

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

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EXECUTIVE COUNCIL
Fourth Ordinary Session
12 - 16 March 2004
ADDIS ABABA, ETHIOPIA

EX/CL/Dec.75-92 (IV)

DECISIONS OF THE FOURTH ORDINARY
SESSION OF EXECUTIVE COUNCIL

DECISION ON THE BALANCE SHEET OF THE
AFRICAN UNION AS AT 31 DECEMBER 2002 -
DOC. EX/CL/68 (IV)

The Executive Council:

- 1. TAKES NOTE** of the Balance Sheet of the Commission of the African Union as at 31 December 2002, as prepared by Ernst & Young;
- 2. DECIDES** that the sum of US\$90,129,639.00 (Assets) and the sum of US\$90,129,639.00 (Liabilities, reserve funds and balance) represent the amounts of the Assets and Liabilities which the Organization of African Unity transfers to the African Union;
- 3. REQUESTS** the Commission to incorporate these two amounts in its books of account with effect from 1 January 2004, in accordance with the Decision AHG/Dec.160 (XXXVII);
- 4. CALLS UPON** the Commission to expedite the process of commenting on the Report and Work Plan prepared by Ernst Young, and containing recommendations relating the different aspects of the financial and administrative system of the Commission, in order to allow the Policy Organs of the Union to take appropriate decisions in this regard.

DECISION ON THE REPORT OF THE
SUB-COMMITTEE ON CONTRIBUTIONS
DOC. EX/CL/70 (IV) Rev.1

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. COMMENDS** Member States that have paid their contributions;
- 3. URGES** all Member States to honour their financial obligations to the Union;
- 4. DECIDES** that:
 - (i) The following Member States remain under sanctions:
 - Guinea Bissau
 - Liberia
 - Central African Republic
 - Democratic Republic of Congo
 - Sao Tomé and Príncipe
 - Seychelles
 - Somalia
 - The Union of Comoros
 - (ii) Member States that have submitted rescheduling plans should observe the said plans while paying their contributions for the current financial year;
 - (iii) Sanctions should be maintained against Member States in default of payment.
- 5. FURTHER TAKES NOTE** of the observations made by some Member States on the Scale of Contributions, **REQUESTS** the Commission to carry out a study in the Member States concerned on the modalities for implementing paragraph 2 (ii) of the Maputo Decision EX/CL/Dec.35 (III) and to convene as early as possible the meeting of the *Ad Hoc* Ministerial Committee on the issue which will submit its report to the next Session of the Executive Council.

DECISION ON THE ALTERNATIVE SOURCES
OF FUNDING THE AFRICAN UNION
DOC. EX/CL/71 (IV)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. DECIDES** that:
 - a group of 15 experts from Member States (3 per region) specialized in financial, fiscal customs and public finance matters should be established to consider the report submitted to the 3^d Ordinary Session of the Executive Council held in Maputo in July 2003;
 - the related expenses should be borne by the Commission;
 - the Commission should take the necessary steps for the experts to meet as soon as possible and submit their report before 31 May 2004;
 - the report of the experts should be submitted for consideration during the Fifth Ordinary Session due to take place in Addis Ababa, Ethiopia in July 2004.

**DECISION ON THE PREFERENTIAL EXCHANGE
RATES FOR SALARIES USED IN THE BRUSSELS
AND GENEVA OFFICES OF THE COMMISSION
DOC. EX/CL/72 (IV)**

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. NOTES WITH CONCERN** that the Commission has taken unilateral action in this regard without consultation with the concerned Organs of the Union and **INSTRUCTS** the Commission to avoid a repeat in the future;
- 3. REQUESTS** the Commission to carry out a comprehensive study on the issue and submit same for the consideration of the Permanent Representatives' Committee by 31 May 2004 at the latest;
- 4. DECIDES** to mandate the Permanent Representatives' Committee to take the appropriate decision after considering the said study and report accordingly to Council during its Fifth Ordinary Session due to take place in Addis Ababa, Ethiopia in July 2004.

**DECISION ON THE OPERATIONALIZATION OF THE
PEACE AND SECURITY COUNCIL**

The Executive Council,

1. **WELCOMES** the entry into force of the Protocol Relating to the Establishment of the Peace and Security Council (PSC) of the African Union on 26 December 2003, and **APPEALS** to those countries that have not yet done so, to ratify the Protocol;
2. **RECALLS** decision ASS/AU/Dec.16 (II) on the Operationalization of the Protocol Relating to the Establishment of the Peace and Security Council, in which the 2nd Ordinary Session of the Assembly of the Union, held in Maputo, from 10-12 July 2003, inter-alia, emphasized the importance of the early entry into force of the PSC Protocol, and therein authorized the Executive Council to take all the necessary steps to operationalize the PSC in the event the Protocol enters into force before its next Ordinary Session, to be held in July 2004, in Addis Ababa;
3. **CONGRATULATES** the new members of the PSC;
4. **TAKES NOTE** of the Report of the First Session of the Peace and Security Council, held on 16 March 2004, of the draft Rules of Procedure it had submitted for the consideration and adoption of the Executive Council;
5. **ADOPTS** on behalf of the Assembly of the Union, the Rules of Procedure of the PSC in conformity with the relevant provision of the PSC Protocol;
6. **DECIDES** that the PSC should proceed with its work immediately;
7. **REQUESTS** the Chairperson of the Commission to take all the necessary steps required to fully operationalize all the structures provided for in the PSC Protocol;
8. **RECOMMENDS** that a solemn launch of the PSC take place at the level of Heads of State and Government, and that the proposed date for such an occasion should be 25 May 2004 – Africa Day – following consultations; furthermore, that invitations to this event be extended to the Secretary General of the United Nations and Members of the United Nations Security Council.

DECISION ON ELECTION AND
APPOINTMENT OF AU COMMISSIONERS
DOC. EX/CL/77 (IV)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. ELECTS** and, upon delegation of power by the Assembly, **APPOINTS** the following Persons as Members of the Commission of the African Union:
 - Dr. Nagia Mohammed ASSAYED from Libya as Commissioner for Human Resources, Science and Technology; and
 - Dr. Maxwell M. MKWEZALAMBA from Malawi as Commissioner for Economic Affairs.

**DECISION ON ELECTION OF MEMBERS OF
THE PEACE AND SECURITY COUNCIL
DOC. EX/CL/78 (IV)**

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **ELECTS and APPOINTS**, upon delegation of power by the Assembly, the following Member States into the Peace and Security Council:

<u>Central Region</u>	-	3 years	-	Gabon
	-	2 years	-	Cameroon, Congo
<u>Eastern</u>	-	3 years	-	Ethiopia
	-	2 years	-	Kenya, The Sudan
<u>Northern</u>	-	3 years	-	Algeria
	-	2 years	-	Libya
<u>Southern</u>	-	3 years	-	South Africa
	-	2 years	-	Lesotho, Mozambique
<u>Western</u>	-	3 years	-	Nigeria
	-	2 years	-	Ghana, Senegal, Togo

**DECISION ON THE AFRICAN CENTRE FOR
STUDIES AND RESEARCH ON TERRORISM (ACSRT)**

The Executive Council:

1. **RECALLS** the decision of the Second Ordinary Session of the Assembly of the Union held in Maputo, in July 2003, on the Algiers Plan of Action on the Prevention and Combating of Terrorism aimed, in particular, at endowing the Continent with a common operational instrument to effectively combat the scourge of terrorism;
2. **FURTHER RECALLS** its previous decision requesting the Commission to take all the necessary measures, in concert with Algeria, host country of the African Centre for Studies and Research on Terrorism, to ensure effective establishment of the Centre in Algiers;
3. **UNDERScores** the fact that the African Centre for Studies and Research on Terrorism is an institution of the Commission of the African Union and the Peace and Security Council;
4. **ONCE AGAIN COMMENDS** Algeria, host country of the Centre, for having provided the African Union with functional buildings/premises suited to the mission and needs of the Centre;
5. **REQUESTS** the Commission to, as soon as possible, draw up the *modus operandi* of the Centre, including its structure, composition and sources of financing, to facilitate early operationalization of the Centre, thus enabling it to fully play its role as a support organ of the Commission particularly in the conduct of studies on the ways and means to combat terrorism, as well as in the field of training, and also its role as data bank;
6. **TAKES NOTE** of the offer by the Government of Algeria to host the Inter-Governmental High Level Meeting due to take place in Algeria prior to the next Assembly of the Union, and **APPEALS** to all Member States to participate in the Meeting at a level commensurate with the challenges posed by the problem of terrorism;
7. **WELCOMES** the remarkable will and support of Africa's partners especially the United Nations Office for Drug Control and Crime Prevention (Vienna), the Organization for Security and Cooperation in Europe (OSCE) and the Government of Austria, in establishing cooperation linkages with the African Centre for Studies and Research on Terrorism, and in providing it with material and technical assistance.

DECISION ON RECRUITMENT

The Executive Council:

- 1. TAKES NOTE** of the Report submitted by the Commission;
- 2. DECIDES** that:
 - i) considering the urgency of the evaluation/recruitment exercise, the Commission should continue with its work in a transparent manner, taking into account all the principles and criteria set by the Policy Organs of the Union;
 - ii) the Commission should, however, submit the Terms of Reference for the assessment of staff to the PRC for approval as soon as possible.

**DECISION ON THE REPORT OF THE STATUS OF
IMPLEMENTATION OF MAPUTO DECISIONS**

The Executive Council:

TAKES NOTE of the Status Report on Implementation of the Maputo Decisions submitted by the Commission and **REQUESTS** the latter to continue their implementation.

**DECISION ON THE DRAFT ADDITIONAL PROTOCOL TO
THE OAU/AU CONVENTION ON THE PREVENTION AND
COMBATING OF TERRORISM**

The Executive Council:

- 1. RECALLS** Maputo Decision Assembly/AU/Dec.15 (II);
- 2. REQUESTS** the Commission to take the necessary steps to convene a meeting of Government Experts to consider and finalize the Additional Protocol to the OAU/AU Convention on the Prevention and Combating of Terrorism, for adoption by the 5th Ordinary Session of the Executive Council and 3rd Ordinary Session of the Assembly of the Union.

DECISION ON AFRICAN CANDIDATURES FOR POSTS
WITHIN THE INTERNATIONAL SYSTEM

The Executive Council:

- 1. TAKES NOTE** of the report of the Ministerial Committee on Candidatures;
- 2. APPROVES** the recommendations contained in the report;
- 3. DECIDES** to support the following candidatures:
 - i) The candidature of Ambassador Papa Louis Fall from Republic of Senegal for one of the posts of United Nations Inspector for which elections are due to take place at the 59th Regular Session of the UN General Assembly in New York. The above candidature was endorsed by Decision EX.CL/Dec.18 (II) adopted in Maputo, Mozambique, in September 2003;
 - ii) The Republic of Ghana and the Republic of the People's Democratic Republic of Algeria for membership of the Board of Governors of the International Atomic Energy Agency (IAEA) at elections to be held during the 48th Session of the General Conference in July 2004;
 - iii) The candidature of General Farouk Abdoul Ata from the Arab Republic of Egypt for membership of the International Narcotics Control Board at elections to be held during the organizational session of the United Nations Economic and Social Council in April/May 2004;
 - iv) The Republic of Tunisia and the Arab Republic of Egypt for membership for the Council of the International Civil Aviation Organization (ICAO) at elections to be held during the 35th Session of the ICAO General Assembly in Montreal from 28 September to 8 October 2004;
 - v) The candidature of Mr. Charles Manyang d'Awol from the Republic of the Sudan for the post of Secretary General of the International Sea-bed Authority of the Law of the Sea at elections to be held in Kingston, Jamaica on 24 May 2004;

- vi) The Arab Republic of Egypt for the renewal of membership of the Postal Investment Council of the Universal Postal Union at elections due to be held during the 23rd Postal Conference in Bucharest, Romania, from 15 September to 5 October 2004.

4. DECIDES TO SUPPORT:

- a) The candidature of Dr. Jacques Diouf of the Republic of Senegal for re-election of the post of Director General of the Food and Agriculture Organization of the United Nations (FAO) at the expiry of his mandate in 2005 when elections are due to be held during the 33rd Session of the Conference of the Organization in Rome; and
- b) the candidature of Judge Mohamed Mouldi Marsit of the Republic of Tunisia for a second term as Judge at the Law of the Sea Tribunal during elections to be held in New York during the 15th meeting of the States Parties to the United Nations Convention on the Law of the Sea (Spring 2005).

5. TAKES NOTE OF:

- i) the candidatures of Dr. Phetsile Kholekile Dlamini of the Kingdom of Swaziland; Professor Francis Omaswa of the Republic of Uganda; and Dr. Déogratias Barakamfitye of the Republic of Burundi, for the post of the World Health Organization (WHO) Regional Director for Africa at elections due to be held in September 2004; while recalling that by Decision EX/CL/Dec.18 (II) adopted in N'Djamena in March 2003, Council had already taken note of the candidature of Dr. Luis Gomes Sambo of the Republic of Angola, and that of Dr. Evarist Kizito Njelesani of the Republic of Zambia, for the same post;
- ii) the candidatures of Mrs. Leila Zerrougui of the People's Democratic Republic of Algeria for a second term; Dr. Ibrahim Salama of and Dr. Amany Kandil – both of the Arab Republic of Egypt as Member and alternate Member, respectively; Mr. Assouma Aboudou and Mr. Abdoulaye Yaya Bawa – both of the Republic of Togo as Titular Expert and Alternate Expert, respectively; Mrs. U.O. Wadibia-Anyanwu of the Federal Republic of Nigeria; Dr. Mohamed Habib Cherif and Professor Habib Achour – both of the Republic of Tunisia – as Expert and Alternate Expert, respectively; and Ambassador Fisseha Yimer of the Federal Republic of Ethiopia, all for the indicated positions on the Sub-Commission on the Promotion and Protection of Human Rights, membership of which will be partially renewed at

the 60th Regular Session of the United Nations Human Rights Commission due to be held in Geneva, Switzerland, in March/April 2004;

- iii) the candidature of Mr. Jean-Pierre Obiang Zue Beyene, from the Republic of Gabon, for the Chair of the African Civil Aviation Commission during elections to be held at the 17th Regular Plenary Session of the said Institution scheduled to take place in South Africa in April 2004;
 - iv) the candidature of His Lordship Ariranga Govindassamy Pillay, Chief Justice of the Supreme Court of the Republic of Mauritius, for re-election to the Committee on Economic and Social Council (ECOSOC) at the elections to be held in April/May 2004 in New York.
- 6. DECIDES** to refer to the African Group in New York, the candidatures of the Republic of Uganda and the United Republic of Tanzania, for the Africa Non-Permanent seat in the United Nations Security Council at elections to be held during the 59th Session of the General Assembly in September/October 2004 so as to serve during the year 2005-2006;
- 7. DECIDES** to officially adopt the amended Rules of Procedure of the Ministerial Committee on Candidatures;
- 8. DECIDES** that the prescribed deadline of two (2) months for the submission of candidatures should be strictly observed by the Commission and Member States, in compliance with the Rules of Procedure of the Ministerial Committee on Candidatures and previous Decisions on the issue;
- 9. DECIDES** that, based on the report submitted by the Commission, the Commissioner for Trade and Industry, with regard to the presentation of an African candidate for the post of Managing Director of the Common Fund for Commodities during elections to be held in Amsterdam on 29 June 2004, consultations should be actively pursued, under the aegis of the Commission of the African Union, with the two (2) Member States which have submitted candidatures for this post, namely: Mr. Yahia Bouarfa from Algeria, and Ambassador Ali Mchumo from Tanzania, with a view to presenting single African candidate during the elections to be held in June 2004.

DECISION ON THE ISLAMIC REPUBLIC
OF MAURITANIA

The Executive Council:

- 1. TAKES NOTE** of the briefing by delegation of the Islamic Republic of Mauritania;
- 2. DECIDES** that with effect from today the Islamic Republic of Mauritania forms part of the North African Region within the Union.

DECISION ON THE DIGITAL SOLIDARITY FUND

The Executive Council:

- 1. TAKES NOTE** of the briefing by Senegal on the Digital Solidarity Fund and the implementation of its mechanism;
- 2. APPEALS** to all the Member States of the Union the local authorities, the Civil Society and the African private sector to contribute to the establishment of the Digital Solidarity Fund;
- 3. REQUESTS** the Commission of the African Union to continue to provide all the necessary assistance for the management of this all important African initiative.

DECISION ON THE ERADICATION OF
POLIO BY 2005

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. EXPRESSES CONCERN** about the increasing incidence of Polio cases in countries where it was still endemic, but also its spread to countries where transmission had been effectively curtailed;
- 3. ENDORSES** the Geneva Declaration for the Eradication of Poliomyelitis **AND PLEDGES** to do its utmost to ensure that every child at risk of Polio on the Continent is immunized before the end of 2004;
- 4. REQUESTS** the Chairperson of the AU Commission to bring this Declaration to the attention of the Member States and to request their firm commitment to the “Kick Polio out of Africa” campaign.

DECISION ON AU SYMBOLS COMPETITION

The Executive Council:

- 1. TAKES NOTE** of the Report and **CONSIDERS** the proposals on the Symbols contained therein;
- 2. UNANIMOUSLY DECIDES** that the current Flag and Emblem should be retained.

**DECISION ON THE ESTABLISHMENT OF REGIONAL
OFFICES OF THE AFRICAN UNION IN THE
FIVE GEOGRAPHICAL REGIONS**

The Executive Council:

- 1. TAKES NOTE** of the proposal to establish Regional Offices of the African Union in the Five Geographical Regions;
- 2. MANDATES** the Chairperson of the Commission to undertake a study on all aspects and implications of the proposal and submit **a** Report to the Executive Council at its next Ordinary Session in July 2004.

**DECISION ON THE RELATIONS BETWEEN THE AFRICAN
CONTINENT AND OTHER CONTINENTS OF THE WORLD**

The Executive Council:

- 1. TAKES NOTE** of the Proposal;
- 2. MANDATES** the Chairperson of the Commission to undertake the study of the proposal on all its aspects and submit a report to the Executive Council at its next Ordinary Session in July 2004.

