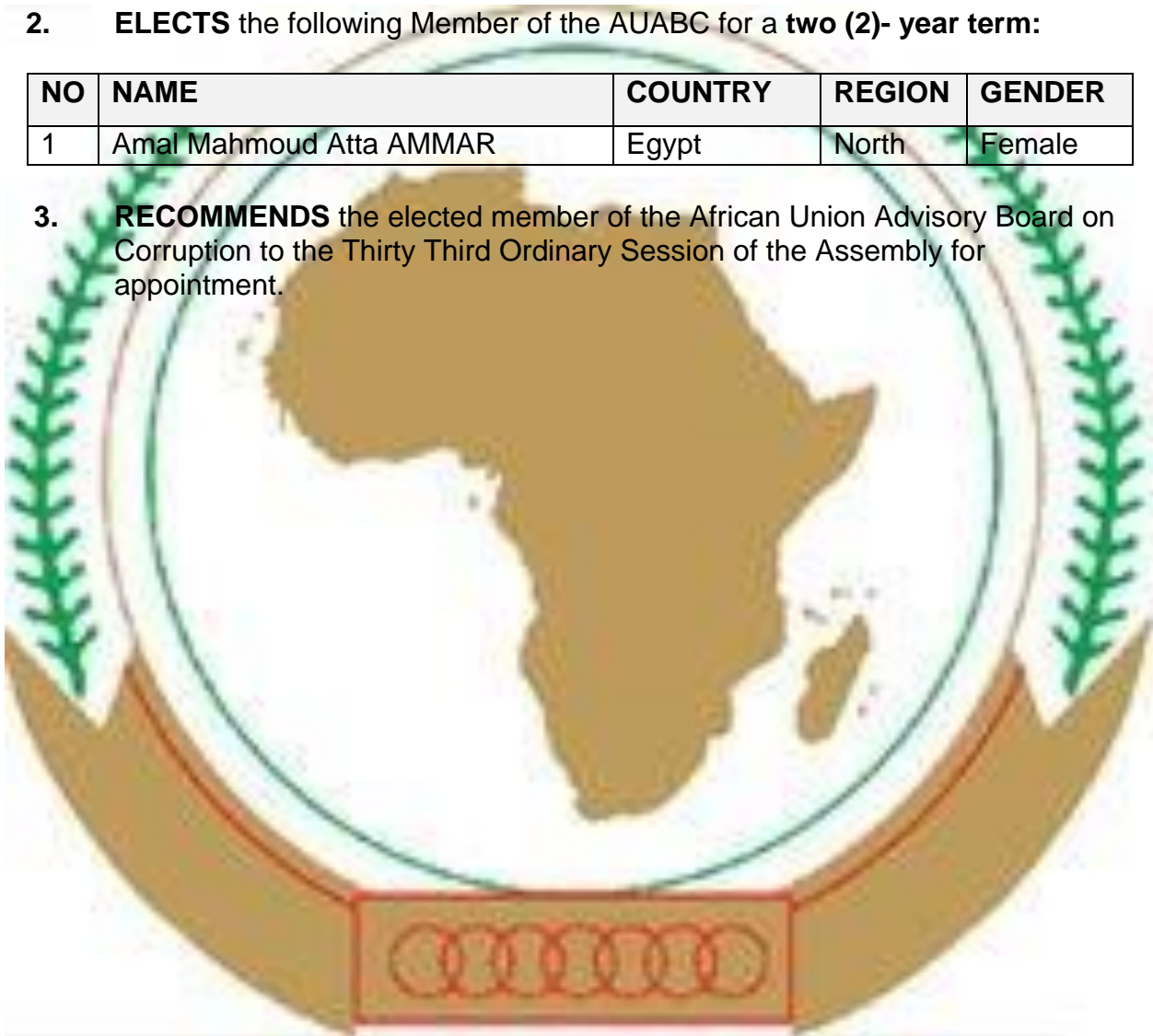
**DECISION ON THE ELECTION OF ONE (1) MEMBER OF THE AFRICAN UNION
ADVISORY BOARD ON CORRUPTION
Doc. EX.CL/1224(XXXVI)**

The Executive Council,

- 1. TAKES NOTE** of the Report of the Commission on the Election of the One (1) Member of the African Union Advisory Board on Corruption (AUABC);
- 2. ELECTS** the following Member of the AUABC for a **two (2)- year term**:

NO	NAME	COUNTRY	REGION	GENDER
1	Amal Mahmoud Atta AMMAR	Egypt	North	Female

- 3. RECOMMENDS** the elected member of the African Union Advisory Board on Corruption to the Thirty Third Ordinary Session of the Assembly for appointment.



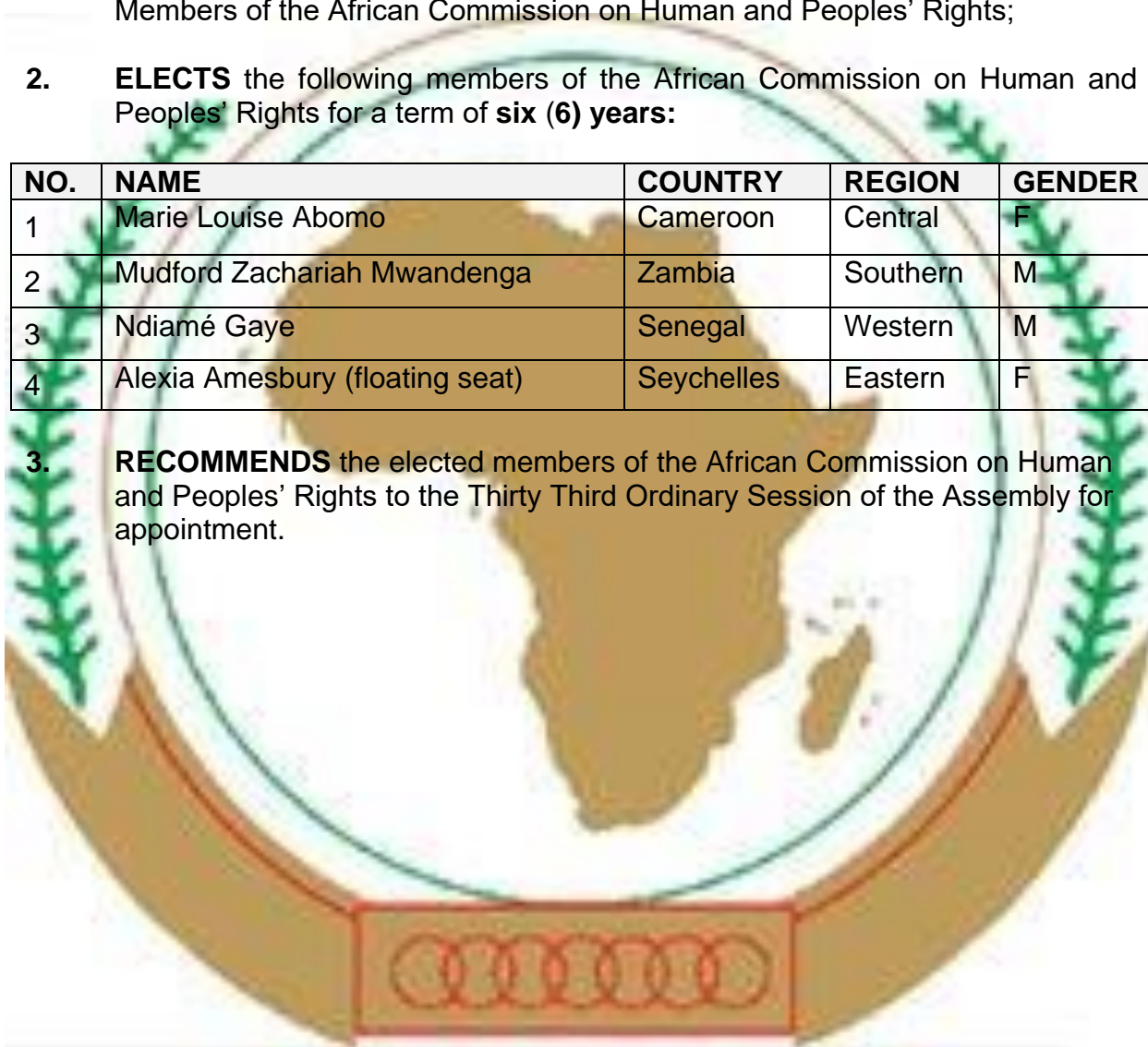
**DECISION ON THE ELECTION OF FOUR (4) MEMBERS OF THE AFRICAN
COMMISSION ON HUMAN AND PEOPLES' RIGHTS
Doc. EX.CL/1225(XXXVI)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Commission on the Election of Four Members of the African Commission on Human and Peoples' Rights;
2. **ELECTS** the following members of the African Commission on Human and Peoples' Rights for a term of **six (6) years**:

NO.	NAME	COUNTRY	REGION	GENDER
1	Marie Louise Abomo	Cameroon	Central	F
2	Mudford Zachariah Mwandenga	Zambia	Southern	M
3	Ndiamé Gaye	Senegal	Western	M
4	Alexia Amesbury (floating seat)	Seychelles	Eastern	F


3. **RECOMMENDS** the elected members of the African Commission on Human and Peoples' Rights to the Thirty Third Ordinary Session of the Assembly for appointment.



**DECISION ON THE ELECTION OF TEN (10) MEMBERS OF THE PEACE AND
SECURITY COUNCIL OF THE AFRICAN UNION
Doc. EX.CL/1226(XXXVI)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Commission on the Election of Ten (10) Members of the Peace and Security Council of the African Union;
2. **ELECTS** the following members of the Peace and Security Council of the African Union for a term of **two (2) years**:



NO.	COUNTRY	REGION
1.	Cameroon	Central
2.	Chad	Central
3.	Djibouti	Eastern
4.	Ethiopia	Eastern
5.	Egypt	Northern
6.	Malawi	Southern
7.	Mozambique	Southern
8.	Benin	Western
9.	Ghana	Western
10.	Senegal	Western

3. **RECOMMENDS** the elected members of the Peace and Security Council of the African Union to the Thirty Third Ordinary Session of the Assembly for appointment.

**DECISION ON THE ELECTION OF SIX (6) MEMBERS OF THE AFRICAN UNION
COMMISSION ON INTERNATIONAL LAW (AUCIL)
Doc. EX.CL/1223(XXXVI)**

The Executive Council,

- 1. TAKES NOTE** of the Report of the Commission on the Election of Six Members of the African Union Commission on International Law (AUCIL);
- 2. ELECTS** the following members of the AUCIL for a term of **five (5) years**:

NO.	NAME	COUNTRY	REGION	GENDER
1	Abdi Ismail Hersi	Djibouti	Eastern	Male
2	Juliet Semambo Kalema	Uganda	Eastern	Female
3	Mohamed S. Helal	Egypt	Northern	Male
4	Sebastião da Silva Isata	Angola	Southern	Male
5	Kathleen Quartey Ayensu	Ghana	Western	Female
6	Bélibi Sébastien Daila	Burkina Faso	Western	Male

- 3. RECOMMENDS** the elected members of the African Union Commission on International Law (AUCIL) to the Thirty Third Ordinary Session of the Assembly for appointment.

2020-02-07

Decisions, Executive Council Thirty-Sixth Ordinary Session 06 - 07 February 2020 Addis Ababa, Ethiopia

African Union

DCMP

<https://archives.au.int/handle/123456789/8841>

Downloaded from African Union Common Repository