

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

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**THE 5th ORDINARY SESSION
OF THE EXECUTIVE COUNCIL
30 June - 3 July, 2004
Addis Ababa, ETHIOPIA**

DECISIONS

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EX.CL/Dec.93 (V)

DECISION ON THE VISION AND MISSION OF THE AFRICAN UNION AND STRATEGIC PLAN, PROGRAMME AND BUDGET OF THE COMMISSION

The Executive Council:

- 1. TAKES NOTE** of the Report and the presentation on the Vision and the Mission, the Strategic Framework and the Plan of Action of the African Union;
- 2. COMMENDS** the Commission for the work carried out and the quality of the documents prepared;
- 3. ACCEPTS** in principle the Vision and Mission which are consistent with the main thrusts identified by the Heads of State and Government within the framework of the process initiated in Sirte and in the formulation of the NEPAD Programme;
- 4. REAFFIRMS** that, in order to achieve continental integration, African Union Member States, the Regional Economic Communities (RECs), the Commission and the other organs of the African Union must work in synergy, on the basis of a shared vision;
- 5. INVITES** the Chairperson of the Commission to take all appropriate measures to prioritize programmes included in the Strategic Plan with a view to effectively implementing the reprioritized programmes;

6. **ALSO INVITES** the Chairperson of the Commission to constitute, in consultation with Member States, a Group of Experts on Budgetary and Financial Matters which together with the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters, to draw up a “Solidarity Budget” to be submitted for consideration of the Executive Council to be held not later than November 2004;
7. **REQUESTS** the Chairperson of the Commission to study the possibility of creating a permanent body of Experts from Member States on Budgetary and Financial Matters in the Structure of the Commission and Report to the 7th Ordinary Session of the Executive Council;
8. **REQUESTS** the Assembly to mandate the Extraordinary Session of Council, to approve the said “Solidarity Budget”.

EX.CL/Dec.94 (V)

**DECISION ON THE REPORT ON THE SIXTH ORDINARY SESSION OF
THE ADVISORY SUB-COMMITTEE ON ADMINISTRATIVE, BUDGETARY
AND FINANCIAL MATTERS ON THE IMPLEMENTATION OF THE
RECOMMENDATIONS CONTAINED IN THE REPORT
OF ERNST AND YOUNG - DOC.EX.CL/86 (V)**

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **REQUESTS** the Commission to:
 - (i) Implement the recommendations that have no financial implications;
 - (ii) Calculate, with the assistance of Ernst and Young, the financial implications of the implementation of the other recommendations and submit same for the approval of the policy organs;
 - (iii) Take the necessary measures to get the Draft Financial Rules and Regulations approved by the competent Organs at the 7th Ordinary Session of the Executive Council.

EX.CL/Dec.95 (V)

**DECISION ON THE REPORT OF THE SIXTH ORDINARY SESSION
OF THE ADVISORY SUB-COMMITTEE ON ADMINISTRATIVE,
BUDGETARY AND FINANCIAL MATTERS ON THE PREFERENTIAL
RATES APPLICABLE TO THE SALARIES OF THE STAFF OF
THE BRUSSELS AND GENEVA OFFICES**
DOC.EX.CL/86 (V)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. DECIDES** that:
 - (i) A Consultant should be recruited to study the issue and come up with proposals which will be considered during the Sixth Ordinary Session of the Executive Council to be held in February/March 2005;
 - (ii) In the interim period, the salaries of the officers in the AU missions in Brussels and Geneva should be paid in local currency using the prevailing preferential rates.

EX.CL/Dec.96 (V)

**DECISION ON THE RECOMMENDATIONS OF THE GROUP
OF FIFTEEN EXPERTS FROM MEMBER STATES ON THE
ALTERNATIVE SOURCES OF FUNDING THE AFRICAN UNION
DOC.EX.CL/87 (V)**

The Executive Council:

- 1. TAKES NOTE** of the Recommendations;
- 2. REQUESTS** the Commission to further explore the proposals of the Experts on:
 - Strengthening relationships with development partners;
 - Partnership with the private sector;
 - Partnership with private foundations;
 - Establishment of a Special Trust Fund;
 - Floating African Union bonds;
 - Taxes on air travel to and from Member States of the Africa Union.

3. **FURTHER REQUESTS** the Commission to submit a report on these proposals to its Sixth Ordinary Session slated for February/March 2005.

EX.CL/Dec.97 (V)

**DECISION ON THE REPORT OF THE
SUB-COMMITTEE ON CONTRIBUTIONS
DOC. EX.CL/88 (V)**

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **COMMENDS** Member States that have paid their contributions;
3. **URGES** all the Member States to honour their financial obligations to the Union;
4. **DECIDES** that:
 - i) The following Member States remain under sanctions:
 - Central African Republic
 - Democratic Republic of Congo
 - Guinea Bissau
 - Liberia
 - Sao Tomé and Príncipe
 - Seychelles
 - Somalia

- ii) The sanctions imposed on the Union of The Comoros be lifted following payment by that country of its arrears of contributions;
- iii) The temporary and exceptional exemption granted to Sierra Leone be maintained because that country observes the implementation of its rescheduling plan;
- iv) Member States that have submitted rescheduling plans should conform to the said plans while paying their contributions for the current financial year.

5. APPEALS to the representatives of the Member States concerned to request their respective countries to make every necessary effort to honour their financial obligations vis-a-vis the Commission so as to enable the latter to successfully accomplish the tasks assigned to it, and submit a report on the results achieved to its next ordinary session;

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6. RECOMMENDS to the Chairperson of the African Union to prevail upon his colleagues to honour the financial obligations of their respective countries.

EX.CL/Dec.98 (V)

DECISION ON THE BUDGET OF THE PAN-AFRICAN PARLIAMENT
FOR THE PERIOD JULY TO DECEMBER 2004
DOC. EX.CL/90(V)

The Executive Council:

- 1. TAKES NOTE** of the Budget proposed by the Bureau of the Pan-African Parliament;
- 2. ALSO TAKES NOTE** of the observations made by the Permanent Representatives' Committee on the said Budget;
- 3. REQUESTS** the Commission, in collaboration with the Bureau of the Pan-African Parliament, to prepare a new budget, taking into account the directives of the Executive Council, namely that:
 - i) Member States should bear the expenses for the participation of members of the Pan-African Parliament, including the members of the Bureau and the Committees (air ticket, per diem and other related expenses) at the statutory meetings of the Pan-African Parliament and its Committees during the first 5 years of its existence;

- ii) Members of the Bureau shall not reside at headquarters during the first 5 years of the existence of the Parliament;
- iii) the Member State hosting the headquarters of the Parliament should be requested to provide furnished and equipped premises for the Parliament;
- iv) for the period July to December 2004, the Commission should continue to provide Secretariat services to the Pan-African Parliament, in compliance with the provisions of the Protocol;
- v) sitting and responsibility allowances, as well as the Solidarity Fund, medical insurance and other allowances for members of the Pan-African Parliament should continue to be borne by Member States during the said 5 year period;
- vi) the duration of sessions should be reviewed downwards.

EX.CL/Dec.98 (V)
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4. **AUTHORIZES** the Permanent Representatives' Committee to consider and approve the Budget for the period July to December 2004 that will be submitted by the Commission and submit a report thereon at the Extraordinary Session of the Executive Council in November 2004.

EX.CL/Dec.99 (V)

DECISION ON THE DRAFT BUDGET PROGRAMME
FOR THE 2005 FINANCIAL YEAR
DOC. EX.CL/112 (V)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. REQUESTS** the Commission to take all the necessary steps to prepare a draft programme budget for the 2005 financial year and to submit same for consideration by the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters and subsequently by the PRC;
- 3. ALSO REQUESTS** the Assembly to mandate it to approve the draft programme budget for the 2005 financial year during its extraordinary session slated for November 2004, in accordance with the provisions of Article 9.2 of the Constitutive Act of the African Union.

EX.CL/Dec.100 (V)

**DECISION ON THE RECRUITMENT PROCESS WITHIN
THE COMMISSION - DOC. EX.CL/90 (V)**

The Executive Council:

- 1. TAKES NOTE** of the information provided on the recruitment process;
- 2. URGES** the Commission to accelerate the recruitment process with a view to strengthening the capacities of the Commission to discharge its mission;
- 3. REQUESTS** the Commission to submit a report on the recruitment process at its Sixth Ordinary Session.

EX.CL/Dec.101 (V)

**DECISION ON THE PROJECT ON THE UNIFIED NUMBERING
SPACE OF TELECOMMUNICATIONS IN AFRICA**
DOC. EX.CL.89 (V)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. DECIDES** to:
 - (i) **SUPPORT** the Project, as an important instrument for development and integration;
 - (ii) **ESTABLISH**, under the chair of the Commission of the African Union, an Inter-Institutions Coordination Committee (IICC) and coordinating programme that will coordinate the feasibility study of the project and will comprise:
 - ITU
 - ATU
 - RASCOM
 - the RECs
 - ADB

- ECA

- (iii) **REQUESTS** the Commission of the African Union to avail the project proposal to Member States as soon as possible;
- (iv) **FURTHER REQUESTS** the Commission to organize an experts meeting and a Conference of Ministers for Telecommunications and Information and Communication Technologies;
- (v) **ALSO REQUESTS** the Commission to submit to the Seventh Ordinary Session of Council, a report on the implementation of the Decision.

EX.CL/Dec.102 (V)

DECISION ON THE STATE OF AFRICA'S CHILDREN
DOC.EX.CL/113 (V)b

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **EXPRESSES DEEP CONCERN** about the multi-dimensional challenges facing the African children on the continent;
3. **REAFFIRMS** the commitments made in the African Common Position on the Future of Children adopted by the Lusaka Summit in 2001 mandating the AU Commission to elaborate a biennial report on the status of the African Child and to Member States to establish national mechanisms to implement them and forward reports to the AU Commission;
4. **ALSO EXPRESSES ITS GRATITUDE** to UNICEF for its technical support in the elaboration of the Report and **CALLS ON** its continued cooperation and support;
5. **ONCE AGAIN URGES** Member States which have not yet done so to sign, ratify and implement the African Charter on the Rights and Welfare of the Child;

6. **CALLS ON** all relevant cooperating partners to continue to assist Member States as well as the AU Commission in the implementation of programmes to promote the well-being of African children;
7. **REQUESTS** the AU Commission to submit biennial progress reports to the Executive Council on the implementation of the African Common Position on the Future of Children.

EX/CL/Dec.103 (V)

**DECISION ON THE REPORT OF THE AFRICAN COMMITTEE
OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD**
DOC.EX.CL.122 (V)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **RECALLS** the establishment of the African Committee of Experts on the Rights and Welfare of the Child by the 37th Session of the Assembly of Heads of State and Government, held in Lusaka, Zambia in July 2001;
3. **EXPRESSES ITS GRATITUDE** to Save the Children Sweden for its financial support to the African Committee and **CALLS ON** other cooperating partners to follow suit;
4. **APPEALS** to Member States to sign and ratify the African Charter on the Rights and Welfare of the Child and establish appropriate mechanisms for its implementation, follow-up and evaluation;
5. **COMMENDS** the Committee for the work done so far to address the challenges facing Africa's children;

6. **APPEALS** to Member States to extend their technical, moral and financial support to the Committee of Experts at national level;
7. **REQUESTS** the Chairperson of the Commission to expedite the establishment of a Secretariat to service the Committee of Experts.

EX.CL/Dec.104 (V)

**DECISION ON THE IMPLEMENTATION OF THE MAPUTO
DECLARATION ON MALARIA, HIV/AIDS, TUBERCULOSIS AND
OTHER RELATED INFECTIOUS DISEASES IN AFRICA
DOC.EX.CL/123 (V)**

The Executive Council:

1. **TAKES NOTE** of:
 - a) The Progress Report on the Implementation of the relevant Maputo Declaration; and
 - b) The Report of the Special Session of the Conference of African Ministers of Health held in Geneva from 14 – 15 May 2004.
2. **COMMENDS** the Minister of Health of Mozambique for taking the initiative to convene the Special Session of Health Ministers;
3. **ENDORSES** the attached Statement of the Ministers of Health and the recommendations contained therein;
4. **URGES** Member States to ensure effective implementation of their commitments in accordance with the Maputo Declaration;

5. **REQUESTS** the Chairperson of the Commission to ensure that the Commission meets its obligations and to report regularly to the Assembly of Heads of State and Government in accordance with paragraph 7 of the Maputo Declaration.

(Statement attached)

EX.CL/Dec.105 (V)

**DECISION ON THE SECOND ORDINARY SESSION OF
THE AU LABOUR AND SOCIAL AFFAIRS COMMISSION
DOC. EX.CL/114 (V)**

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **ENDORSES** the recommendations as contained in the report of the Second Ordinary Session of the AU Labour and Social Affairs Commission held in Cotonou, Benin, from 19 – 24 April 2004;
3. **URGES** Member States to sign and ratify and implement the various texts and instruments that have been adopted and establish appropriate mechanisms for their implementation, follow-up and evaluation;
4. **REQUESTS** that the NEPAD social programme be integrated into the structure and Strategic Plan of the Commission;
5. **COMMENDS** the Commission for elaborating the Draft Social Policy Framework and **URGES** Member States to submit input by various social sectors to make the document all encompassing and comprehensive; and **REQUESTS** the Commission to submit the

finalized document at the 7th Ordinary Session of the Executive Council in July 2005;

6. **REQUESTS** the Commission to present a Report on the rotation of posts in the ILO Governing Body between the five regions and those occupied alternately by Africa and Latin America;
7. **CALLS ON** the ILO and the African members of the ILO Governing Body, to ensure that Africa has a fair share of top level managerial positions at the ILO and that vacant posts within the Region be published;
8. **URGES** Member States to forward inputs by relevant sectors to enrich the Draft Strategic Framework for a Policy on Migration in Africa by 30 November 2004;
9. **URGENTLY REQUEST** Member States to forward inputs by relevant sectors and other stakeholders to enrich the Draft Strategic Framework for a Policy on Migration in Africa by 30 November 2004;

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10. **REQUESTS** Member States to become party to the AU Specialized Agencies such as the African Rehabilitation Institute (ARI), the Supreme Council for Sports in Africa (SCSA), the Pan-African Youth Union (PYU) and The African Centre for Applied Research and Training in Social Development (ACARTSOD), to support and utilize their services and to honour their financial obligations vis a-vis these institutions;
11. **ALSO REQUESTS** the Commission to support and get more actively involved in the programmes and activities of ACARTSOD and the other agencies.

EX.CL/Dec.106 (V)

DECISION ON THE PLAN OF ACTION ON
THE FAMILY IN AFRICA
DOC. EX.CL/115 (V)

The Executive Council:

- 1. ENDORSES** the Plan of Action on the Family in Africa as adopted by the Second Session of the AU Labour and Social Affairs Commission;
- 2. EXPRESSES** its appreciation to all cooperating partners for their invaluable contributions in the drafting of the Plan of Action;
- 3. SUPPORTS AND COMMENDS** the Government of the Republic of Benin for the efforts to organize the launching of the Plan of Action in Cotonou, Benin on 27 and 28 July 2004 and **INVITES** Member States to participate actively in the launching ceremony as well as in the World Summit on the Family;
- 4. MANDATES** the Government of Benin to present the Plan of Action to the 59th Session of the United Nations General Assembly as Africa's contribution to the Tenth Anniversary of the International Year of the Family;

5. **REQUESTS** that the Plan of Action be adopted as Africa's Common Position to the World Summit on the Family to be held in China in December 2004;
6. **REQUESTS** Member States to draw up a mechanism for follow-up and monitoring of the implementation of the Plan of Action;
7. **ALSO REQUESTS** Member States to use the Plan of Action when formulating programmes for the family and submit progress reports on the status of implementation to AU Commission;
8. **REQUESTS** the Chairperson of the Commission to submit a biennial progress report to the Executive Council on the implementation of the Plan of Action.

EX.CL/Dec.107 (V)

DECISION ON THE SECOND ORDINARY SESSION OF THE
AU CONFERENCE OF MINISTERS OF TRADE
DOC. EX.CL/117 (V)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **GONGRATULATES** Rwanda and all Member States on the successful outcome of the Second Session of the AU Conference of Ministers of Trade, Customs and Immigration held in Kigali, Rwanda, from 24 to 28 May 2004;
3. **ENDORSES** the decisions contained in the Report Doc. EX.CL/117 (V) Annex 1;
4. **RECOMMENDS** the Kigali Declaration and the Kigali Consensus to the Assembly of Heads of State and Government for political endorsement;
5. **REQUESTS** the Commission of the African Union to take the necessary measures and actions, in collaboration with the RECs

and relevant institutions, to implement the following decisions and report periodically to the Executive Council.

EX.CL/Dec.108 (V)

DECISION ON WTO NEGOTIATIONS
DOC. EX.CL/117 (V)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. CALLS UPON** Africa to remain engaged in the WTO negotiations and contribute positively to efforts aimed at reinvigorating the Doha Work Programme in which development issues should remain at the center-stage;
- 3. REQUESTS** African countries to remain united amongst themselves in WTO negotiations;
- 4. TAKES INTO ACCOUNT** the areas of convergence between the G90 and G20 and hence the need to maintain a strategic alliance, **CALLS UPON** both groups to maintain synergies of their positions and strengthen their unity and solidarity, having due regard to the need for flexibility as and when appropriate during the WTO negotiations;

5. **RECOGNIZES** that the development challenges facing LDCs are unique and **SUPPORTS** the call to extend to them, bound duty-free and quota free market access;
6. **RECOGNIZES ALSO** that there are considerable differences in the level of development between developing countries, **URGES** Member States to consider the need to review with development partners the existing system of country classification in the multilateral trading system in order to address their development needs, with due regard to safeguarding the interests of all developing countries;
7. **DECIDES** that the following two documents shall provide technical guidance and policy space for the engagement of African Trade officials and negotiators with their counterparts:
 - **The Kigali Declaration on the Doha Work Programme**
 - **The Kigali Consensus on the Post-Cancun Doha Work Programme.**
8. **CALLS ON** African Union Ministers of Trade to participate effectively in the G90 Ministers of Trade meeting to be held in Mauritius on 12 - 13 July 2004.

EX.CL/Dec.109 (V)

**DECISION ON THE NEGOTIATIONS FOR ACP-EU ECONOMIC
PARTNERSHIP AGREEMENTS (EPAs)
DOC. EX.CL/117 (V)**

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **CALLS UPON** all African countries and regions, to maintain their unity in the EPA negotiations with the EU so as not to undermine the process of African integration;
3. **REQUESTS** the African Union Commission to speedily conclude, before substantive negotiations begin, the establishment of the coordination mechanism made up of AU Commission and the RECs that will enable African regions to exchange experiences and have common positions on key issues in the EPA negotiations with the EU;
4. **RECOMMENDS** that African countries that have experience of negotiating with the EU share such experience with the regions engaged in EPA negotiations with the EU;

5. **CALLS UPON** all African countries to maintain coherence and consistency in and between EPA and WTO negotiations;
6. **REQUESTS** that the EU offer in the WTO negotiations in favour of weak and vulnerable economies should be taken into account in the EPA negotiations;
7. **EXHORTS** all African countries, Members of the ACP Group, to mobilize their own internal resources for capacity building and pursuit of EPA negotiations with the EU. To that end, the support of the African Capacity Building Foundation (ACBF) should be sought;
8. **CALLS UPON** the AU Commission to urgently finalize the Memorandum of Understanding (MoU) with the RECs/negotiating Groups on the continental Coordination and Monitoring Mechanism;

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9. **WELCOMES** the progress made by the AU Commission and the European Union Commission in the establishment of their Joint Monitoring Mechanism for Negotiations of the Economic Partnership Agreements (EPAs) to be established between the AUC and the EC; and to that end, **REQUESTS** them to speed up the finalization of the relevant terms of reference so as to operationalize the said mechanism before the end of this year.

EX.CL/Dec.110 (V)

**DECISION ON THE AFRICAN GROWTH AND
OPPORTUNITY ACT (AGOA)
DOC. EX.CL/117 (V)**

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. WELCOMES** the adoption of AGOA III by the US Congress;
- 3. URGES** the US Congress to extend the Third Country Fabric provision to all AGOA eligible countries;
- 4. MANDATES** the Chairman of the African Union Trade Ministers Conference to communicate eligible Member States' concerns to the US Congress;
- 5. REQUESTS** the AU Commission to intensify its effort to ensure that eligible Member States draw maximum benefits from AGOA, both in terms of trade and investment mobilization. In this regard, the Commission should work closely with AGOA-designated Hubs and collaborate with the United States Trade Representative (USTR) and the RECs in order to develop a comprehensive regional work programme for the eligible countries; to that end, a capacity-

building programme to enhance the ability of entrepreneurs to exploit business opportunities should be developed.

EX.CL/Dec.111 (V)

DECISION ON THE ESTABLISHMENT OF THE
AFRICAN CUSTOMS NETWORK
DOC. EX.CL/117 (V)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. ENDORSES** the creation and the operationalization of the Sub-Committee of Directors General of Customs as an organ of the AU Specialized Technical Committee on Trade, Customs and Immigration;
- 3. SETS UP** a Customs Network linking up the AU Commission, the Customs Departments of the RECs and the National Customs Administrations;
- 4. WELCOMES** the cooperation between the African Union Commission and the Swedish International Development Cooperation Agency (SIDA) resulting in the draft study entitled “A Modern Customs Knowledge Project for Africa”;
- 5. THANKS** the agencies cooperating with the AU and invites the World Customs Organization (WCO), the World Trade Organization

(WTO), SIDA, UNDP and other donor agencies to continue to provide financial and technical assistance to the AU Commission in support of the Customs Network and the Sub-Committee of Directors General of Customs, as well as the implementation of the follow-up activities in respect of the SIDA study project;

6. **REQUESTS** the AU Commission to report periodically to Council on its Customs Programme.

EX.CL/Dec.112 (V)

DECISION ON THE REFORM OF THE ALL-AFRICA
TRADE FAIR (AATF)
DOC. EX.CL/117 (V)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **REQUESTS** the AU Commission to speed up the study on the reform of the AATF with a clear objective not limited to promotion of intra-African trade but also promoting Africa's trade with the rest of the world;
3. **STRESSES** that the objectives of the All-Africa Trade Fair are essentially to create awareness among African business communities about available African goods, commodities and services, as such Trade Fairs should be venues where exporters and importers should meet, discuss and conclude trade deals; to that end, requests that the study should include exploring opportunities for electronic commerce and use the website to promote the marketing of African goods as well as examine the possibility of developing a network of African sub-regional and AU Chambers of Commerce, while their potential contribution, as

strategic partners to the reformed AATF and the practical modalities for translating the said network into an effective AU Association of Chambers of Commerce and Industry;

4. **FURTHER DIRECTS** that the study should explore the possibility of forming the Union of All-Africa Trade Fairs, similar to the one in Paris, with resources for assisting trade fairs in Africa;
5. **REQUESTS** the AU Commission to report to the next session of Council on the conclusions of the study.

EX.CL/Dec.113 (V)

DECISION ON A BUSINESS PLAN FOR THE PROPOSED
AFRICAN COMMODITY EXCHANGE
DOC. EX.CL/117 (V)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **REQUESTS** the Commission to constitute a small group of countries that have strong Commodity Boards to go into the details of the Business Plan and come up with recommendations to be submitted to the AU Commission subsequently;
3. **FURTHER REQUESTS** the Commission to organize five validation workshops at the level of the RECs to be attended by the National Commodity experts and those of the RECs. The outcome of their deliberations should subsequently be submitted to the AU Conference of Ministers of Trade in 2005, and later to the Executive Council and Assembly;
4. **URGES** the Commission to speed up the finalization of the legal instruments as well as the operating systems manual as mandated

by the 1st AU Conference of Ministers of Trade held in Mauritius in June 2003;

5. **WELCOMES** the election of Ambassador Ali Mchumo as Director General of the Common Fund for Commodities (CFC);
6. **CALLS ON** the Commission to work in close collaboration with the Common Fund for Commodities in pursuit of Africa's Commodities development endeavours.

EX.CL/Dec.114 (V)

DECISION ON ECONOMIC EMPOWERMENT OF WOMEN
DOC. EX.CL/117 (V)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **URGES** Member States to formulate and implement a national policy for the economic empowerment of women which offers them real business opportunities on the national, regional and international markets;
3. **DECIDES** that this policy be included among the criteria for under the African Peer Review Mechanism (APRM);
4. **CALLS ON** Member States to establish specific and relevant programmes for the development of women's entrepreneurs which will facilitate the access of women to land, micro-credits, loans, technological innovations and research results in terms of business opportunities;

5. **RECOMMENDS** that the AU Commission invite officially women entrepreneurs to participate in the Third Ordinary Session of the AU Conference of African Ministers of Trade in 2005.

EX.CL/Dec.115 (V)

**DECISION ON PROTECTING CONSUMERS IN A CONTEXT
OF MARKET LIBERALIZATION AND GLOBALIZATION**
DOC. EX.CL/117 (V)

The Executive Council:

1. **TAKES NOTE** of the Report
2. In accordance with UN Resolution 39/248 on Consumer Protection, **CALLS ON** Member States to protect the welfare of consumers against, inter-alia, dangerous products, unfair business practices, as well as sub-standard goods;
3. **FURTHER CALLS UPON** Member States to enter into policy dialogue with their consumers on the issue of all forms of exploitation and all forms of unfair business practices;
4. **URGES** Member States to promote consumer protection and consumer education in their respective countries.

EX.CL/Dec.116 (V)

**DECISION ON THE 16TH ORDINARY SESSION OF THE CONFERENCE
OF AFRICAN MINISTERS OF INDUSTRY (CAMI XVI)
DOC. EX.CL/124 (V)**

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. WELCOMES** the African Productive Capacity (APCI) and the African Productive Capacity Facility (APCF) adopted by the 16th Conference of African Ministers of Industry (CAMI XVI) as Africa's Industrial Development Programme of the African Union;
- 3. CALLS ON** the Commission to incorporate the APCI and the APCF in its work programme within the framework of the Specialized Technical Committee as provided for in Article 14 of the Constitutive Act;

4. **REQUESTS** the AU Commission, UNIDO, the RECs and the private sector to implement the APCI and APCF;
5. **RECOMMENDS** the APCI and APCF to the Assembly of Heads of State and Government for political endorsement;
6. **FURTHER REQUESTS** the AU Commission to report periodically to Council on progress made.

EX.CL/Dec.117 (V)

DECISION ON THE REPORT OF THE FIRST AFRICAN MINISTERS
CONFERENCE IN THE CONTEXT OF NEPAD ON
SCIENCE AND TECHNOLOGY
DOC. EX.CL/125 (V)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **REAFFIRMS** that Science and Technology play a fundamental role in development strategies of the continent;
3. **ENDORSES** the Declaration of the first Ministerial Conference on Science and Technology held within the framework of NEPAD as well as the priorities and commitments with the understanding that the arrangements contained therein constitutes an interim arrangement which will function under the AU pending the operationalization of the Specialized Technical Committees (STCs);

- 4. REQUESTS** the Chairperson of the Commission to take all necessary measures to incorporate the NEPAD Science and Technology programme as a component of the African Union Strategic Plan and Work-Programme for Science and Technology and finalize their harmonization as a matter of urgency.

EX.CL/Dec.118 (V)

**DECISION ON THE REPORT OF THE CHAIRPERSON OF
THE COMMISSION ON THE WORLD SUMMIT ON
INFORMATION SOCIETY (WSIS)
DOC.EX.CL/119 (V)**

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. RECALLS** Decision EX.CL/61 (III) adopted by the Assembly of the African Union held in Maputo, from 3 to 12 July 2003;
- 3. ALSO RECALLS** Resolutions 55/2, 56/183, 57/238 and 57/295 adopted by the United Nations General Assembly within the context of the World Summit on Information Society;
- 4. EXPRESSES SATISFACTION** at Africa's effective participation in the first phase of WSIS held in Geneva from 10 to 12 December 2003;

5. **FURTHER TAKES NOTE** of the final documents adopted at the first phase of the Summit held in Geneva, from 10 to 12 December 2003, particularly the Declaration of Principles and the Plan of Action, as well as the Decision on the preparations for the second phase of the Summit scheduled to hold in Tunis, from 16 to 18 November 2005;
6. **ALSO TAKES NOTE** of the outcome of the first meeting of the Preparatory Committee, held in Hammanet (Tunisia), from 24 to 26 June 2004;
7. **WELCOMES** the offer of the Government of Ghana to host the next Regional Preparatory Committee meeting in February 2005 and **URGES** all Member States to actively participate in this preparatory process;
8. **REAFFIRMS** that the Tunis Summit constitutes a crucial stage in the process for establishing a balanced and accessible information society and in forging a strategic and interdependent digital partnership to promote economic growth and human development throughout the world, associating in a coordinated and complementary manner all stakeholders, namely Governments, International Organizations, the Civil Society and the Private Sector;

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9. **CALLS ON** representatives of the Civil Society and the Private Sector, particularly African representatives to participate actively in the preparatory work, and enrich the substantive debate with their proposals and recommendations, particularly as concerns the content of the Tunis phase;
10. **URGES** Member States to:
 - Provide the appropriate conditions for consultations and coordination to the African Group in Geneva to enable the latter to participate more actively in the preparatory process and better translate African interests in the guidelines and outcome of the Tunis Summit;
 - ensure the massive participation of Heads of State and Government in the Tunis Summit in order to give better political visibility to African priorities and objectives;

- work towards ensuring that the Tunis Summit culminates in a political document as a consensual framework of action in the post-Tunis perspective.
- 11. REQUESTS** the Commission of the African Union to participate more effectively and visibly in the preparatory process of the Tunis Summit and submit a report thereon to the subsequent sessions of the Executive Council;
 - 12. FURTHER REQUESTS** the Chairperson of the Commission of the African Union to submit a report on the implementation of the present Decision to Council at its next session.

EX.CL/Dec.119 (V)

DECISION ON THE RELATIONSHIP BETWEEN
THE AU AND THE RECs
DOC. EX.CL/126 (V)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. REQUESTS** the Commission to speed-up the preparation of a New Protocol on Relations between the AU and the RECs, with a view to its early finalization and presentation for adoption to the 6th Ordinary Session to be held in February/March 2005;
- 3. REQUESTS** the Commission to ensure that the new Protocol be anchored on a global approach, drawn from the Vision of the AU;

- 4. REQUESTS** the Commission to ensure that the formulation of the new Protocol was under-pinned by the participation of Member States and other stakeholders.

EX.CL/Dec.120 (V)

DECISION ON FOLLOW-UP ON AFRICA-EUROPE SUMMIT
DOC. EX.CL/127 (V)

The Executive Council:

- 1. TAKES NOTE** of the recommendations of the Chairperson of the Commission;
- 2. REQUESTS** the Member States of the African Troika in coordination with the AU Follow-up Committee and the Commission to continue at all the levels provided for by the follow-up mechanism, the Africa-Europe dialogue on the basis of the Cairo Declaration and the Cairo Plan of Action and explore with the European side how best to convene the second Africa-Europe Summit in 2005;

- 3. ALSO REQUESTS** the Commission to initiate talks with its EU counterpart on modalities for effective implementation of consensual decisions taken by the two parties.

EX.CL/Dec.121 (V)

**DECISION ON TRAINING PROGRAMME ON ECONOMIC
INTEGRATION IN AFRICA**
DOC. EX.CL/127 (V)

The Executive Council:

- 1. TAKES NOTE** of the recommendations of the Commission;
- 2. REQUESTS** the Commission to continue the training programme on economic integration in Africa in view of the interest it has generated among Member States and the RECs, to extend it to other working languages of the AU and submit a draft budget to this effect for the consideration of the PRC.

EX.CL/Dec.122 (V)

DECISION ON FOLLOW-UP ON THE TICAD INITIATIVE
DOC. EX.CL/127 (V)

The Executive Council:

1. **TAKES NOTE** of the recommendations of the Chairperson of the Commission;
2. **INVESTS** the Commission with the role of interface between Member States and Japan, with the aim of ensuring better coordination and higher visibility in the implementation of TICAD;
3. **REQUESTS** the Commission to:

- i) Negotiate with the Japanese authorities with a view to securing their contribution in the implementation of the integrating projects;
- ii) Undertake negotiations with Japanese authorities on the convening of TICAD Summit, on a rotational basis, in Africa and Asia.

EX.CL/Dec.123 (V)

DECISION ON AFRICAN CIVIL AVIATION
COMMISSION (AFCAC)

The Executive Council:

- 1. TAKES NOTE** of the report on AFCAC reflecting the dire financial situation of the Organization;
- 2. APPEALS** to Member States to pay their due contributions and arrears to the Organization;
- 3. FURTHER APPEALS** to Member States to pay their contributions to the International Civil Aviation Organization (ICAO) in order to regain and/or maintain their voting rights;

4. **URGES** Member States to support African candidatures to the ICAO Council in the election that will take place during the 35th General Assembly of ICAO scheduled for September/October 2004 in Montreal, Canada;
5. **REQUESTS** the Commission to submit a report on these matters to the next Ordinary Session of the Executive Council.

EX.CL/Dec.124 (V)

**DECISION ON THE MEETING OF EXPERTS ON ELECTIONS,
DEMOCRACY AND GOVERNANCE IN AFRICA
DOC.EX.CL/91 (V)**

The Executive Council:

1. **TAKES NOTE** of the Report of the Experts on Elections, Democracy and Governance in Africa held in Addis Ababa, Ethiopia from 15 to 17 May 2004 and its annexes;
2. **DECIDES** to:
 - (i) **APPROVES** the Guidelines for African Union Electoral Observation and Monitoring Missions as reflected in Annex II

of the Report subject to invitation by Member States and for national (presidential and parliamentary) elections only;

- (ii) **REQUESTS** the Commission to complete the feasibility study on the Electoral Assistance Fund, on the basis of the document “Prospects for the establishment of an Electoral Assistance Fund” as adopted by the Meeting of Experts in Annex III of their Report;
- (iii) **FURTHER REQUESTS** the Commission to convene a meeting of Governmental Legal and other Experts to formulate a Draft Charter on Elections, Democracy and Governance in Africa, based on the collective commitments already made by Member States in these domains and submit the document thereof at its 7th Ordinary Session;
- (iv) **ENCOURAGES** Member States to promote ownership of their electoral processes in order to guarantee legitimacy and sovereignty.

EX.CL/Dec.125 (V)

**DECISION ON THE DRAFT PROTOCOL TO THE OAU CONVENTION
ON THE PREVENTION AND COMBATING OF TERRORISM
DOC. EX.CL/92(V)**

The Executive Council:

1. **TAKES NOTE** of the report;
2. **COMMENDS** the Commission for the efforts made to finalize the Draft Protocol to the OUA Convention on the Prevention and Combating of Terrorism;

3. **DECIDES** to adopt the Additional Protocol to the Convention and **RECOMMENDS** its approval by the Third Ordinary Session of the Assembly of the Union;
4. **REQUESTS** the Commission to take all the necessary steps to expedite the entry into force of the Protocol to ensure the effective implementation of the Algiers Plan of Action on the Prevention and Combating of Terrorism in Africa;
5. **FURTHER REQUESTS** the Commission to collaborate closely with all African Governments and other partners for the effective implementation of the provisions of the Convention and the Protocol;
6. **REITERATES** its appeal to Member States that have not yet done so to accede to the Convention and ratify the Protocol as soon as possible, thereby facilitating coherent and coordinated action against the scourge of terrorism;
7. **REQUESTS** the Peace and Security Council, as the Coordinator of the Mechanism, to ensure the effective implementation of the Protocol.

EX.CL/Dec.126 (V)

**DECISION ON THE AFRICAN CENTRE FOR STUDIES
AND RESEARCH ON TERRORISM**
DOC. EX.CL/92 (V)

The Executive Council:

1. **TAKES NOTE** of the progress report on the establishment of the African Centre for Studies and Research on Terrorism presented by the Algerian delegation and **WELCOMES** the efforts deployed by the Algerian Government in this respect, including the provision of a renovated headquarters for the Centre;

2. **REQUESTS** the Commission to continue to collaborate closely with the Government of Algeria to speed up the operationalization of the Centre;
3. **FURTHER REQUESTS** the Commission to take all the necessary measures to convene the Second High Level Intergovernmental Meeting at the level of all AU Member States on the Prevention and Combating of Terrorism from 12 to 13 October 2004, in Algiers, to evaluate the progress made and decide on the best possible follow-up. This meeting will coincide with the launch of the African Centre for Studies and Research on Terrorism;
4. **APPEALS** to the partners of the AU to provide the necessary support, including financial assistance to the Commission to facilitate the operation of the African Centre for Studies and Research on Terrorism.

EX/CL/Dec.127 (V)

**DECISION ON THE SITUATION OF REFUGEES,
RETURNEES AND DISPLACED PERSONS**
DOC. EX.CL/108 (V)

The Executive Council:

1. **EXPRESSES DEEP CONCERN** over the persistence of the problem of refugees and displaced persons in Africa;

2. **WELCOMES** the positive developments that are taking place in the Continent which will pave the way for the return of millions of refugees and internally displaced persons in safety and dignity;
3. **COMMENDS** Member States that continue to receive refugees and make available to them all the facilities and services in spite of their limited resources;
4. **EXPRESSES ITS GRATITUDE** to humanitarian agencies which have contributed towards alleviating the plight and sufferings of African refugees;
5. **APPEALS** to Member States that have not signed, ratified or acceded to the Treaties relating to refugees to do so at the earliest possible convenience;
6. **REAFFIRMS** the importance of the voluntary repatriation as one of the most durable solutions to the refugee problem and **URGES** Member States concerned to create conducive conditions for the refugees' repatriation and sustainable reintegration in their communities;
7. **REQUESTS** the Commission of African Union in close cooperation with the Commission on Refugees to be closely involved in the programme of mass voluntary repatriation, resettlement and rehabilitation of returnees in the Member States in the crucial coming years;
8. **FURTHER REQUESTS** the Commission to collaborate with relevant cooperating partners and other stakeholders to ensure that Internally Displaced Persons are provided with an appropriate legal framework to ensure their adequate protection and assistance;

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9. **EXPRESSES ITS APPRECIATION** to the donor community for financial support extended to repatriation operations and **CALLS UPON** the international community to show solidarity by committing itself to provide increased assistance to countries of origin and asylum for the successful repatriation, resettlement and rehabilitation programmes;

10. **EXPRESSES** concern over the grave violations of human rights in conflict situations and **URGES** Member States as well as Non-State Actors involved in armed conflicts to comply with the International Humanitarian Law (IHL);
11. **REQUESTS** the Commission of African Union to keep monitoring the problem of refugees and displaced persons and to continue the implementation of the Comprehensive Implementation Plan (CIP) adopted in Conakry (Guinea) in March 2000, in close partnership with the UNHCR;
12. **ALSO REQUESTS** the Commission of African Union to take necessary measures for the revitalization of the Coordinating Committee on Assistance to and Protection of Refugees and Internally Displaced Persons with a view to strengthening its coordinating and advisory capacities;
13. **FURTHER REQUESTS** the Commission to take the necessary steps to convene as early as possible the ordinary session of the AU Commission on Refugees, with a view to the adoption of its short term Plan of Action.

EX/CL/Dec.128 (V)

DECISION ON THE STATUS OF OAU/AU TREATIES
DOC. EX/CL/94 (V)

The Executive Council:

1. **TAKES NOTE** of the Report;

2. **COMMENDS** the Chairperson of the Commission for the initiative and efforts aimed at encouraging Member States to become State Parties to the OAU/AU treaties;
3. **APPEALS** to all Member States who have not done so, to sign and ratify or accede to the treaties adopted under the aegis of the OAU/AU;
4. **REQUESTS** the Commission to undertake a study on the procedures for ratification of treaties in Member States as well as how to harmonise them with a view to speeding up the ratification process;
5. **REQUESTS** the Commission to find ways and means of addressing the recurring problem of inconsistency between the various linguistic texts and submit appropriate recommendations thereon.

**DECISION ON THE MEETING OF EXPERTS ON THE
REVIEW OF OAU/AU TREATIES
DOC. EX/CL/95 (V)**

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **ENDORSES** the recommendations contained in the report of the experts during their meeting held in Addis Ababa, Ethiopia, from 18 to 20 May 2004, in respect of each of the treaties and to consider the proposed new areas for conclusion of new treaties;
3. **DECIDES** that the 1969 OAU Convention governing the specific aspects of Refugee problems in Africa should be retained in its present form;
4. **FURTHER DECIDES** that:
 - i) The specific needs of internally displaced persons (IDPs) such as protection and assistance should be addressed through a separate legal instrument;
 - ii) The safety and security of refugees and host countries as well as all other areas not covered by the OAU 1969 Convention should be addressed through soft law; through the adoption of annual decisions of the Assembly.
5. **FURTHER TAKES NOTE** of the proposal on the establishment of an African Commission on International Law and **REQUESTS** the Chairperson of the Commission to elaborate detailed proposals on the mandate, structure and financial implications of the proposal;
6. **MANDATES** the Chairperson of the Commission to undertake preliminary studies to determine the best way to implement the above decisions and **AUTHORISES** him to convene meetings of experts to examine those recommendations and to elaborate the necessary legal instruments;
7. **FURTHER REQUESTS** the Chairperson of the Commission to include in the ongoing study on Specialised Technical Committees (STCs), the proposal of an STC on Legal Affairs.

DECISION ON THE ESTABLISHMENT OF REGIONAL OFFICE
IN THE FIVE GEOGRAPHICAL REGIONS
DOC. EX/CL/96 (V)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **REQUESTS** the Chairperson of the Commission to finalise the study on all aspects and implications of the proposal and submit a report thereon to the 6th Ordinary Session of the Executive Council;
3. **REQUESTS** the Commission to solicit the views of Member States and RECs on the location of the office within each Region taking into account the clear criteria laid down by the Commission.

**DECISION ON THE RELATIONS BETWEEN THE AFRICAN
CONTINENT AND OTHER CONTINENTS OF THE WORLD**
DOC. EX/CL/97 (V)

The Executive Council:

- 1. TAKES NOTE** of the Progress Report;
- 2. REQUESTS** the Chairperson of the Commission to finalise the study on all aspects and implications of the proposal and submit a report to the Sixth Ordinary Session of Council;

DECISION ON CRITERIA FOR HOSTING AU ORGANS
DOC. EX/CL/99 (V)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **REQUESTS** the Chairperson of the Commission to re-formulate Draft Criteria for hosting AU Organs taking into account the views expressed at the meeting of the PRC;
3. **ALSO REQUESTS** the Chairperson of the Commission to refer the draft criteria reformulated to the PRC through its Sub-Committee on Headquarters and Host Agreements for further enrichment before submission to Council;
4. **FURTHER REQUESTS** the Chairperson of the Commission to submit a report thereon to the 6th Ordinary Session of the Executive Council.

DECISION ON CRITERIA FOR GRANTING AU OBSERVER STATUS
DOC. EX.CL/100 (V)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **REQUESTS** the Chairperson of the Commission to consolidate the proposals herein with those in other documents relating to accreditation and granting of observer status and submit a report thereon to the next Ordinary Session of the Executive Council through the PRC.

**DECISION ON THE PROPOSED AMENDMENTS TO THE RULES OF
PROCEDURE OF THE PERMANENT REPRESENTATIVES
COMMITTEE (PRC), THE EXECUTIVE COUNCIL
AND THE ASSEMBLY
DOC. EX.CL/101 (V)**

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. REQUESTS** the PRC to undertake a thorough examination of the proposed amendments and submit a report thereon to the 6th Ordinary Session of the Executive Council.

**DECISION ON THE ACCREDITATION OF NON-AFRICAN STATES
AND REGIONAL INTEGRATION ORGANIZATIONS**
DOC. EX.CL/102 (V)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **REQUESTS** the Chairperson of the Commission to re-examine and consolidate the proposals herein with those in other documents relating to accreditation and granting of observer status and submit a report thereon to the 6th Ordinary Session of the Executive Council.

**DECISION ON ACCREDITATION OF INTERNATIONAL AND
INTER-GOVERNMENTAL ORGANISATIONS**
DOC EX.CL/103 (V)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. REQUESTS** the Chairperson of the Commission to re-examine and consolidate the proposals herein with those in other documents relating to accreditation and granting of observer status and submit a report thereon to the 6th Ordinary Session of the Executive Council.

DECISION ON THE SELECTION OF THE AU ANTHEM

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. PROPOSES** to the Assembly for Final Selection of the three (3) best works and the original AU Anthem as follows:
 1. OAU Anthem (Rearranged)
 2. Application M 0020 (Modified)
 3. Creation No. CR 001
 4. OAU Original Anthem
- 3. RECOMMENDS** that the final selected Anthem (scores) be rewritten to give it an African touch (African drums);
- 4. ACKNOWLEDGES** and **THANKS** the contributions made by the Panel of Judges.

DECISION ON NEPAD

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. RECALLS** the Maputo Decision on Integration of the NEPAD into the AU structures and processes;
- 3. URGES** Member States to accelerate the adoption of AU/NEPAD programmes as frameworks and guidelines for regional and national development plans, and identify feasible programmes for each priority sector;
- 4. ALSO URGES** Member States as a matter of urgency give RECs clear mandates as well as the required capacities for the implementation and monitoring of NEPAD programmes and projects, in view of the regional approach of NEPAD;
- 5. WELCOMES** the G8 Africa Action Plan as a reflection of the emerging commitment of the industrialized countries and multilateral institutions to Africa, and **RECOMMENDS** to Member States and the RECs to consider the G8 Africa Action Plan and develop strategies to access additional resources committed through this Plan;
- 6. APPEALS** to the international community at large to take concrete steps to increase resource flows to enable African countries to achieve the MDGs at the approach of the 5th anniversary of the MDGs;
- 7. REQUESTS** the Chairperson of the NEPAD Heads of State and Government Implementation Committee, in consultation with the Chairperson of the AU Commission, should ensure smooth and flexible integration of NEPAD into the AU Commission bearing in mind the necessity to preserve its flexible operating procedure;
- 8. ALSO REQUESTS** the Chairperson of the Commission to brief the Executive Council regularly on the progress of the NEPAD programme implementation.

**DECISION ON THE ECONOMIC, SOCIAL AND CULTURAL
COUNCIL (ECOSOCC) – DOC.EX.CL/131(V)**

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. ADOPTS** the Draft Statutes of ECOSOCC and **RECOMMENDS** it to the Assembly for approval;
- 3. REQUESTS** the Chairperson of the Commission to take urgent steps to ensure the launching and operationalization of ECOSOCC;
- 4. FURTHER REQUESTS** the Chairperson of the Commission to take appropriate measures to define, at the earliest opportunity, the meaning of the “African Diaspora”.

**DECISION ON THE REPORT OF THE AD-HOC MINISTERIAL
COMMITTEE ON THE MITIGATION OF THE SCALE OF ASSESSMENT**
DOC. EX.CL/105 (V)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. DECIDES** that the scale of assessment adopted by its Third Ordinary Session held in Maputo, Mozambique in July 2003 (Decision EX.CL/Dec.35 (III)), remains in force;
- 3. URGES** Member States to accept to pay their dues in accordance with the present scale of assessment;
- 4. REQUESTS** the Commission to begin the revision of the said scale on the basis of the most recent data, taking into account the real capacity of each Member State to pay its dues and the fact that the amount of the programme budget is bound to increase considerably in the years to come. The review will also take into account the requests made by some Member States;
- 5. FURTHER REQUESTS** the Ministerial Ad-Hoc Committee to consider the proposals made by the Commission and to present its report to the 6th Ordinary Session of the Executive Council.

DECISION ON THE CRISIS IN DARFUR REGION OF THE SUDAN
DOC. EX.CL/106 (V)

The Executive Council:

- 1. EXPRESSES SERIOUS CONCERN** over the prevailing situation in Darfur Region, in particular regarding the humanitarian crisis and the continued reports of violations of human rights particularly by the Janjaweed militia;
- 2. ALSO EXPRESSES CONCERN** over the risk of regional destabilization that might result from the persistent conflict in Darfur;
- 3. UNDERSCORES** the need to bring to justice all the perpetrators of serious human rights violations in Darfur;
- 4. COMMENDS** the Chairperson of the Commission for his timely visit to Darfur, as part of the efforts to address the prevailing humanitarian situation and to speed up the search for a lasting solution to the crisis;
- 5. WELCOMES** the decision of the Chairperson of the Commission to appoint, as his Special Envoy for Darfur, Mr. Hamid El Gabid, and **ENCOURAGES** him to pursue his efforts aimed at ending the conflict in Darfur;
- 6. WELCOMES** the establishment of the Ceasefire Commission (CFC) in El Fashir, as of 19 June 2004, and the deployment of the Military Observer Mission in the Darfur Region;
- 7. NOTES WITH APPRECIATION** the laudable role that continues to be played by Chad, as Mediator, the United Nations, the European Union, the USA and the entire international community and **ENCOURAGES** them to continue exerting their individual and collective efforts to ease the humanitarian plight of the civilian population and to bring about lasting peace to the Darfur region;
- 8. WELCOMES** the financial contributions made so far by the British Government and the European Union, towards the deployment of the African Union mission in the Darfur, as well as the logistical support rendered by the USA;

- 9. URGES** the Government of Sudan (GoS), the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) to respect the Humanitarian Ceasefire Agreement signed on 8 April 2004 and further **URGES** the parties to cooperate with the CFC in order to facilitate the ongoing efforts to restore lasting peace in Darfur;
- 10. WELCOMES** the convening in N'Djamena (Chad) on 2 July 2004 of the 1st meeting of Joint Committee as provided for under the Humanitarian Ceasefire Agreement, with the participation of all the Sudanese parties, the Chadian mediation, the African Union and the international partners;
- 11. ENCOURAGES** the Sudanese parties to participate fully in the meeting due to be held at the Headquarters of the African Union in Addis Ababa on 15 July 2004, to kick-start the political dialogue that should lead to a global and definitive solution to the Darfur conflict;
- 12. COMMENDS** the African Union Member States that have so far contributed military personnel for the establishment of the Ceasefire Commission and **URGES** the remaining countries that have been requested to provide military personnel to do so in the shortest period possible;
- 13. HAILS** the efforts of the United Nations and its agencies, as well as NGOs, in providing the much needed humanitarian assistance to the people of Darfur.;
- 14. ALSO HAILS** the recent steps taken by the Government of The Sudan to facilitate the channelling of humanitarian assistance, ensure the protection of the population and disarm and neutralize the militia.

DECISION ON THE SUDAN PEACE TALKS IN NAIVASHA
DOC. EX.CL/106 (V)

The Executive Council:

- 1. COMMENDS** the Government of the Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) for their unwavering efforts in the search for peace in the Sudan. Council **FURTHER ENCOURAGES** the parties to conclude the remaining issues as soon as possible;
- 2. APPLAUDS** the results achieved in the IGAD sponsored peace process in The Sudan as well as the key role being played by the Government of Kenya in hosting and facilitating the peace process;
- 3. WELCOMES** the efforts of the AU Ministerial Committee on Post-Conflict Reconstruction in the Sudan, including the just concluded preliminary assessment mission to the Sudan, and **REQUESTS** the Committee to be fully engaged in the post-conflict reconstruction of the Sudan to support the implementation of the Comprehensive Peace Agreement that is expected to be signed by the Parties;
- 4. WELCOMES** the adoption by the Security Council, on 11 June 2004, of resolution 1547(2004) authorizing the UN Secretary General to establish an UN advance team in Sudan as a special political mission, dedicated to the preparation of the international monitoring foreseen in the 25 September 2003 Naivasha Agreement on Security Arrangements, to facilitate contacts with the parties concerned and to prepare for the introduction of a peace support operation following the signing of a comprehensive peace agreement.

DECISION ON THE SITUATION IN BURUNDI
DOC. EX.CL/106 (V)

The Executive Council:

1. **WELCOMES** the outcome of the 21st Summit of the Regional Initiative on Burundi, held in Dar-es-Salaam, Tanzania on 5 June, 2004;
2. **EXPRESSES SATISFACTION** at the encouraging developments in the peace and reconciliation process in Burundi. In this regard, Council **ENCOURAGES** the Transitional Government of Burundi and the Burundian Parties to leave no stone unturned to ensure the successful conclusion of the Transition period as stipulated in the Peace and Reconciliation Agreement signed in Arusha on 28 August 2000, and to take the necessary steps to hold elections within the time frame laid down in this Agreement;
3. **EXPRESSES SATISFACTION** with the mediation efforts and **ENCOURAGES** the Mediator, Mr. Jacob Zuma, Deputy President of the Republic of South Africa to continue his relentless efforts to achieve a lasting solution in Burundi;
4. **ENDORSES** the decision of the 21st Summit of the Regional Initiative to grant an additional period of three months to **PALIPEHUTU-FNL** led by Agathon Rwaso to enable it to join the peace process and to impose, with immediate effect, restrictions on the movements of leaders and members of **PALIPEHUTU-FNL**;
5. **REQUESTS** the Peace and Security Council of the African Union, in accordance with the request of the 21st Summit of the Regional Initiative, to examine the activities of **PALIPEHUTU-FNL** in the light of the Constitutive Act of the African Union, the Convention on the Prevention and Combating of Terrorism and other decisions and relevant instruments, and to take appropriate political and legal steps against this movement;
6. **WELCOMES** the adoption of Resolution 1545 (2004) by the United Nations Security Council and the subsequent deployment of troops for the United Nations Operation in Burundi (UNOB). Council pays tribute to the African Mission in Burundi (AMIB) for the work accomplished within the framework of the Ceasefire Agreements and **EXPRESSES ITS PROFOUND GRATITUDE** to the troops contributing countries namely: South Africa, Ethiopia and Mozambique, as well as to the countries which provided military observers (Burkina Faso, Gabon, Mali, Togo and Tunisia) for their commitment and for the sacrifices made to ensure the success of the Mission.

DECISION ON THE CENTRAL AFRICAN REPUBLIC (CAR)
DOC. EX.CL/106 (V)

The Executive Council:

- 1. TAKES NOTE** of the first steps taken by the authorities of the Central African Republic to restore constitutional legality, particularly the setting up of a Joint Independent Electoral Commission (CEMI) and the ongoing examination of other basic texts within the context of the electoral process;
- 2. REQUESTS** all the stakeholders concerned, including General Francois Bozize, to create the necessary conditions for a real restoration of constitutional order, through the organization of free and transparent elections and **APPEALS** to the International Community to support these efforts with the necessary assistance;
- 3. EXPRESSES ITS CONCERN** about the persistent economic difficulties and insecurity in several provinces of the country;
- 4. COMMENDS** the States of the region and the other Member States for their multifaceted assistance to the Central African Republic and **APPEALS** to the international community to provide the necessary support, thereby creating the conditions that are conducive to the organization of early elections;
- 5. REQUESTS** the Chairperson of the Commission to take the necessary steps to ensure closer coordination and greater cooperation ties with the regional and international organizations concerned in the CAR situation. Council **FURTHER REQUESTS** the Chairperson of the Commission to ensure more regular contact with the political and social stakeholders of the Central African Republic as well as the active involvement of the Commission in the electoral process and the return to constitutional order.

DECISION ON EQUATORIAL GUINEA
DOC.EX.CL/106 (V)

The Executive Council:

- 1. COMMENDS** the States of the Region and other Member States for their collaboration which made it possible to foil the destabilization attempt planned by mercenaries and **ENCOURAGES** them to preserve this cooperation;
- 2. REQUESTS** the authorities of Equatorial Guinea to ensure the organization of a fair trial for the arrested mercenaries based on the scrupulous respect of the right of defence and of relevant international instruments;
- 3. REQUESTS** the Chairperson of the Commission to take the necessary steps to find a global solution to the phenomenon of mercenary activities on the Continent through the harmonization of existing legislation and measures within the context of a review of the OAU Conventions on the elimination of mercenarism in Africa;
- 4. ENCOURAGES** the authorities of Equatorial Guinea to promote political dialogue with the opposition on a permanent basis and **REQUESTS** the Chairperson of the Commission to provide the support needed to this effect.

DECISION ON ETHIOPIA-ERITREA PEACE PROCESS
DOC. EX.CL/106 (V)

The Executive Council:

- 1. NOTES WITH DEEP CONCERN** the continued stalemate in the peace process between Ethiopia and Eritrea;
- 2. STRESSES** the need for the international community to closely coordinate its efforts in order to assist the Parties to overcome the current difficulties in the border demarcation process;
- 3. REQUESTS** the Peace and Security Council of the African Union to remain seized with the matter and to take the most appropriate steps to facilitate the early conclusion of the peace process and the normalisation of relations between the two countries, with a view to enhancing regional stability and security, as well as promoting regional integration.

DECISION ON THE SITUATION IN SOMALIA
DOC. EX.CL/106 (V)

The Executive Council:

1. **WELCOMES** the progress made at the Somalia National Reconciliation Conference at Mbagathi, Kenya;
2. **APPEALS** to the Somali parties to cooperate closely with the IGAD Facilitation Committee and to uphold the deadline of 31 July 2004, for the formation of a Government for Somalia and to attend the ISAD Ministerial Facilitation Committee Meeting that will take place on 15 July 2004, in Nairobi;
3. **CALLS UPON** those Somali leaders still in Somalia to quickly come to Nairobi to join the ongoing deliberations at the Reconciliation Conference. In this respect, Council **REITERATES** the determination of the African Union to mobilize the international community for targeted sanctions to be applied against all those faction leaders to be found deliberately undermining the process;
4. **COMMENDS** the unrelenting efforts by Kenya and the other IGAD countries, aimed at restoring normalcy, peace and stability in Somalia;
5. **CALLS UPON** the donors to provide sustained funding to enable the Reconciliation Conference achieve the set objectives;
6. **EXPRESSES ITS APPRECIATION** for the work being done by the UN Monitoring Group established pursuant to Security Council Resolution 1519(2003) of 16 December 2003 and **URGES** the Monitoring Group to continue its inquiry into the ongoing violations of the arms embargo and to explore the possibility of deploying a monitoring mechanism along Somalia's sea-front, air space, and its borders, as a measure to strengthen the implementation of the arms embargo;
7. **REITERATES** the readiness of the African Union to deploy, at an appropriate time, a Military Observer Mission to support the outcomes of the Reconciliation Conference and the transition in Somalia;

- 8. COMMENDS** the efforts of the UN agencies and NGOs that are providing much needed humanitarian support to the war-affected communities amid conditions of insecurity in Somalia;
- 9. REQUESTS** the United Nations Security Council and the International Community to support the Government of Somalia that will emanate from the Nairobi Conference with a view to the implementation of the disarmament, demobilization and reconciliation of the countries.

DECISION ON THE DEMOCRATIC REPUBLIC OF CONGO (DRC)
DOC. EX.CL/106 (V)

The Executive Council:

- 1. TAKES NOTE** of the Chairperson of the AU Commission;
- 2. EXPRESSES ITS GRAVE CONCERN** about the political situation prevailing in the DRC and which has, to a large extent, affected the normal functioning of the Transitional Institutions thereby contributing to the delay in the implementation of the comprehensive and All Inclusive Agreement;
- 3. ALSO EXPRESSES ITS STRONG** condemnation of the attacks followed by the capture of the towns of Bukavu and Kamanyola, and the massacres perpetrated in these towns against innocent civilians by dissident officers of the Congolese national army as well as the attempted coup d'Etat in Kinshasa in the night of 27 to 28 March, and in the night of 10 to 11 June 2004;
- 4. RENEWS ITS SUPPORT** to the on-going process in the country, as the only way of steering Congo out of the crisis in the Congo, reconciling the Congolese and establishing a new political order in the country to which the people and the parties in the peace process aspire. In this regard, Council **FURTHER RENEWS ITS CONFIDENCE** in the Government of national unity established on 30 June 2003 and **URGES** the stakeholders of the current peace process within the various transitional institutions to put the interest of Congolese and the future of Congo above all other considerations;
- 5. APPEALS** to all the parties to the peace process as well as all the political forces in the country and Congolese civil society organizations to support the on-going process and to strive to facilitate the completion of the transition by organising in the course of 2005 and under the auspices of the international community, free, democratic and credible elections designed to endow the country with strong and permanent institutions;

- 6. EXPRESSES SATISFACTION** at the signing in Kinshasa on 14 May 2004 of the Kinshasa Commitment Act by the representatives of the political military movements in Uturi and **URGES** all the parties to implement it scrupulously and to join the on-going transitional process in the country;
- 7. WELCOMES** the appointment and assumption of office of Provincial Governors as a crucial stage in the extension of the state authority throughout the country and **URGES** the transitional Government to speed up the integration of the Army and the Security Services and to find the resources to undertake without delay, the implementation of the disarmament, demobilization and reintegration programme (DDR);
- 8. URGES** the authorities of the Democratic Republic of Congo and the Republic of Rwanda to work towards the normalization of their relations and **ALSO URGES** the international community and the countries of the region to continue to support the transitional process in the DRC as well as the peace process in the region;
- 9. HAILS** the laudable efforts made by MONUC in the DRC to promote the implementation of the various agreements signed by the parties and aimed at restoring peace, security and stability in the DRC and in the whole region. In this regard, Council **REQUESTS** the United Nations Security Council to envisage the reinforcement of its strength and the extension of MONUC's mandate under Chapter VII, to all the regions in the country affected by the crisis.

DECISION ON THE INTERNATIONAL CONFERENCE
ON THE GREAT LAKES REGION
DOC. EX.CL/106 (V)

The Executive Council:

1. **TAKES NOTE** of the proposed dates of 19 – 20 November 2004 preceded by the Ministerial meeting from 16 – 17 November 2004 for the convening of the 1st International Summit Conference;
2. **EXPRESSES SATISFACTION** at the significant progress made in the preparatory process of the International Conference on the Great Lakes region and **REITERATES** the commitment of the African Union to support the process until it is completed. In this regard, Council **WELCOMES** the imminent opening of an AU Liaison Office in Nairobi, Kenya in order to better support the preparatory process of the Conference and strengthen partnership with the United Nations;
3. **ALSO WELCOMES** the active involvement of the Economic Communities in the region as well as NEPAD and the African Development Bank (ADB), in the preparatory process of the Conference and **URGES** them to support the process including the implementation of the programmes which will be adopted by subsequent Summits;
4. **ALSO EXPRESSES SATISFACTION** at the establishment of the Group of Friends of the Region, under the joint chair of Canada and the Kingdom of the Netherlands, and **URGES** its members to step up their political, diplomatic, technical and financial support to the countries in the region as well as to the joint Conference Secretariat in order to enable them to finalize their preparations for the holding of the 1st Summit in November 2004 in Dar-es-Salaam, the United Republic of Tanzania;
5. **REQUESTS** the UN Secretary General, in consultation with the Chairperson of the Commission of the African Union, by referring to the different resolutions and Presidential Statements of the UN Security Council, to establish the list of countries likely to participate in this conference and, this, in consultation with the countries concerned.

DECISION ON THE SITUATION IN GUINEA-BISSAU
DOC. EX.CL/106 (V)

The Executive Council:

- 1. EXPRESSES SATISFACTION** at the progress made in the implementation of the transitional charter and **EXPRESSES ITS GRATITUDE** to the transitional authorities for the efforts made to consolidate the peace process, democracy and the restoration of constitutional order;
- 2. ALSO EXPRESSES SATISFACTION** at organization, as provided for by the transitional charter, Parliamentary elections on 28 March 2004 characterized by public-spiritedness and respect for democratic principles and **HAILS** the smooth organization of these elections in a free, fair and transparent manner;
- 3. APPEALS** to the International Community to support these efforts by mobilizing all the energies that could contribute to the resumption of international cooperation in order to secure the necessary assistance for the consolidation of political stability and economic development;
- 4. WELCOMES** the consensus reached on the appointment of the Prime Minister and members of the Government as well as the President, Vice Presidents and Secretaries of the Bureau of the Peoples National Assembly;
- 5. ENCOURAGES** the Parties of Guinea-Bissau to continue to work towards national reconciliation and to continue to cooperate with ECOWAS and **URGES** them to pursue their fruitful cooperation with ECOWAS and the African Union.

DECISION ON THE SITUATION IN CÔTE D'IVOIRE
DOC. EX.CL/106 (V)

The Executive Council:

1. **EXPRESSES ITS GRAVE CONCERN** over the deterioration of the political climate characterized by the deadlock in the implementation of the Linas-Marcoussis Accord and in government activity as well as by persistent acts of violence;
2. **CONDEMNS** the clashes which took place in the northern Region on 20 and 21 June 2004 and **DEPLORES** the loss of human lives;
3. **URGES** the Ivorian parties to demonstrate political will and work for the total implementation of the Linas-Marcoussis Accord;
4. **APPEALS** to the Ivorian parties to pursue the dialogue and to create conditions conducive to the effective functioning of the government. In this regard, Council **UNDERScores THE URGENCY** in the realization of the programme for the disarmament, demobilisation and reintegration, adoption of all the texts of law provided for in the Linas-Marcoussis Accord and the deployment of the Administration throughout the national territory;
5. **REAFFIRMS** the African Union's commitment to the unity and territorial integrity of the Republic of Côte d'Ivoire;
6. **HAILS** the on-going efforts by the Heads of State of ECOWAS and the other African Heads of State to find a peaceful solution in Côte d'Ivoire and **WELCOMES** the support of the AU Chairperson in these efforts;
7. **URGES** ECOWAS to remain seized of the issue.

DECISION ON LIBERIA
DOC. EX.CL/106 (V)

The Executive Council:

- 1. EXPRESSES ITS APPRECIATION** for the progress made so far in the disarmament and demobilization exercise, given its critical importance; and **URGES** the parties to complete the process as soon as possible. It further **REQUESTS** Member States of the AU and the wider international community, to provide as much assistance as possible to facilitate the early completion of the disarmament and demobilization exercise;
- 2. URGES** UNMIL, the NTGL and the leaders of the former warring factions to ensure that in the context of the disarmament and demobilization process, all Liberian combatants and arms remain in Liberia, in order to enable the peace processes in neighbouring countries to proceed;
- 3. REQUESTS** AU Member States and members of the wider international community, particularly those which made pledges at the Donor Conference held at New York in February 2004, to honour their pledges and provide as much assistance as possible to meet the substantial requirements of the Rehabilitation and the Reintegration aspects of the DDRR Programme. It further **REQUESTS** AU Member States and members of the wider international community to provide generously to the overall humanitarian and reconstruction effort in Liberia;
- 4. APPEALS** to the UN Security Council to lift the sanctions imposed on the sale of Liberian diamonds and timber in order to release funds that would enable the Liberian Government to meet its commitment, especially with regard to its rehabilitation and reconstruction programmes;
- 5. URGES** the Liberian parties to adhere to the date of October, 2005, as provided for in the Comprehensive Peace Agreement, for the holding of the elections, and also **CALLS** on the international community to support the Liberian authorities, including the National Electoral Commission, through the provision of the necessary human, logistical and material resources, so that the stipulated deadline is met;

- 6. SUPPORTS** ECOWAS regional approach to find solutions to the conflicts in the region, and **WELCOMES** the efforts being made by the government of Liberia and the other governments in the Mano River Union, namely those of Guinea and Sierra Leone, as well as Côte d'Ivoire to improve inter-state relations, including the recent holding of a summit meeting of the Mano River Union;
- 7. URGES** all States in the region to fully support the implementation of the Accra Comprehensive Peace Agreement and to prevent their territories from being used by armed elements to destabilize their neighbours, as well as to strengthen cooperation;
- 8. CONGRATULATES** the Federal Republic of Nigeria for granting asylum to Charles Taylor, former President of Liberia, in accordance with the wishes of the African Union, ECOWAS, and the understanding of the international community. Consequently, **REQUESTS** that the international community continues to show understanding of the positive contribution of the exit of Charles Taylor from Liberia to the peace process in that country, and to continue to support and encourage Nigeria in this regard;
- 9. ALSO URGES** ECOWAS to remain seized of the issue.

DECISION ON THE SITUATION IN THE COMOROS
DOC. EX.CL/106 (V)

The Executive Council:

1. **WELCOMES** the positive developments in the reconciliation process in The Comoros since the signing of the 20 December 2003 Agreement on the Transitional Arrangements in the Archipelago and **COMMENDS** the Comorian parties for the commitment they have shown in implementing this Agreement;
2. **STRESSES** the necessity for the Comorian parties to abide by the basic texts governing the functioning of the Union of The Comoros and the need for the said parties to refrain from all acts that could jeopardize the progress so far achieved;
3. **EXPRESSES ITS APPRECIATION** to South Africa, which coordinates the regional efforts on The Comoros, and to other countries of the region and the Troïka, for their commitment and contribution to the reconciliation process in The Comoros. In this regard, Council **REQUESTS** the countries of the region and the Troïka, under the coordination of South Africa, to continue to backstop the on-going process in The Comoros, to consolidate the progress so far made;
4. **ALSO EXPRESSES ITS APPRECIATION** to AU Partners, namely the OIF, the League of Arab States, the European Union, France, the Indian Ocean Commission, Germany and the United Nations, for the support provided to the reconciliation process and to the AU efforts and **UNDERScores** the fact that the continuation of such collaboration is essential for the promotion of lasting reconciliation and stability in The Comoros;
5. **REITERATES** the appeal of the AU to the International Community to provide the necessary financial and economic assistance for the socio-economic recovery of The Comoros. In this respect, Council **INVITES** the Commission, in close collaboration with the Governments of Mauritius and South Africa, to provide all the support needed to relaunch the preparations for the early convening, in Mauritius, of the Donors' Round Table designed to mobilize the financial resources necessary for the socio-economic recovery of The Comoros.

**DECISION ON THE REPORT OF THE CHAIRPERSON ON THE
COMMEMORATION OF THE 10TH ANNIVERSARY
OF RWANDAN GENOCIDE
DOC.EX.CL (107 (V))**

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **RECALLS** the Protocol on the African Commission on Human and Peoples' Rights and the Charter of the United Nations and the Universal Declaration of Human Rights,
3. **RECALLS** the report containing the findings and recommendations of the International Panel of Eminent Personalities (IPEP) commissioned by the Organization of African Unity to investigate the genocide in Rwanda and the surrounding events, entitled, "Rwanda; the Preventable Genocide";
4. **ALSO RECALLS** the findings and recommendations of the independent inquiry commissioned by the Secretary General, with the approval of the Security Council, into the actions of the United Nations during the 1994 genocide in Rwanda (the Carlsson report);
5. **FURTHER RECALLS** the Permanent Representatives Committee Declaration of 7 April 2004 on the genocide;
6. **RECOGNIZES** the numerous difficulties faced by survivors of the 1994 genocide in Rwanda, particularly the orphans, widows and victims of sexual violence, and convinced of the necessity to restore the dignity of the survivors of the 1994 genocide in Rwanda;
7. **COMMENDS** the efforts of the government and people of Rwanda to provide support to the survivors especially the allocation of 5% of the national budget every year to support genocide survivors;
8. **REQUESTS** the African Union and the United Nations to implement the recommendations contained in the reports of the IPEP and Carlsson respectively;
9. **APPEALS** to the International Community to provide assistance to the survivors of the genocide.

**DECISION ON THE 17TH ANNUAL ACTIVITY REPORT OF THE
AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**
DOC. EX.CL/109 (V)

The Executive Council TAKES NOTE of the report and **RECOMMENDS to the Assembly to:**

- 1. TAKES NOTE** of the 17th Annual Activity Report of the African Commission on Human and Peoples' Rights (ACHPR) and **COMMENDS** the Commission for the excellent work accomplished during the past year;
- 2. REQUEST** all the organs concerned to take the necessary steps to provide the Commission with the human, financial and material resources needed for its smooth functioning in keeping with Article 41 of the African Charter on Human and Peoples' Rights and submit a report thereon to the 7th Ordinary Session;
- 3. URGE** all Member States to cooperate with the ACHPR, and the various mechanisms it has put in place, and implement its decisions in compliance with the provisions of the African Charter on Human and Peoples' Rights;
- 4. NOTE** that some CADHP reports on the State Parties are presented in the form of observations; and **INVITE** ACHPR to ensure that in future its mission reports are submitted together with the comments of the State Parties concerned and to indicate the steps taken in this regard during the presentation of its annual activity report;
- 5. SUSPEND** the publication of the 17th Annual Activity Report in accordance with paragraph 4 above pending the possible observations by the Member States concerned;
- 6. INVITE** all the State Parties concerned to submit to the ACHPR the reports due by virtue of Article 62 of the African Charter on Human and Peoples' Rights.

DECISION ON THE AFRICAN STANDBY FORCE (ASF) AND
THE MILITARY STAFF COMMITTEE (MSC)
DOC.EX.CL/110 (V)

The Executive Council:

- 1. TAKES NOTE** of the Recommendations of the First Meeting of the African Ministers of Defence and Security on the Establishment of the African Standby Force and a Staff Committee;
- 2. RECOMMENDS** that the Assembly approve the Policy Framework Document, in light of the recommendations of the Ministers of Defense, to enable the Commission and all the other stakeholders move forward with the establishment of the African Standby Force and the Military Staff Committee;
- 3. FURTHER RECOMMENDS** that the Assembly endorses the proposal by the Ministers of Defense and Security to establish, within the framework of Article 14.2 of the Constitutive Act of the AU, a specialized Technical Committee comprising Ministers responsible for Defense and Security of the AU, to work with the Peace and Security Council, in the implementation of the Common African Defense and Security Policy and in addressing the complex issues of peace and security in the continent;
- 4. REQUESTS** the Chairperson of the Commission to ensure that all initiatives on the ASF are closely coordinated and in particular, to facilitate meetings of the AU and the RECs to establish multinational and multidisciplinary regional workgroups to identify standby forces, strategic Planning Elements (PLANELM) at the Headquarters of the AU and to the Headquarters of the RECs, rapid reaction elements, Centres of Excellence, regional logistical based requirements;
- 5. FURTHER REQUESTS** the Chairperson of the commission to take all necessary measures to ensure that agreement (MoUs) are negotiated and signed between the AU and the RECs on pertinent issues regarding the establishment of the African Standby Force and the Military Staff Committee.

**DECISION ON MIDDLE EAST AND OCCUPIED
PALESTINIAN TERRITORIES**
DOC.EX.CL/121 (V)

The Executive Council:

- 1. RECALLS** all relevant resolutions adopted by the OAU/AU on the question of Palestine and the situation in the Middle East, which affirm that the question of Palestine is the core issue of the Middle East conflict and that no comprehensive just and lasting peace can be established unless Israel fully withdraws from all Palestinian and other Arab territories occupied since June 1967, including East Jerusalem, and enable the Palestinians to exercise their inalienable national rights in accordance with UN resolutions, in particular their right to return to their homes and property, right of self-determination and the right to establish the independent state of Palestine with Al Quds (Jerusalem) as its capital;
- 2. REAFFIRMS ITS COMMITMENT** to a vision of two states, living side by side, in peace and security;
- 3. CONDEMNS** Israel, the occupying Power, for using internationally prohibited weapons and excessive force against civilians, and **CALLS UPON** the Security Council to take appropriate action to stop these measures including by providing the necessary international protection for Palestinian people and for the Christian and Muslim sacred places, and to work towards securing the release of Palestinian prisoners and detainees, including juveniles and women, from Israeli prisons and detention centers;
- 4. CONDEMNS FURTHER** the Israeli systematic human rights violations and reported war crimes, particularly the assassination of the Palestinian leaders and the willful killings of civilians, including those that recently took place in Rafah and other Palestinian lands;
- 5. ALSO CONDEMNS** all the acts of violence from whichever side, against the Israeli or Palestinian civilians;
- 6. REITERATES ITS SUPPORT** to the Arab Initiative for a just and comprehensive peace settlement in the Middle East as adopted by the Summit of the League of Arab States held in Beirut in March 2002;

7. **COMMENDS** the Egyptian role aiming at helping to achieve the complete Israeli withdrawal from Gaza Strip in the framework of the road map and reaching the withdrawal from all Palestinian territories including East Jerusalem;
8. **EXPRESSES ITS COMMITMENT** to a peaceful solution to the Israeli-Palestinian conflict and **CALLS ON** the international community and the Quartet to undertake the necessary measures to salvage the peace process;
9. **EXPRESSES GRAVE CONCERN** about the devastation being cause by the Wall that Israel continues to construct in the Occupied Palestinian Territories, including in and around East Jerusalem, and **AFFIRMS** that, if completed, the wall will hinder the application of two-states solution. Council **CONDEMNS** Israeli's non-compliance with the demand of the Tenth Emergency Special Session of the United Nations General Assembly to stop the construction of the Wall, and to remove the existing parts of the Wall and, in this regard, reiterates the need for the complete cessation of all Israeli colonial settlement activities;
10. **EXPRESSES ITS UNEQUIVOCAL SUPPORT** to the Palestinian people and Authority under the leadership of President Yasser Arafat. In this connection, Council **DEMANDS** an immediate end to the siege imposed against the Palestinian people and the democratically elected President Yasser Arafat, so as to ensure their right to freedom of movement within and outside Palestine;
11. **ENDORSES** the setting-up of the Committee of 10 members provided for by decision AHG/Dec.182(XXXVIII), adopted in July 2002, in Durban, South Africa, by the 38th Assembly of Heads of State and Government, to promote the peace process in the Middle East; the Committee is composed of the following countries: Tunisia, Mauritania, Senegal, Nigeria, Uganda, Ethiopia, Chad, Gabon, South Africa and Mozambique;
12. **APPEALS** to AU Member States to participate in the special meeting on Palestine organized in the margins of the United Nations General Assembly Session in September 2004, co-sponsored by the African Union and several regional and international organizations.

**DECISION ON THE NON-AGGRESSION AND
COMMON DEFENCE PACT**

The Executive Council:

- 1. TAKES NOTE** of the reports of the First and Second meetings of Government Experts and the recommendations of the Third meeting of the African Union Ministers of Defence;
- 2. NOTES** that there were two decisions of the Extraordinary Summit Session held in Sirte, Libya, having the same references which has been circulated, and [that] this led to the confusion in the understanding of the Council, regarding the Decision of the Heads of State and Government on the Draft on Non-Aggression and Common Defence Pact;
- 3. REQUESTS** the Assembly of Heads of State and Government to clarify their decision taken in Sirte, Libya in February 2004.

DECISION ON THE DIGITAL SOLIDARITY FUND
DOC. EX.CL/140 (V) Add.1

The Executive Council:

1. **TAKES NOTE** of the Report of the Chairperson of the Commission;
2. **RECALLS** its Decision EX/CL/Dec.87 (IV);
3. **APPROVES** the recommendations made by African Ministers for Information and Communication Technologies at their meeting in Dakar from 19 to 20 April 2004;
4. **CALLS UPON** the Member States to support the Digital Solidarity Fund and its effective implementation;
5. **APPEALS** to Local Communities, Civil Society Organizations and the Private Sector to contribute to the Digital Solidarity Fund;
6. **REAFFIRMS** its commitment to ensure that Africa benefits from all the opportunities afforded by Information and Communication Technologies for the economic and social development of the Continent;
7. **REQUESTS** the Chairperson of the Commission of the African Union to spare no efforts for the popularisation of the Fund among the African peoples, including the Diaspora;
8. **FURTHER REQUESTS** the Chairperson of the Commission to take all the necessary measures to encourage the participation of Local Communities, Civil Society Organizations and the Private Sector to ensure the success of this all important initiative.

**DECISION ON THE DEVELOPMENT OF AFRICAN POSITION ON
INTERNATIONAL CONVENTION AGAINST THE REPRODUCTIVE
CLONING OF THE HUMAN BEING**
DOC. EX.CL/140 (V) Add.2

The Executive Council:

- 1. TAKES NOTE** of the item proposed by South Africa;
- 2. MANDATES** the African Health Ministers and the Commission to, in their forthcoming Regional and Continental meetings, deliberate on and adopt an African Common Position on the matter.

DECISION ON ADJUSTING THE STRUCTURE OF THE
COMMISSION OF THE AFRICAN UNION
DOC.EX.CL/140(V) ADD.3

The Executive Council:

- 1. TAKES NOTE** of the initiative of the Great Socialist People's Libyan Arab Jamahiriya on adjusting the structure of the Commission of the African Union so that the Commission becomes the government of the Union and the Chairperson of the Commission, President of this government with Commissioners as its members;
- 2. COMMENDS** Libya for this laudable initiative and **RECOMMENDS** that a further study should be conducted on the matter within the framework of Africa's ultimate goal of establishing a United States of Africa and that concrete proposals should be submitted to the 4th Ordinary Session of the Assembly.

**DECISION ON AFRICAN CANDIDATURES IN THE
INTERNATIONAL SYSTEM**

The Executive Council:

- 1. TAKES NOTE** of the report of the Permanent Nominating Committee on African Candidatures within the international system;
- 2. APPROVES** the recommendations contained in the said report;
- 3. DECIDES TO ENDORSE:**
 - a) the candidature of the Republic of Ghana to the membership of the Postal Operations Council (POC) of the Universal Post Union (UPU) at its 23rd Congress in Bucharest, Romania, from 15 September to 5 October 2004;
 - b) the candidature of Mr. Fatih Bouayad-Agha from Algeria for membership of the International Civil Service Commission (ICSC) on the occasion of its 59th Session of the United Nations General Assembly slated for New York in September/December 2004.
- 4. WELCOMES** the election of the Gabonese Republic as President of the 59th Session of the UN General Assembly;
- 5. DECIDES** to endorse the recommendations of the Committee on Candidatures of the African Group in New York as follows:
 - a) Vice Presidency of the 59th Session (5)**
 - Algeria
 - Burkina Faso
 - Djibouti
 - Ghana
 - Zambia
 - b) Economic and Social Council (ECOSOCC) (4)**
 - Chad
 - Democratic Republic of Congo

- Guinea
- South Africa

c) Commission for Social Development (4)

- Angola
- Democratic Republic of Congo
- Tanzania
- 1 pending (to be filled by Eastern Region)

d) Commission on Population and Development (3)

- Cameroon
- The Comoros
- Morocco

e) Commission on Human Rights (4)

- Guinea
- Kenya
- The Sudan
- Togo

f) Commission on the Status of Women

- Mali
- Morocco
- Tanzania

g) Commission on Sustainable Development (5)

- Cameroon
- Democratic Republic of Congo
- Tunisia
- Zambia
- Zimbabwe

h) Commission on Science and Technology for Development (4)

- Angola
- The Gambia
- Sierra Leone
- 1 pending (to be filled by Central Region)

i) Committee for Programme & Coordination (3)

- Algeria
- Ghana
- Kenya

j) Governing Council on Human Settlements (5)

- Libya
- Rwanda
- Tanzania
- Uganda
- Ghana

k) Executive Board of the United Nations Children's Fund (1)

- Mozambique

l) Executive Board of the United Nations Development Programme (1)

- Uganda

m) Executive Board of the World Food Programme (2)

- Ethiopia
- Tunisia

n) United Nations AIDS/HIV Programme Coordination Board (2)

- Kenya
- Libya

o) Committee on Contributions (2)

- Cameroon
- Nigeria

p) Committee on Conferences (2)

- Egypt
- Kenya

- 6. RECOMMENDS** the United Republic of Tanzania for the non-permanent seat on the United Nations Security Council for the East African Sub-region for the period 2005 – 2006;
- 7. DECIDES TO ENDORSE** the recommendations of the seventieth of the Plenary Session of the African Commission of Civil Aviation (AFCAC) held from 10 to 14 May 2004 in Johannesburg, South Africa, on African Candidatures to the Council of the International Civil Aviation Organization (ICAO) as follows:
- a) For Category II**
- South Africa
 - Egypt
 - Nigeria
- b) For Category III**
- Cameroon
 - Ethiopia
 - Ghana
 - Mozambique
 - Tunisia
- 8. TAKES NOTE** of the new Bureau of the African Commission of Civil Aviation (AFCAC), following elections held in Johannesburg, South Africa, from 10 to 14 May 2004:
- South Africa - Chairman
 - Gabon - Vice-Chairman (Central Region)
 - Kenya - Vice-Chairman (Eastern Region)
 - Algeria - Vice-Chairman (Northern Region)
 - Côte d'Ivoire - Vice-Chairman (Western Region)
 - Zambia - Vice-Chairman (Southern Region)

- 9. TAKES NOTE** of the Candidature of Maurice Glele Ahanhanzo, from Benin, to the Committee of Human Rights of the United Nations for a new mandate of four (4) years, during elections which takes place in New York, in September 2004, during the 59th Session of the United Nations General Assembly.

DECISION ON MARITIME TRANSPORT SECURITY IN AFRICA

The Executive Council:

- 1. TAKES NOTE** of the briefing provided by the Commission and the delegation of Ghana on the implementation of the International Ship and Port Facilities Security (ISPS) Code;
- 2. URGES** Member States to take all the necessary measures to ensure compliance with the ISPS Code;
- 3. REQUESTS** the Commission of the African Union to assist Member States in the implementation of the ISPS Code;
- 4. FURTHER REQUESTS** the Commission to accelerate implementation of Decision EX.CL/Dec.60 (III) on Maritime Transport Security in Africa;
- 5. ALSO REQUESTS** the Commission to submit a report on the implementation of this Decision to the 6th Ordinary Session of the Executive Council.

**DECISION ON AN AFRICAN COMMON POSITION ON
AN ANTI-PERSONNEL LANDMINES**

The Executive Council:

- 1. TAKES NOTE** of the recommendations of the African Groups in New York and Geneva on the need for an African Common Position on an Anti-Personnel Landmines;
- 2. REQUESTS** the Commission to convene a meeting of Experts in September 2004 in Addis Ababa, to elaborate a Common African Position, based on the relevant Decisions of the OAU/AU, particularly the Plan of Action of Kempton Park of May 1997 and the Ottawa Convention, for submission to the Nairobi Review Conference in November 2004;
- 3. ALSO REQUESTS** the Commission to submit the report of the Experts group meeting to a Ministerial meeting to be held on the margins of the UN General Assembly Session in 2004 for consideration.