

AFRICAN UNION

الاتحاد الأفريقي



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**EXECUTIVE COUNCIL
Twenty-First Ordinary Session
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EX.CL/Dec.696-725(XXI)

DECISIONS

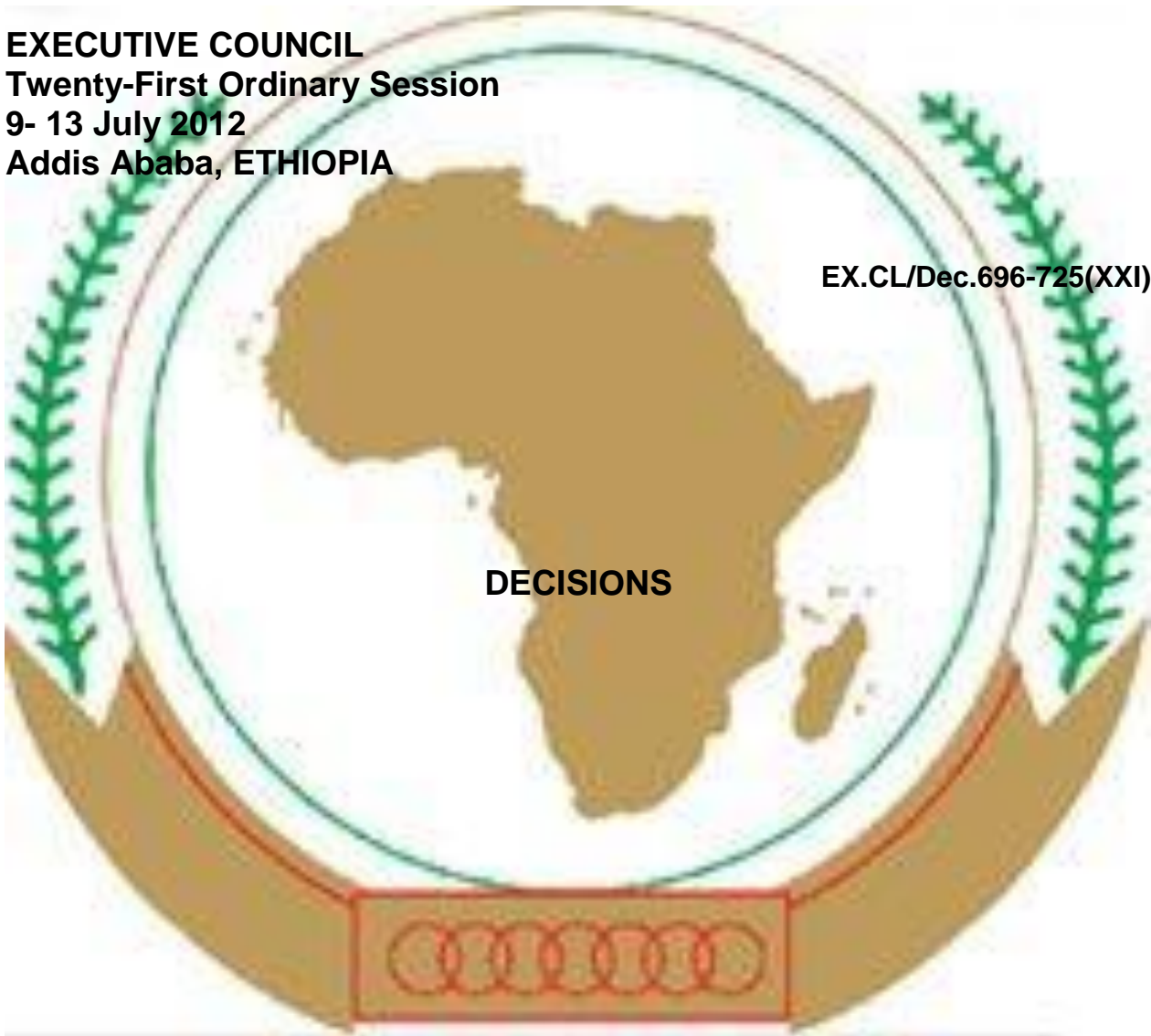
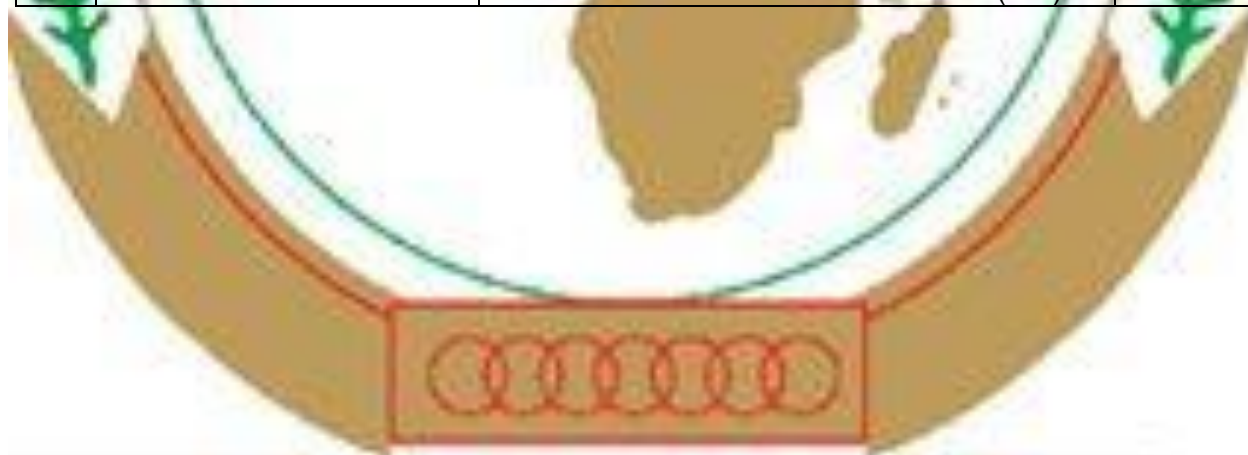


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**DECISION ON THE BUDGET OF THE AFRICAN UNION
FOR THE 2013 FINANCIAL YEAR
Doc. EX.CL/721(XXI)**

The Executive Council,

1. **TAKES NOTE** of the Report of the PRC, **ENDORSES** its recommendations and **REQUESTS** the African Union Commission to implement them;
2. **APPROVES** the budget of African Union (AU) for the Year 2013 amounting to **US\$278,226,622** as follows:
 - i) A total amount for US\$122,866,637 assessed to Member States on the basis of the current Scale of Assessment;
 - ii) A total amount of US\$155,359,986 that is earmarked for the programs is secured from International Partners.
3. **APPROVES** the Budget breakdown among the AU Organs as follows:

Organ	Member States			Partners	Budget 2013		
	Operational	Program	Total	Programs	Operational	Programs	Total
AUC	90,594,106	4,782,764	95,376,870	121,178,534	90,594,106	125,961,298	216,555,404
PAP	10,372,998		10,372,998	120,000	10,372,998	120,000	10,492,998
AfCHR (The Court)	6,607,632		6,607,632	2,362,315	6,607,632	2,362,315	8,969,947
ACHPR (The Commission)	3,881,947		3,881,947	4,606,770	3,881,947	4,606,770	8,488,716
ECOSSOC	1,015,372		1,015,372		1,015,372	-	1,015,372
NEPAD	4,200,000		4,200,000	25,853,921	4,200,000	25,853,921	30,053,921
AUCIL	353,357		353,357	233,918	353,357	233,918	587,275
Advisory Board on Corruption	470,486		470,486	501,850	470,486	501,850	972,336
Peace &				112,962	-	700,937	700,937

Organ	Member States			Partners	Budget 2013		
	Operational	Program	Total	Programs	Operational	Programs	Total
Security Council		587,975	587,975				
ACERWC				389,716	-	389,716	389,716
Total	117,495,898	5,370,739	122,866,637	155,359,986	117,495,898	160,730,725	278,226,622

4. **ALSO APPROVES** a budget of US\$12.1 million for the Pan African University (PAU) to be established as a special fund and mandates the Commission to mobilize resources from International Partners;
5. **REQUESTS** the Commission to submit appropriate structures to the PRC Sub-Committee on Structure to beef up security staff strength and also to submit a proposal to the PRC to modernize its overall security system;
6. **REQUESTS** the PRC to consider the proposals of the Commission on the review of Staff Salaries and Allowances and come up with appropriate recommendations together with the financial implications with effect from January 2012, as per Decision EX.CL/Dec.514(XV).



DECISION ON THE DRAFT AFRICAN UNION INTERNAL AUDIT REGULATIONS
Doc. EX.CL/720(XXI)i

The Executive Council,

1. **TAKES NOTE** of the recommendations of the Permanent Representatives Committee (PRC) on the Draft African Union Internal Audit Regulations;
2. **RECOMMENDS** the Draft African Union Internal Audit Regulations to the Assembly for adoption;
3. **REQUESTS** the Commission to submit to the Executive council through the PRC, on an annual basis, a report on the status of implementations of the African Union Internal Audit Regulations;
4. **ALSO REQUESTS** the PRC to establish a sub-committee on Audit Matters.



**DECISION ON THE DEVELOPMENT OF THE AFRICAN UNION WIDE
STRATEGIC PLAN
Doc. EX.CL/720(XXI)ii**

The Executive Council,

1. **TAKES NOTE** of the Report of the Review of the 2009 – 2012 AUC Strategic Plan;
2. **AUTHORISES** the Commission to immediately start the process for preparation of the 2014-2017 Strategic Plan, working closely with the Sub-Committee on Programmes and Conferences. In that context, the Commission should take into consideration the recommendations of the Review Report on the Implementation of the 2009-2012 Strategic Plan, and in particular:
 - The involvement of stakeholders such as Member States, other organs of the Union, the NEPAD Agency, the RECs and the Civil Society;
 - The preparation of a detailed implementation plan for the new Strategic Plan;
 - Preparation of a monitoring and evaluation framework for the Strategic Plan.
3. **REQUESTS** the Commission to submit on a regular basis, progress reports on the preparation of the Draft 2014-2017 Strategic Plan to the AU policy organs through the relevant PRC Sub-Committees;
4. **AUTHORISES** the Commission to approach Member States, Strategic Partners such as ECA, the ADB, other Development Partners for voluntary contributions, as well as material and technical support .



**DECISION ON THE REPORT OF THE PRC SUB-COMMITTEE ON MULTILATERAL
COOPERATION WITH RESPECT TO AFRICA'S STRATEGIC PARTNERSHIPS
Doc. EX.CL/720(XXI)iv**

The Executive Council,

1. **TAKES NOTE** of the Report of the PRC Sub-Committee on Multilateral Cooperation;
2. **ENDORSES** the recommendations contained in the Report;
3. **REQUESTS** the Commission to pursue its efforts to implement the plans of action of Africa's different strategic partnerships;
4. **ALSO REQUESTS** the Commission to coordinate all scheduled summits with partners with a view to facilitating the participation of Member States at the required level, while placing emphasis on the results expected from such activities, and the need to carry out an evaluation of the partnerships;
5. **UNDERSCORES** the need for Member States to respect the Assembly Decision on the Banjul Format, which was applicable to Africa's partnerships with various countries taken individually, while ensuring adequate preparations for the summits, thus enabling Africa's representatives to speak on behalf of all Member States.



**DECISION ON MEMBER STATES' CONTRIBUTIONS
TO THE BUDGET OF THE AFRICAN UNION
Doc. EX.CL/720(XXI)vi**

The Executive Council,

1. **TAKES NOTE** of the Report and the recommendations of the Permanent Representatives Committee (PRC), through its Sub-Committee on Contributions, on contributions of Member States to the Budget of the African Union (AU);
2. **CONGRATULATES** the Member States that are up-to-date with their contributions;
3. **URGES** Member States which have not already done so, to pay their contributions on time and encourage those Member States that are in arrears to clear such arrears;
4. **RECOMMENDS** the retention of the temporary lifting of the sanctions imposed on DRC and urge it to comply with the deadlines for payment of the arrears;
5. **ALSO RECOMMENDS** that sanctions should not be imposed against Somalia for reasons of the current difficulties facing the country;
6. **REQUESTS** the *Ad Hoc* Ministerial Committee on Scale of Contributions to examine, as expeditiously as possible, the Scale to be applied to the Republic of Sudan and the Republic of South Sudan, in accordance with the relevant Executive Council Decision; and to this end, request the Commission to take appropriate measures to facilitate the meeting of the *Ad Hoc* Ministerial Committee on Scale of Contributions on the side-lines of the July 2012 Summit;
7. **REQUESTS** the Commission to continue to provide Member States with the status of their contributions on regular basis and by so doing induce them to pay up.

**DECISION ON THE REPORT OF THE COMMISSION ON IMPLEMENTATION OF
PREVIOUS DECISIONS OF THE EXECUTIVE COUNCIL AND THE ASSEMBLY
Doc. EX.CL/722(XXI)iv**

Executive Council,

1. **TAKES NOTE** of the report of the Commission on the implementation of previous Decisions of the Executive Council and Assembly and the recommendations contained therein;
2. **INVITES** Member States to ensure timely submission of their contributions to the report on implementation of previous Decisions;
3. **REQUESTS** the Commission to ensure prudence in the use of resources allocated to the African Union;
4. **APPROVES** the proposal of the Commission to defer the operationalization of the Specialized Technical Committees (STCs) to January 2014 and submit a report on the practical modalities for its operationalization to the January 2013 Assembly;
5. **REQUESTS** the Commission to always evaluate the technical, structural and financial implications prior to taking new decisions so as to ensure their effective implementation;
6. **RECALLS** Executive Council Decision EX.CL/Dec.650(XIX), which requested the Commission, in close collaboration with the Permanent Representatives' Committee (PRC), to work out concrete proposals on the rationalization of the meetings and the agenda of the two annual Summits in terms of content and expected outcomes;
7. **REQUESTS** the Commission to submit a report to the January 2013 Summit on the criteria and practical modalities on the decoration of the new Conference Center, with particular emphasis on the portraits of the Founding Fathers, African heroes and heroines, and other eminent African personalities, as well as the naming of the different rooms and the display of artistic works based on history and culture of Africa.

**DECISION ON THE FIFTH ORDINARY SESSION OF THE CONFERENCE OF
MINISTERS OF EDUCATION OF THE AFRICAN UNION (COMEDAF V)
Doc. EX.CL/725(XXI)**

The Executive Council,

1. **TAKES NOTE** of the report including the recommendations of the mid-term evaluation of the Second Decade of Education for Africa, the report of the Pan African Conference on Teacher Development (PACTED), the Act of Establishment of the Pan African University (PAU) as well as the PAU Statutes;
2. **ENDORSES** the above recommendations and request all stakeholders, namely Member States, the AU Commission, the RECs as well as Partner Organizations to take the necessary measures towards their implementation;
3. **REQUESTS** the Commission to expedite the operationalization of the Pan African University according to Assembly Decision Assembly/AU/Dec. 391 (XVIII), the Pan African University Statutes and the Act of its establishment;
4. **CALLS UPON** PAU host countries and thematic partners to expedite the signing of the relevant Memoranda of Understanding;
5. **CALLS UPON** the Southern Africa region to select the host country for the PAU thematic institute that is allocated to the region and to report to the Summit in January 2013;
6. **CALL UPON** Member States to contribute to the proposed fund for the implementation of the pedagogical use of the General History of Africa;
7. **ALSO REQUESTS** the Commission to initiate studies aimed at identifying mechanisms for engaging the Diaspora in mitigating the loss of African intellectual capital in education, development and all development sectors, including the teaching of Science, Mathematics and Technology;
8. **DECIDES** to accelerate the adoption of the draft Statutes of the Pan African University through the relevant AU Sub-Committees to ensure that the operationalization of PAU is not delayed.

**DECISION ON THE REPORT OF THE 3RD CONFERENCE OF AFRICAN MINISTERS
IN CHARGE OF BORDER ISSUES
DOC. Ex.CL/726(XXI)**

The Executive Council,

1. **TAKES NOTE** of the report and the Declaration of African Union Ministers in charge of Border Issues, on the African Union Border Programme (AUBP), the draft African Union Convention on Cross Border Cooperation also known as “the Niamey Convention“ as well as PRC observations in this regard;
2. **ENDORSES** the Declaration and **REQUESTS** Member States, the RECs and other stakeholders to take the necessary steps to ensure its implementation;
3. **REQUESTS** the Commission to finalize the 2013-2017 Strategic Plan for the implementation of the African Union Border Programme, in consultation with Member States and other concerned stakeholders;
4. **ALSO REQUESTS** the Commission to submit, as soon as possible, the draft Convention to the Ministers of Justice/Attorneys General in line with relevant Executive Council Decision EX.CL/459(XIV) adopted in January 2009;
5. **REQUESTS** the Chairperson of the Commission to report regularly on the status of implementation of the AUBP to the competent organs of the African Union, including the AU Peace and Security Council.



**DECISION ON THE REPORT OF THE SPECIAL SESSION OF THE 5TH AFRICAN
UNION CONFERENCE OF MINISTERS OF HEALTH (CAMH5)
Doc.EX.CL/727(XXI)**

The Executive Council,

1. **TAKES NOTE** of the report and the recommendations of the AU Conference of Ministers of Health held in Geneva, Switzerland, on 19 May 2012;
2. **ENDORSES** the recommendations of the said conference, especially the report on the current situation of maternal, new-born and child health in Africa, the programme to operationalize the Pharmaceutical Manufacturing Plan for Africa, the Plan of Action of the 2nd Decade of African Traditional Medicine (2011-2020) as well as the African Plan of Action for the elimination of new HIV infections among children by 2015 with special emphasis on the preservation of the life of the mother;
3. **DECIDES** that the annual report on maternal, new-born and child health should be submitted to the Assembly of the Union;
4. **REQUESTS** the Commission to take the necessary measures to ensure the implementation of the recommendations of the Conference of Ministers of Health;
5. **WELCOMES** the offer of Algeria to host the 6th session of the Conference of Ministers of Health in Algiers in April 2013;
6. **UNDERScores** the urgent need to mobilize resources for health in Africa for reason of its impact on the development process.



**DECISION ON THE STATUS OF SIGNATURE AND
RATIFICATION OF OAU/AU TREATIES
Doc. EX.CL/728(XXI)**

The Executive Council,

1. **TAKES NOTE** of the Report on the Status of signature and ratification of OAU/AU Treaties the modalities for the establishment of a -Committee of the Executive Council on the Challenges of Ratification/Accession and Implementation of OAU/AU Treaties elaborated in conformity with Article 5(n) of the Rules of Procedure of the Executive Council for the implementation of Decision EX.CL/Dec. 459 (XIV) adopted by the Fourteenth Ordinary Session of the Executive Council and endorsing the recommendations of the Conference of Ministers of Justice/Attorneys General held in Kigali, Rwanda in November 2008;
2. **AUTHORISES** the establishment of a Ministerial Committee on the challenges of ratification/accession and implementation of the OAU/AU treaties within the context of the fiftieth anniversary of the OAU while noting that this does not involve any financial and structural implications;
3. **WELCOMES** the efforts by the Commission and Member States towards signature, ratification/accession of OAU/AU Treaties during the period February to June 2012;
4. **URGENTLY APPEALS** once more to Member States to sign, ratify and implement OAU/AU treaties, thus reaffirming commitments made;
5. **REITERATES** its appeal to Member States to ensure that they initiate the process of ratification of new treaties within a period of one (1) year after its adoption in accordance with Executive Council Decision EX. CL/Dec.459 (XVI) on the Status of Signature and Ratification of OAU/AU/Treaties and the Harmonization of Ratification Procedures adopted by the Fourteenth Ordinary Session of the Executive Council held in Addis Ababa, Ethiopia in January 2009;
6. **INVITES** all States Parties to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and peoples' Rights that have not yet done so to make a declaration accepting the competence of the Court to receive cases under Article 5 (3) of this Protocol and to ratify the Protocol on the merged Court of Justice and Human and Peoples' Rights;
7. **TAKES NOTE** of the efforts by the AU Organs including the Pan-African Parliament (PAP), the AU Commission on International Law (AUCIL), the Economic, Social and Cultural Council (ECOSOCC), the African Commission on Human and Peoples' Rights (ACHPR) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) as well as the Regional Economic Communities (RECs), International and Regional Organisations, and Civil Society towards advocacy and sensitisation of Member States to expedite the process of

ratification of/accession to OAU/AU Treaties and **REQUESTS** them to persist in these efforts;

8. REQUESTS Member States to continue giving special attention to the ratification of the following instruments that are not yet in force:

- i) African Convention on the Conservation of Nature and Natural Resources (revised version) (2003);
- ii) Charter for African Cultural Renaissance (2006);
- iii) Protocol on the Statute of the African Court of Justice and Human Rights (2008);
- iv) African Charter on Statistics (2009);
- v) Protocol on the African Investment Bank (2009);
- vi) African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (2009);
- vii) Constitution for the African Civil Aviation Commission – AFCAC (REVISED VERSION) (2009);
- viii) Revised African Maritime Transport Charter (2010); and
- ix) African Charter on the Values and Principles of Public Service and Administration (2011).

9. ALSO REQUESTS the Commission to report on regular basis on the implementation of this Decision to the Executive Council through the Permanent Representatives' Committee.



**DECISION ON THE PROTOCOL ON AMENDMENTS TO THE PROTOCOL ON THE
STATUTE OF THE AFRICAN COURT OF JUSTICE AND HUMAN RIGHTS**

Doc. EX.CL/731(XXI)a

The Executive Council,

1. **TAKES NOTE** of the Report of the Meeting of Ministers of Justice/Attorneys General on the draft Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights held in Addis Ababa on 14 and 15 May 2012;
2. **REQUESTS** the Commission in collaboration with the African Court on Human and Peoples' Rights to prepare a study on the financial and structural implications resulting from the expansion of the jurisdiction of the African Court on Human and Peoples' Rights and submit the study along with the Draft Protocol on Amendments to the Protocol to the Statute of the African Court of Justice and Human Rights for consideration by the policy organs at the next summit slated for January 2013;
3. **STRESSES** the need for the AU to adopt a definition of the crime of unconstitutional change of government and, in this regard, request the Commission in collaboration with the AU Commission on International Law and the African Court on Human and Peoples' Rights to submit this definition for consideration by the policy organs at the next Summit to be held in January 2013.



**DECISION ON THE PROTOCOL TO THE CONSTITUTIVE ACT OF THE AFRICAN
UNION RELATING TO THE PAN-AFRICAN PARLIAMENT
Doc. EX.CL/731(XXI)b**

The Executive Council,

1. **TAKES NOTE** of the Report on the Meeting of Ministers of Justice/Attorneys General on the Review of the Protocol to the Constitutive Act of the African Union Relating to the Pan-African Parliament held in Addis Ababa on 14 and 15 May 2012;
2. **APPROVES** the draft Protocol to the Constitutive Act of the African Union Relating to the Pan-African Parliament except the provisions of Article 8.1(a) and 8.2 of the Draft Protocol relating to the legislative and oversight powers which should be deferred for consideration to a later stage taking into account the progress in the integration process;



**DECISION ON THE AFRICAN UNION MODEL NATIONAL LAW ON UNIVERSAL
JURISDICTION OVER INTERNATIONAL CRIMES**

Doc. EX.CL/731(XXI)c

The Executive Council,

1. **TAKES NOTE** of the Report of the Meeting of Ministers of Justice and/or Attorneys General and **APPROVES** the draft national model law on universal jurisdiction for international crimes and **ENCOURAGES** Member States to adopt or strengthen their national legislations on the prosecution of those accused of international crimes;
2. **ENDORSES** the recommendations of the meeting of Ministers of Justice/Attorneys General on the abuse of the principle of universal jurisdiction
3. **WELCOMES** the steps taken by the Commission to follow up on various Assembly Decisions on the Abuse of the Principle of Universal Jurisdiction by some non-African States, including the elaboration of a Model National Law on Universal Jurisdiction over International Crimes;
4. **ENCOURAGES** Member States to fully take advantage of this Model National Law in order to expeditiously enact or strengthen their national laws in this area;
5. **REQUESTS** the Commission to explore ways and means through which the capacity of relevant officials and institutions of Member States may be strengthened to enable them effectively perform their duties and mandates under the AU Model Law;
6. **ALSO REQUESTS** the Commission to follow-up on this matter and to report regularly to the Executive Council.



DECISION ON THE HUMANITARIAN SITUATION IN AFRICA
Doc. EX.CL/734(XXI)

The Executive Council,

1. **TAKES NOTE** of the Report ;
2. **ENDORSES** all the recommendations made on the report by the PRC which had already been adopted by Council;
3. **URGES** Member States in particular that have not yet done so , to sign and ratify the AU Convention on the protection and assistance to internally displaced persons in Africa to enable this important instrument to enter into force before the end of 2012;
4. **EXPRESSES** its high appreciation and gratitude for the generous assistance provided by Member States to returnees and IDPs;
5. **REQUESTS** the Commission to actively engage with Member States with a view to updating information on the statistics regarding the humanitarian situation.
6. **ALSO REQUESTS** the Commission to ensure gradual percentage increase of AU Administrative Budget from 2% to 4% in line with the pertinent decision in this respect.



**DECISION ON THE PROGRESS REPORT OF THE CHAIRPERSON OF THE
COMMISSION ON THE ESTABLISHMENT OF THE AFRICAN UNION CENTRE FOR
POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT
DOC. EX.CL/738(XXI)**

The Executive Council,

1. **TAKES NOTE** of the progress report of the Chairperson of the Commission on the establishment of the African Union Centre for Post-Conflict Reconstruction and Development;
2. **Once again ENCOURAGES** Egypt and Uganda to speed up the consultations as requested by the Executive Council in order to arrive at an amicable solution on the issue of the location of the Centre;
3. **RECALLS** the mandate assigned to the Centre which is expected to collaborate closely with similar research centres and other institutions in Africa to maximize its impact, including the possibility of establishing satellite institutions, linked to the Centre, in other regions;
4. **REQUESTS** the Commission to assist the two countries in finalizing these consultations before its next Ordinary Session and, if need be, to submit to it proposals on the way forward. In the meantime, the Council **REQUESTS** the Commission to pursue its efforts towards the mobilization of the necessary resources for the operationalization of the AU-PCRD Centre, as well as to finalize the proposals on the modalities for the funding of the Centre and its structure, as requested in decision EX.CL/Dec.687(XX);
5. **FURTHER REQUESTS** the Chairperson of the Commission to report on the implementation of this decision at its next Ordinary Session.



**DECISION ON THE ELECTION OF A JUDGE TO THE AFRICAN UNION
ADMINISTRATIVE TRIBUNAL
DOC. EX.CL/742(XXI)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Commission on the Election of a Judge to the African Union Administrative Tribunal;
2. **NOMINATES** the Republic of Mauritius to designate a judge to the African Union Administrative Tribunal for a four (4)-year term as of February 2012;
3. **REQUESTS** the Chairperson of the Commission to nominate a Member State in an alphabetical order whenever a vacancy arises in the Administrative Tribunal and report thereon to the Executive Council.



**DECISION ON THE REPORT OF THE AFRICAN COMMITTEE
OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)
Doc. EX.CL/744(XXI)**

The Executive Council,

1. **TAKES NOTE** of the Report of the African Committee of Experts on the Rights and Welfare of the Child and commends the Committee for its work;
2. **EXPRESSES** its high appreciation to Member States which have submitted, in a timely manner, their implementation reports on the African Charter on the Rights and Welfare of the Child;
3. **CALLS UPON** Member States that have not yet ratified the Charter to accelerate the process;
4. **URGES** State Parties that have not yet submitted their reports to comply with the provision of the Charter and expedite submissions;
5. **REQUESTS** Member States to welcome the request of the Committee to carry out missions in their jurisdiction to monitor the implementation of the Charter;
6. **ADOPTS** the theme of the Day of the African child for 2013:” *Eliminating Harmful Social and Cultural Practices affecting Children: Our Collective Responsibility*” and **REQUESTS** Member States to take necessary and urgent measures to eradicate the Harmful Social and Cultural Practices against children;
7. **REQUESTS** the Permanent Representative Committee (PRC), the Peace and Security Council (PSC) and the Regional Economic Communities (RECS) to take into account the rights of the child in their agenda and cooperate actively with the Committee;
8. **FURTHER REQUESTS** the Commission to continue consultations with the PRC with regard to the financial implications of moving the Secretariat of the Committee outside the headquarters and register the offer made by Burkina Faso to host this Secretariat;
9. **WELCOMES** the invitation extended to the Committee by the Republic of Uganda to visit the country and to interact with the various stakeholders on the issue of child soldiers raised by some Civil Society Organizations (CSOs).

**DECISION ON THE FOURTH REPORT OF THE AFRICAN UNION
ADVISORY BOARD ON CORRUPTION
DOC. EX.CL/746(XXI)**

The Executive Council,

1. **TAKES NOTE** of the Fourth Report of the African Union Advisory Board on Corruption (AUABC) on the progress made by each State Party in complying with the provisions of the AU Convention on Preventing and Combating Corruption and the recommendations contained therein;
2. **ALSO TAKES NOTE** of the activities undertaken by the AUABC from July 2011 to July 2012;
3. **REQUESTS** AUABC to continue to continue to work closely with other AU organs and the RECs to promote and encourage the adoption of measures and actions by States Parties to prevent, detect, punish and eradicate corruption and related offences in Africa;
4. **FURTHER REQUESTS** the AUABC to carry out the necessary consultations with Member States and States Parties as well as their respective National Anti-Corruption Authorities regarding the status of ratification and compliance with the provisions of the Convention, domestication, reporting on progress made in implementing the Convention within a year of its ratification, thus enabling it to present a balanced report to the AU Policy Organs;
5. **WELCOMES** the progress made in the implementation of Decision EX.CL/Dec.603 (XVII) on the Activities of the AUABC adopted by the Seventeenth Ordinary Session of the Executive Council in Kampala, Uganda, requesting the Commission to fully operationalize the Secretariat for the Advisory Board on Corruption;
6. **REQUESTS** the AUABC to submit financial and administrative issues to the PRC, through its Sub-Committee on Structures and the Sub-Committee on Administrative, Financial and Budgetary Matters in order to enable the AU Policy Organs to allocate adequate human, material and financial resources to the AUABC to enable the Board to fulfill its mandate in an efficient manner
7. **COMMENDS** States Parties that have submitted their reports to the AUABC and **URGES** those that have not yet done so to comply with the obligations set out in Articles 20 of the African Union Convention on Preventing and Combating Corruption;
8. **REQUESTS** the AUABC to carry out its missions in States Parties and to report on progress made by each State Party in complying with the provisions of the AU Convention on Preventing and Combating Corruption, to the ordinary Session of the Executive Council in June/July 2013.

9. **REQUESTS** the AUABC to take into consideration the geographical balance of the membership of the Advisory Board;
10. **ENCOURAGES** the AUBC to actively engage with NGOs and Civil Service Organizations in carrying its activities.



**DECISION ON THE REPORT OF THE SECOND ORDINARY SESSION OF AU
CONFERENCE OF MINISTERS RESPONSIBLE OF MINERAL
RESOURCES, DECEMBER 2011
Doc. EX.CL/749(XXI)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Commission on the 2nd Ordinary Session of the AU Conference of Ministers Responsible For Mineral Resources Development as well as the recommendations contained therein;
2. **ENDORSES** the Action Plan for Implementing the Africa Mining Vision;
3. **ALSO ENDORSES** the ADDIS ABABA Declaration on Building a Sustainable Future for Africa's Extractive Industry – from Vision to Action adopted by the 2nd AU Conference of Ministers Responsible for Mineral Resources Development;
4. **REQUESTS** the AUC and the NPCA, in collaboration with RECs, UNECA and AfDB to facilitate the organization of regional meetings in Africa to promote the implementation of the Action Plan of the Africa Mining Vision;
5. **ALSO REQUESTS** Member States, the RECs, UNECA, Private Sector institutions, civil society organizations, operators, development partners and other stakeholders, to take necessary measures for the effective implementation of the Africa Mining Vision;
6. **UNDERScores** the importance for Member States to make available financial resources at the national level for the operationalization of the Action Plan of the Africa Mining Vision;
7. **FURTHER CALLS** on the AfDB, financial institutions of Member States and other relevant African and international institutions to assist in the mobilization of financial resources for the development of the mining sector in Africa through, inter alia, appropriate financial instruments and mechanisms;
8. **REQUESTS** the Commission and NPCA, in collaboration with RECs, UNECA and AfDB to submit to the Assembly every two years, progress reports on the implementation of the Action Plan of the Africa Mining Vision.

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

The Executive Council,

1. **TAKES NOTE** of the Report of the Permanent Representative Committee on the composition of the Board of External Auditors,
2. **ENDORSES** the Permanent Representative Committee recommendations for the composition of members of Board of External Auditors to include at least two members from each of the Regions of the Union,
3. **ALSO ENDORSES** the decision of the Permanent Representative Committee in extending the term of under listed members of Board of External Auditors appointed for 2009 - 2010 Financial Year to include Financial Year 2011:

REGION	REPRESENTATIVES
Northern	Egypt
Southern	South Africa, Lesotho
Eastern	Mauritius, Sudan
Western	Gambia, Ghana, Togo
Central	Chad, Cameroon

4. **TAKES NOTE** of nominations submitted by Regional Deans following consultations within their respective regions
5. **DECIDES** to appoint the following members to serve on the Board of External Auditors for the Financial Years 2012 and 2013:

REGION	REPRESENTATIVES
Northern	Algeria, Tunisia
Southern	South Africa, Lesotho
Eastern	Ethiopia, Seychelles
Central	Chad, Cameroon

6. **REQUESTS** the AU Commission to liaise with the Dean of the Western Region for three nominations of that region and to provide the full membership composition of the Board of External Auditors for Financial Year 2012 - 2013 to the Permanent Representative Committee.

**DECISION ON THE 2012 ACTIVITY REPORT OF THE
ECONOMIC, SOCIAL AND CULTURAL COUNCIL OF THE UNION
Doc. EX.CL/745**

The Executive Council,

1. **TAKES NOTE** of the Report of the Presiding Officer of ECOSOCC Permanent General Assembly, as well as the communication made by the Director of CIDO, in its capacity as the representative of the Secretariat of ECOSOCC, as requested by the PRC;
2. **ALSO TAKES NOTE** of the various important issues raised in the report, in particular the general functioning of ECOSOCC as well as its working relations with the Commission;
3. **REQUESTS** the PRC and the Commission to conduct an institutional, administrative and financial audit to establish the facts concerning all the issues raised in the Report for consideration by the policy organs of the Union;
4. **DECIDES** that the Audit should submit the outcomes of its investigation before the elections, but not later than 7 September 2012;
5. **DECIDES** that the Commission should make the necessary arrangements to conduct the elections for the ECOSOCC Second Permanent General Assembly on the due date in accordance with EX.CL/Dec.656(XIX) and the ECOSOCC Statutes.



**DECISION ON AFRICAN CANDIDATURES WITHIN
THE INTERNATIONAL SYSTEM
Doc.EX.CL/739(XXI)**

The Executive Council,

1. **TAKES NOTE** of the Report on African Candidatures within the international system;
2. **APPROVES** the following candidatures:
 - i) Dr. Kanayo Felix Nwanze of Nigeria, for the post of President of the International Fund for Agricultural Development (IFAD), at elections due to take place in Rome, Italy, in February 2013.
 - ii) H.E. Nii Allotey Odunton of Ghana, for re-election to the post of Secretary General of the International Seabed Authority, at elections to be held during the 18th session of the Authority, due to take place in Kingston, Jamaica, from 16 to 27 July, 2012;
 - iii) Dr. Olumuyiwa Bernard Aliu of Nigeria, for election to the post of the President of the Executive Council of the International Civil Aviation Organization (ICAO), at elections to be held in 2013;
 - iv) Mrs. Suzanne Aho of Togo, for election as member of the UN Council for the Rights of the Child, at elections due to take place in New York in December 2012;
 - v) Captain Awich Pollar of Uganda, for re-election as member of the UN Council for the Rights of the Child, at elections to be held in New York in December 2012;
 - vi) Mr. Tawana Josief Motumisi of the Republic of South Africa for election as member of the Contributions Committee for the period 2013-2015, during the 66th Session of the UN General Assembly in New York, in 2012.
 - vii) Mr. Bouzid Lazhari of Algeria, for re-election to the United Nations Human Rights Committee, at elections due to take place in New York in September 2012;
 - viii) Ambassador Ahmed Amin Fathallah of Egypt, for re-election as member of the United Nations Human Rights Committee, during elections to be held in New York in September 2012;

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- ix) Eritrea as East Africa representative, for election as member of the UN Advisory Committee on Administrative and Budgetary Questions, at elections to be held during the 67th Session of the UN General Assembly in New York in November 2012, following the emerging consensus of the East Africa Region ;
 - x) Miss Joy Sebenzile P. Matsebula of South Africa, for election as member of the United Nations Committee on the Rights of Persons with Disabilities, during elections which will take place in New York in September 2012;
 - xi) Mrs. Fatiha Hadj Salah of Algeria, for re-election to the United Nations Committee on the Rights of Persons with Disabilities, during elections which will take place in New York in September 2012;
 - xii) Tanzania for election to the Committee for Programme and Coordination;
 - xiii) Cameroon, Côte d'Ivoire, Liberia, Sierra Leone and Zambia for election to the United Nations Commission on International Trade Law. North Africa and Southern Africa are expected to fill the posts allocated to them in due course
 - xiv) Mr. Fatih Bouayed-agma, for re-election as member of the International Public Service Commission at elections to be held in New York in September 2012.

3. ALSO APPROVES the following candidatures:

- i) Republic of Chad as non-permanent member of the United Nations Security Council for the period 2014-2015, at elections due to take place in New York, United States of America, in October 2013;
- ii) People's Democratic Republic of Algeria for re-election to the Postal Operations Council of the Universal Postal Union (UPU), at elections to be held during the 27th Congress of the UPU, in Doha, Qatar from 24 September to 15 October 2012;
- iii) Côte d'Ivoire, Gabon, Ethiopia, Sierra Leone and The Sudan for election as member of the Human Rights Council on the basis of the presentation of the African Union mission in New York reporting on the consensus on this issue within the African Group in New York. Consequently, the People's Democratic Republic of Algeria for election as member of the United Nations Human Rights Council for the period 2014-2016 was not retained for the elections due to take place at the 67th Session of United Nations General Assembly in New York, USA;
- iv) Republic of South Africa for election as member of the Economic and Social Council for the period 2013-2015, during the 67th Session of the UN

General Assembly in New York, in 2012. After following the presentation of the African Union Mission in New York, giving a report on the consensus within the African Group in New York on the candidatures of Benin, Mauritius, South Africa, The Sudan and Tunisia, the Committee also endorsed the candidatures of these countries for election as members of the Economic and Social Council;

- v) Republic of The Sudan for election as member of the Economic and Social Council for the period 2013-2015, at the 66th Session of the UN General Assembly in New York, in 2012;
- vi) Republic of Mauritius for election as member of the Executive Board of UNESCO, for the period 2013-2017;
- vii) Mr. Tesfa Alem Seyoum from Eritrea as East Africa representative, for election as member of the Consultative Committee on Administrative and Budgetary Matters, at elections to be held during the 67th Session of the UN General Assembly in New York in November 2012, in place of the candidature of Kenya, in the person of Mr George Orina, following the emerging consensus of the East Africa region.

4. DECIDES TO FURTHER APPROVE the following candidatures:

- i) Dr. Lassina Zerbo of Burkina Faso, for election to the post of Executive Secretary of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), at elections to be held during the 39th session of the Preparatory Commission of the Organization, due to take place in Vienna, Austria, from 22 to 24 October 2012;
- ii) Mr. Alan Kyerematen John Kwadwo of Ghana, for election to the post of Director General of the World Trade Organization, at elections which will take place this year;
- iii) Namibia to host the Secretariat of the Green Climate Fund.

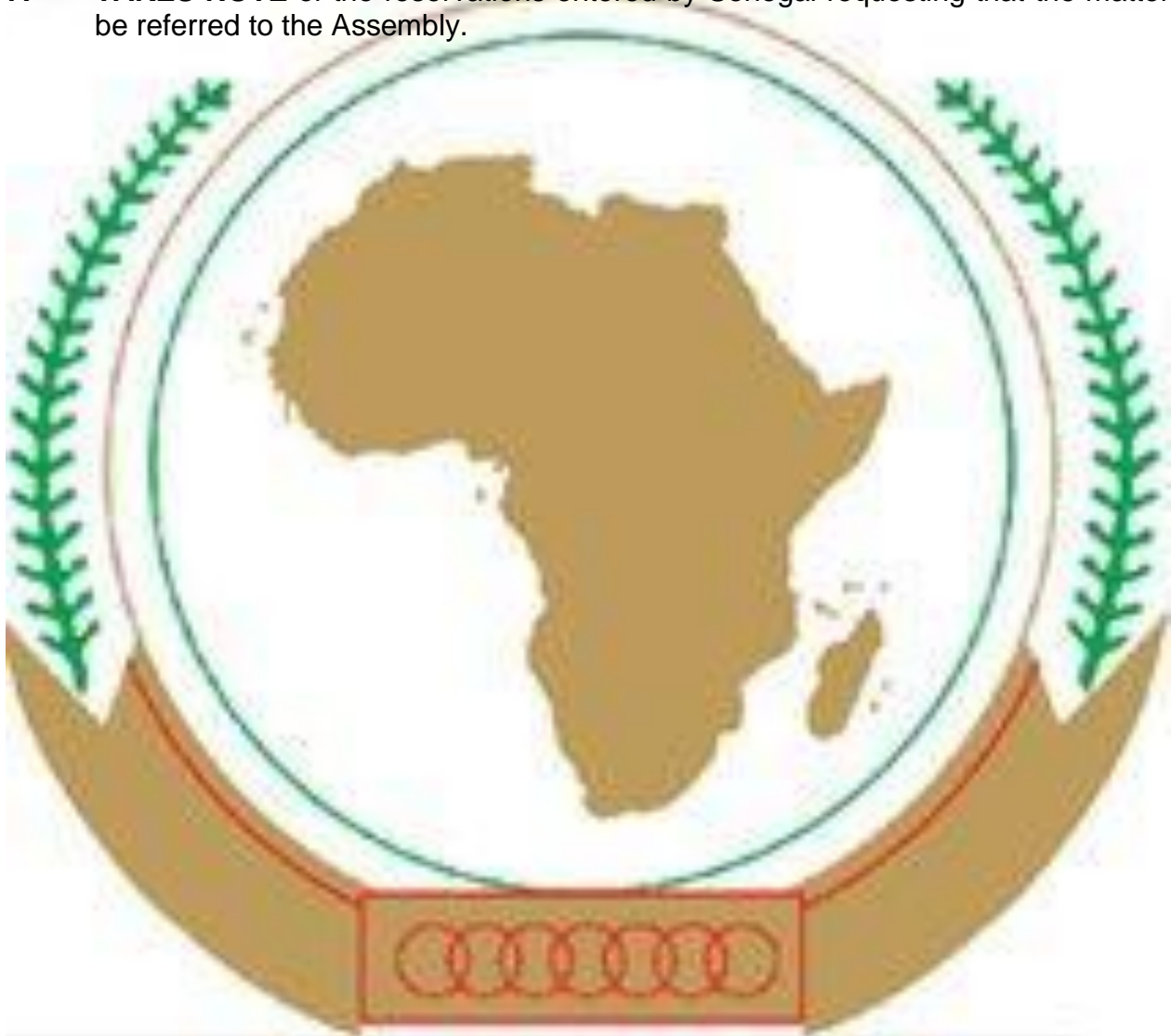
5. TAKES NOTE of the following candidature which will be considered at its next Session:

- i) Republic of Cameroon for election to the post of President of the 69th Session of the UN General Assembly in 2014. The Committee noted that this candidature was submitted within the deadline for consideration by the Ministerial Committee at its July 2012 Session. However to ensure equity for and accessibility of all states which desire the position, the Committee proposed that consideration of this post be done at the next Session which precedes the election to the post;

ii) The Candidature of the People's Democratic Republic of Algeria for election as member of the United Nations Human Rights Council for the period 2014 – 2016, at elections to hold during the 67th Session of the United Nations General Assembly in New York, United States of America.

6. **DECIDES** to review the Rules of Procedure in order to enhance transparency in the choice of candidatures;

7. **TAKES NOTE** of the reservations entered by Senegal requesting that the matter be referred to the Assembly.



DECISION ON THE ASSESSMENT OF THE SOUTH SUDAN

The Executive Council,

1. **TAKES NOTE** of the Report on the ad-hoc Ministerial Committee on the review of scale of assessment on Republic of South Sudan;
2. **ENDORSES** the recommendations that the Republic of South Sudan be assessed at floor rate of **0.3%** pending the review of the current scale of assessment of all Member States in 2013;
3. **ALSO ENDORSES** that the Republic of South Sudan pays this assessment with effect from January 2012;
4. **REQUESTS** the Commission to work closely with relevant agencies to ensure that the Republic of South Sudan obtains the necessary statistical data and relevant development indicators to enable it be assessed in 2013;
5. **REQUESTS** that the general review on the scale of assessment in 2013 take into account the effects of the Independence of the Republic of The Sudan on the Republic of South Sudan;
6. **REQUESTS** that the contribution of the Republic of The Sudan be revised taking into consideration the new situation of the Republic of South Sudan with effect from January 2012.



**DECISION ON THE ELECTION OF JUDGES OF THE
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
Doc. EX.CL/741(XXI)**

The Executive Council,

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

No.	Name	Country
1.	Mr. El Hadji GUISSÉ	Senegal
2.	Mr. Ben KIOKO	Kenya
3.	Mr. Gerard NIYUNGEKO	Burundi

3. **RECOMMENDS** the elected Judges for appointment by the Nineteenth Ordinary Session of the Assembly;
4. **REQUESTS** the Commission to prepare modalities on the implementation of the criteria of equitable geographical representation and gender representation as well as the principal legal traditions for future election of Judges of the Court and submit to the policy organs for consideration during the next ordinary session in January 2013.

**DECISION ON THE ACTIVITY REPORT OF THE AFRICAN UNION
COMMISSION ON INTERNATIONAL LAW (AUCIL)
DOC. EX.CL/731(XXI) d**

The Executive Council:

1. **TAKES NOTE** of the Activity Report of the African Union Commission on International Law (AUCIL) for the period July 2011 to June 2012 together with the recommendations contained therein;
2. **CONGRATULATES** the newly elected members of the AUCIL Bureau composed of the Chairperson, Vice-Chairperson and General Rapporteur;
3. **RECOGNIZES** the need to reinforce the operational capacity of the AUCIL in terms of adequate financial resources and support structures and **DECIDES** that they should be given due consideration by the relevant Sub-Committees of the PRC;
4. **ENCOURAGES** the AUCIL, within the limits of available resources, to bolster its activities in the development and codification of International Law with specific focus on African Union Law;
5. **ALSO ENCOURAGES** Member States and other Organs of the Union to work closely with the AUCIL in the consideration of International Law issues of interest to the African Union.



**DECISION ON THE REPORT OF THE SUB-COMMITTEE ON STRUCTURE
DOC. EX.CL/720(XXI)iii**

The Executive Council,

1. **TAKES NOTE** of the Report of the Permanent Representatives' Committee (PRC) on Structural Reforms Doc. **EX.CL/720(XXI) iii** and **ADOPTS** the recommendations contained therein;
2. **EMPHASIZES** the need for the recruitment process of the approved positions in all the Organs of the Union to be conducted in total transparency, equity, fairness and in compliance with the AU Staff Regulations and Rules and bearing in mind the principle of quotas and gender balance;
3. **REQUESTS** the Commission to oversee and supervise the recruitment process of all Organs of Union including PAP and the NEPAD Planning and Coordination Agency (NPCA) with the view to ensuring compliance with the recruitment process as spelt out in the AU Staff Regulations and Rules;
4. **DIRECTS** that the implementation of the positions approved for PAP and NPCA be staggered within a period of five years as specified in the Sub-Committee Report in view of the financial implications and available resources.
5. **APPROVES:**
 - i) The structure of the Pan African Parliament (PAP) composed of seventy four (74) posts to be implemented over a period of five (5) years starting from 2012;
 - ii) The structure of the NEPAD Planning and Coordination Agency (NPCA) composed of ninety four (94) posts to be implemented over a period of five (5) years starting from 2012;
 - iii) The Commission request to align the grades of Conference Equipment Technicians (GSA4) and the Desktop Publishers/Designers (GSA4) in the Conference Management and Publications Directorate to the grade GSA5.
 - iv) The transformation of two (2) existing approved and vacant posts of P4 and P2 in the Information Society Division within the Department of Infrastructure and Energy into two (2) P3 positions without any additional financial implications as follows:
 - 1xSenior Radio Transmission and Broadcasting Officer P3; and
 - 1xSenior Postal Services Officer P3
 - v) The upgrading the position of Head of Protocol Services P5 to D1 on the condition that the post is internationally opened to competition by both internal and external candidates from the Union Member States, in full transparency, equity and fairness. All other existing positions within the

Protocol Services (Professional and General Services) shall remain unchanged.

6. **FURTHER APPROVES** that the Structure of the new Architecture for Sports in Africa (ASA) be considered after the dissolution of the Supreme Council of Sports in Africa (SCSA) in accordance with the Executive Council Decision EX.CL/Dec.680(XX);
7. **REQUESTS** the Commission to work closely with the Sub-Committee to come up with proposals that would ensure efficiency and effectiveness with respect to the proposals to create positions of Deputy Directors within the Commission taking into account all available alternatives. **FURTHER REQUESTS** the Commission to carry out a full assessment of the structure of the endorsed Protocol Services Directorate, prepare a proposal and submit to the PRC with a view to making the service more efficient and effective without any additional financial implications;
8. **FURTHER REQUESTS** the African Peer Review Mechanism (APRM), in pursuant to the Assembly Decision ref. Assembly/AU/Dec.198 (XI) in Sham El Sheikh, Egypt in July 2008, to submit to the PRC, through its Sub-committee on Structural Reforms, proposals for the Structure of the APRM for consideration and making recommendation for decision by the Executive Council during its next session;
9. **DECIDES** with regard to PAP that:
 - i) In line with Regulation 6.4 of the African Union Staff Regulations and Rules, the recruitment process shall be competitive and conducted transparently without any form of discrimination. All professional positions and General Service Category A positions (GSA6, GSA5 and GSA4) shall be opened to competition by all citizens of AU Member States;
 - ii) All existing staff of PAP of all grades shall compete with both internal and external candidates from AU Member States for the approved positions;
 - iii) PAP should submit to the PRC an Annual Recruitment Report during its consideration of the budget;
10. **FURTHER DECIDES** that with regards to NPCA that:
 - i) In line with Regulation 6.4 of the African Union Staff Regulations and Rules, the recruitment process shall be competitive and conducted transparently without any form of discrimination. All professional positions and General Service Category A positions (GSA6, GSA5 and GSA4) shall be opened to competition by all citizens of AU Member States;
 - ii) All existing staff of NPCA of all grades shall compete with both internal and external candidates from AU Member States for the approved positions;

- iii) Recruitment for all Professional positions shall be governed by and merged with the overall quota distribution in the Commission, taking into account the regional distribution and gender balance. All NPCA's recruitments shall be approved by the Chairperson of the Commission as per AU Staff Regulations and Rules;
- iv) NPCA shall submit to the PRC, through the Commission, an Annual Recruitment Report during its consideration of the budget.



**DECISION ON THE REPORT OF THE CHAIRPERSON ON THE IMPLEMENTATION
OF THE SOLEMN DECLARATION ON GENDER EQUALITY
IN AFRICA (SDGEA)
Doc EX.CL/729(XXI)**

The Executive Council,

1. **TAKES NOTE** of the Seventh Report of the Chairperson together with the synthesis of 2011 Reports of Nine Member States on SDGEA;
2. **EXPRESSES** its high appreciation to the nine Member States that have submitted their reports on the implementation of the SGDEA;
3. **FURTHER EXPRESSES** its concern on the low level of submission of such reports by Member States and call upon all Member States to submit their reports in a timely manner in the fulfilment of their obligations towards the Solemn Declaration in its Article 13;
4. **URGES MEMBER STATES**, the AUC, other AU organs and the RECs to intensify efforts towards attainment of gender parity;
5. **REQUESTS** the Commission to collect statistics on gender parity from Member States, including Cabinet, Judiciary and other Senior positions as well as propose mechanisms aimed at facilitating gender parity in all AU organs;
6. **CALLS UPON** all Member States to promote collaborative efforts by all stakeholders, including Governments and civil society organizations in combating violence against women as well as the trafficking and commercial sexual exploitation of women and in combating HIV/AIDS and other related infectious diseases;
7. **FURTHER CALLS UPON** Member States to fully involve women in their national peace and security programmes and activities.



**DECISION ON THE REPORT OF THE CONFERENCE OF MINISTERS IN CHARGE
OF GENDER AND WOMEN'S AFFAIRS: ADDIS ABABA, ETHIOPIA,
2-3 NOVEMBER 2011 – Doc EX.CL/723(XXI)**

The Executive Council,

1. **TAKES NOTE** of the Report and endorse the Declaration adopted by the Conference of Ministers in charge of Gender and Women Affairs;
2. **REAFFIRMS** the need to utilize the vast skills, knowledge and energy in the Diaspora to promote overall development in the continent;
3. **STRESSES** the need to include women in national, regional and continental decision-making process;
4. **REQUESTS** the Commission to provide Member States with the criteria and other practical modalities for hosting the Secretariat of Africa's Women Decade 2010-2020, including within the Commission Headquarters;
5. **ALSO REQUESTS** the Commission to improve preparatory arrangements to ensure full participation of Member States at the appropriate level in the Conference of Ministers in charge of Gender and Women Affairs; in this regard, request the Commission and the PRC to consider ways and means to ensure adequate representation at the required level in the sectoral Ministerial meetings in general;
6. **REQUESTS** the PRC Sub-Committee on Structures to consider ways and means of strengthening the capacity of the Women and Gender Development Directorate to enable it achieve the objectives set in the African Women's Decade 2010-2020, while ensuring harmonization of programmes within and outside the AU, including the NPCA, the Department of Social Affairs, UN Women and the AfDB-AUC-ECA Joint Secretariat;
7. **REQUESTS** the Commission to harmonize the theme on African Women's Decade with the yearly theme of the Assembly of the Union;
8. **AGREES** that the contribution to the Fund for African Women be based on the staggered implementation modalities of 1% of Member States' assessed contributions to the AU budget in accordance with Assembly Decision (Assembly/AU/Dec. 277(XVI)) and Executive Council Decision (EX.CL/Dec.539(XVI));
9. **STRESSES** the need to support the mobilisation of activities in favour of the African Women Fund;
10. **REQUESTS** the Commission to report, on regular basis, on progress attained in the implementation of the African Women's Decade 2010-2020, including the status of the Fund;

**DECISION ON THE TRANSFORMATION OF THE AFRICAN UNION
COMMISSION INTO THE AFRICAN UNION AUTHORITY
DOC. EX.CL/730(XXI) REV.1**

The Executive Council:

1. **TAKES NOTE** of the progress report of the Commission on the Transformation of the African Union Commission into the African Union Authority with the observations of the PRC;
2. **RECOMMENDS** the progress report of the Commission to the Assembly for consideration and to provide guidance on the way forward.



**DECISION ON THE ELECTION OF THE COMMISSIONERS
OF THE AFRICAN UNION
DOC. EX.CL/740 (XXI)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Commission on the Election of the Commissioners;

2. **ELECTS** the following persons as Commissioners of the African Union (AU):

<u>Name and Country</u>	<u>Portfolio</u>
a) Ramtane LAMAMRA (Algeria)	- Peace and Security
b) Aïsha L. ABDULLAHI (Nigeria)	- Political Affairs
c) Elham MAHMOUD (Egypt)	- Infrastructure and Energy
d) Mustapha S. KALOKO (Sierra Leone)	- Social Affairs
f) Fatima H. ACYL (Chad)	- Trade and Industry
g) Rhoda P. TUMUSIIME (Uganda)	- Rural Economy and Agriculture

3. **RECOMMENDS** the elected AU Commissioners for appointment by the Nineteenth Ordinary Session of the Assembly;

4. **DECIDES** that the Commissioners for Human Resources, Science and Technology and Economic Affairs shall be elected only from among male candidates from the Central and Southern Regions in accordance with the provisions of the Statutes of the Commission as well as the Rules of Procedure of the Assembly, during the January 2013 Ordinary Session of the Executive Council.