

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone 517 700 Fax : 517844

EXECUTIVE COUNCIL
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EX.CL/Dec.165 – 191 (VI)

DECISIONS

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**DECISION ON THE MERGER OF THE AFRICAN COURT ON
HUMAN AND PEOPLES' RIGHTS AND THE COURT OF
JUSTICE OF THE AFRICAN UNION**
Doc. EX.CL/162 (VI)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **DECIDES** to refer the recommendations of the Commission and the PRC and the Draft legal instrument to a meeting of the PRC and Government Legal experts for finalisation and submission to the 7th Ordinary Session of Council in July 2005, without prejudice to the operationalization of the African Court on Human and Peoples' Rights as far as possible;
3. **URGES** all Member States which have not yet done so to sign and ratify or accede to the Protocol to the African Charter on Human and Peoples' Rights and the Protocol on the Court of Justice of the African Union.

**DECISION ON THE REVIEW OF THE MILLENNIUM
DEVELOPMENT GOALS (MDGs)**

The Executive Council:

- 1. WELCOMES** the convening of the High-level Summit in September 2005 to consider the Report on the Review of the Millennium Declaration and the Millennium Development Goals (MDGs);
- 2. STRONGLY SUPPORTS** the elaboration of an African Common Position as the Continent's contribution to the Report on the Review of the Millennium Declaration and the MDGs based on the results and the progress accomplished, and in light of the commitments made by Africa's partners;
- 3. REQUESTS** the Commission to coordinate and lead in this process of developing an African Common Position in collaboration with Member States and in close consultation with NEPAD Secretariat, the Regional Economic Communities (RECs), the UN Economic Commission for Africa (ECA) and the African Development Bank (ADB);
- 4. FURTHER REQUESTS** the Chairperson of the Commission to submit a finalised draft African Common Position to the 7th Ordinary Session of Council in July 2005.

**DECISION ON THE IMPLEMENTATION
OF THE PATTEC INITIATIVE**
Doc. EX.CL/157 (VI)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. ACKNOWLEDGES** with appreciation the progress made in the work of the Commission in increasing awareness, mobilising support and coordinating the activities to advance Africa's war against Tsetse-transmitted diseases;
- 3. WELCOMES** the assistance of the African Development Bank Group and other development partners in support of African countries in their efforts to eradicate Trypanosomiasis;
- 4. COMMENDS** the efforts of those Member States, which have initiated action in mounting operations and laying firm plans and strategies aimed at eliminating the scourge of Tsetse-transmitted diseases from Africa;
- 5. URGES** all affected countries to increase their commitment and engage the necessary action in response to the obligations of eradicating Trypanosomiasis;
- 6. APPEALS** to the international community to provide technical and financial assistance in support of the efforts of African countries to eradicate Tsetse-transmitted diseases, in collaboration with the Commission, which is mandated to coordinate the implementation of the activities of the PATTEC initiative;
- 7. REQUESTS** the Chairperson to continue reminding affected Member States about their individual and collective obligations to the objectives of the Tsetse and Trypanosomiasis Eradication Campaign, to mobilise resources to support the activities of the campaign on behalf of Member States and to generally consolidate and build its capacity to promote and coordinate the activities of the PATTEC initiative.

**DECISION ON THE CRITERIA FOR GRANTING OBSERVER
STATUS AND A SYSTEM OF ACCREDITATION TO THE AU**
Doc. EX.CL/161 (VI)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. DECIDES** to refer the Draft Criteria for Granting Observer Status and the System of Accreditation to the AU as contained in Document EX.CL/161 (VI) to a meeting of the PRC and Legal experts for finalization and submission to the 7th Ordinary Session of the Executive Council scheduled in July 2005.
- 3. FURTHER DECIDES** that non-African States and inter-governmental organizations could be granted accreditation to the Union with the right to attend only public sessions and to receive only documents of general distribution;
- 4. REQUESTS** the Commission to develop and strictly enforce a system of classification of documents.

**DECISION ON THE REPORT OF THE 2ND SESSION OF THE
MINISTERIAL CONFERENCE ON DRUG CONTROL IN AFRICA
Doc. EX.CL/150 (VI)**

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. COMMENDS** the Government of the Republic of Mauritius for hosting the 2nd Session of Ministerial Conference on Drug Control in Africa;
- 3. REQUESTS** Member States, which have not yet submitted Reports on the Implementation of 2002-2006 African Union Plan of Action on Drug Control, to submit their reports to the AU Commission without delay;
- 4. URGES** Member States to support the Commission and the United Nations Office on Drug Control (UNODC) in their preparation and convening of the Roundtable on Drugs and Development aimed at Promoting Partnerships and Resources, scheduled for May 2005;
- 5. REQUESTS** the Commission to expeditiously carry out a Study on the extent and magnitude of the problem of “Cannabis Sativa” (Marijuana), the most widely cultivated and abused drug on the Continent;
- 6. FURTHER REQUESTS** the Commission, to develop, as a matter of urgency, the Draft Anti-doping Policy in Sports line with the Maputo Decision.

**DECISION ON THE AFRICAN COMMON POSITION
ON CRIME PREVENTION AND CRIMINAL JUSTICE**
Doc. EX.CL/150 (VI)

The Executive Council:

- 1. TAKES NOTE** of the document on the African Common Position on Crime Prevention and Criminal Justice recommended by the 2nd Session of the Ministerial Conference on Drug Control in Africa;
- 2. RECOGNISES** the need for Africa to adopt a common position at the forthcoming 11th United Nations Congress on Crime Prevention and Criminal Justice in Bangkok, Thailand, in April 2005;
- 3. ADOPTS** the African Common Position on Crime Prevention and Criminal Justice as Africa's contribution to the 11th United Nations Congress on Crime Prevention and Criminal Justice, scheduled for Bangkok, Thailand, in April 2005;
- 4. REQUESTS** Member States to incorporate and implement the African Common Position in their Crime Prevention and Criminal Justice programmes and activities;
- 5. ALSO REQUESTS** the Minister of Mauritius for Social Security, National Solidarity, Senior Citizen Welfare and Reform Institutions to present the Common Position to the 11th UN Congress on Crime Prevention and Criminal Justice;
- 6. FINALLY REQUESTS** the African Union Commission to report on the outcome of the 2005 Bangkok process and the implementation of the African Common Position on Crime Prevention and Criminal Justice on a biennial basis.

DECISION ON WTO NEGOTIATIONS
Doc. EX.CL./151 (VI)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **RECALLS** the Doha Ministerial Declaration in which the international community undertook to place the needs and interests of developing countries at the heart of the WTO Work Programme;
3. **COMMENDS** the African Group for its efforts aimed at bringing to the Doha Work Programme back on track and for remaining engaged in the WTO negotiations in accordance with the technical guidance and policy framework provided under the Kigali Declaration and Consensus on the post-Cancun Doha Work Programme ;
4. **RECALLS ALSO** the outcome of the Special WTO General Council session held in Geneva from 27 July to 1 August 2004;
5. **TAKES NOTE** of the July Package adopted by the WTO General Council on 1st August 2001;
6. **RECOMMENDS** the speedy adoption of an approach to resolve the cotton issue based on the results of the meeting held in Bamako from 12 to 13 January 2005;
7. **ALSO RECOMMENDS** the early consideration of the issue of agricultural subsidies and the adoption of an Africa Common Position on commodities in general;
8. **CALLS UPON** the African Group in Geneva to continue to engage fully and actively in the negotiations with a view to achieving a pro-development outcome from the Doha Round;
9. **ALSO CALLS UPON** the same to finalise the Tunis roadmap and Work Plan in order to engage collaborative research and capacity building efforts from regional and international organizations on specific areas to enable Africa to positively contribute to the modalities stage of the negotiations leading up to the 6th Session of the WTO Ministerial Conference;
10. **URGES** Member States to continue to coordinate efforts both at the technical and political levels with like-minded groups, in particular, the G90;

- 11. WELCOMES** Egypt's invitation for a meeting to be held in Cairo, in May 2005, to discuss ways to deal with the challenges facing cotton producing countries in Africa;
- 12. REQUESTS** the Commission to convene a Ministers of Trade meeting to chart the way forward as far as Africa's Agenda is concerned.
- 13. FURTHER REQUESTS** the Commission to report on progress to the 7th Ordinary Session of Council.

**DECISION ON THE NEGOTIATIONS OF ACP-EU
ECONOMIC PARTNERSHIP AGREEMENTS (EPAs)**

Doc. EX.CL/152 (VI)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **COMMENDS** the Commission and the RECs for concluding the establishment of an informal Coordination and Information Exchange Mechanism on EPA Negotiations with the European Union (EU) for which the Commission has been entrusted the coordinating role and also for holding the first meeting of the mechanism successfully;
3. **ENDORSES** the recommendations of the Commission/RECs meeting and **URGES** the Commission to:
 - Develop institutional capacity building programmes for the Commission and the RECs so as to make work synergies viable and reliable and accelerate the integration process in Africa;
 - Prepare, in close collaboration with the RECs, requests to the European Union and other development partners for financing of projects that will enhance continental integration;
 - Identify the common supporting programmes relative to implementation of EPAs at the level of the RECs;
 - Mobilize African research institutes, including the ECA, to appraise the adjustment and other costs of EPAs on African economies.
4. **STRONGLY RECOMMENDS** that efforts between the Commission and the RECs be further strengthened and coordinated in the second phase of negotiations, especially with regard to priorities and roadmaps set for negotiations so as to ensure that the process of continental integration in Africa is deepened in accordance with the Constitutive Act of the African Union;
5. **WELCOMES** the establishment of the Joint AU-EU Monitoring Mechanism whose objective is to ensure, through exchange of information and discussion of key issues, the consistency and coherence of the EPA process with Africa's plans and aspirations for regional and continental integration and the establishment of a Pan-African Market and the promotion of synergies between the EPA process and ACP-EU cooperation, notably in the context of regional indicative programmes;

- 6. URGES** the Commission and the EU to operationalise the mechanism in an effective manner so as to ensure that EPAs indeed enhance the regional integration process and development in Africa as well as the building of regional markets through the effective removal of production, supply and trade constraints;
- 7. ALSO URGES** the EU to grant access to the Commission as an integration organization to EDF resources for projects of a continental nature;
- 8. REQUESTS** the Commission to report on progress made on the EPA negotiations to the 7th Ordinary Session of Council in July 2005.

DECISION ON THE DEFINITION OF THE AFRICAN DIASPORA
Doc. EX.CL/164 (VI)

The Executive Council:

- 1. TAKES NOTE** of the Definition of the African Diaspora as proposed by the Commission;
- 2. REQUESTS** the Commission to refer the issue to a meeting of Experts from Member States for a more suitable definition;
- 3. FURTHER REQUESTS** the Chairperson of the Commission, in consultation with the Chairperson of the Union, to determine the appropriate date for launching ECOSOCC taking into account the request in paragraph 2 above.

**DECISION ON THE DRAFT PROTOCOL ON RELATIONS BETWEEN
THE AU AND THE REGIONAL ECONOMIC COMMUNITIES**
Doc. EX.CL/158 (VI)

The Executive Council:

- 1. TAKES NOTE** of the draft Protocol;
- 2. RECOGNIZES** that the said Protocol was considered and adopted by the Commission and the RECs at their 2nd Coordination Committee meeting held in Addis Ababa in June 2004;
- 3. REQUESTS** the Commission to submit the Protocol to the PRC and legal experts from Member States for consideration;
- 4. FURTHER REQUESTS** the Commission to submit the Protocol to the 7th Ordinary Session of Council in July 2005;
- 5. REQUESTS ALSO** the Chairperson of the Commission to carry out a study on the categorization of African Regional Institutions with the view to rationalize the institutional framework of the Union.

DECISION ON THE CRITERIA FOR HOSTING AU ORGANS
Doc. EX.CL/163 (VI)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. DECIDES** to refer the Criteria for hosting AU Organs as contained in document EX.CL/163 (VI) to a meeting of the PRC for finalization and submission to the 7th Ordinary Session of Council in July 2005.

**DECISION ON THE OUTCOME OF THE SECOND HIGH-LEVEL INTER-
GOVERNMENTAL MEETING ON THE PREVENTION AND COMBATING OF
TERRORISM IN AFRICA**
Doc. EX.CL/146 (VI)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **WELCOMES** the convening of the Second High-Level Inter-Governmental Meeting on the Prevention and Combating of Terrorism in Africa, in Algiers, Algeria, from 13 to 14 October 2004, and **TAKES NOTE** of the observations made at the Meeting regarding the status of implementation of continental and international instruments for the prevention and combating of terrorism;
3. **ENDORSES** the Declaration adopted by the Second High-Level Inter-Governmental Meeting;
4. **URGES** Member States to strengthen national measures including establishing mechanisms aimed at meeting their commitments and obligations in the 1999 OAU Convention on the Prevention and Combating of Terrorism and its Protocol, as well as the Plan of Action on the Prevention and Combating of Terrorism in Africa, including relevant international instruments;
5. **APPEALS** to the States Parties to the 1999 OAU Convention on the Prevention and Combating of Terrorism which have not yet done so to sign and ratify the Protocol to the said Convention to enable it enter into force as soon as possible and **FURTHER APPEALS** to all Member States which have not yet done so, to sign and ratify the Convention and its Protocol, as well as relevant international instruments;
6. **REQUESTS** the Commission to take the necessary steps for the convening of a meeting of the States Parties to the Convention before the next Session of Council to review the status of its implementation of the Convention including the problems encountered and the challenges ahead before the 7th Ordinary Session of Council in July 2005;
7. **REQUESTS** the Chairperson of the AU Commission to take all the necessary measures to implement the Declaration of the Second High-Level Inter-Governmental Meeting, to ensure the entry into force of the Protocol within the shortest possible time, and to continue efforts aimed at ensuring the full implementation of the Convention and the Plan of Action. In this regard, Council **FURTHER REQUESTS** the Chairperson of the Commission to convene regularly, High-Level Inter-Governmental Meetings to measure progress, take stock of the challenges in the prevention and combating of terrorism in Africa and to report to Council on a regular basis.

**DECISION ON THE INAUGURATION OF THE AFRICAN
CENTRE FOR THE STUDY AND RESEARCH ON
TERRORISM, IN ALGIERS, ALGERIA**
Doc. EX.CL/146 (VI)

The Executive Council:

1. **TAKES NOTE** of the Report;
2. **WELCOMES** the solemn launching and inauguration of the African Centre for the Study of Research on Terrorism (ACSRT) on the occasion of the Second High-Level Inter-Governmental Meeting on the Prevention and Combating of Terrorism in Africa, held in Algiers, Algeria, from 13 to 14 October 2004. Council **FURTHER WELCOMES** the measures taken thus far to operationalize the Centre ;
3. **REQUESTS** the Chairperson of the Commission, in liaison with the host Government, to deploy all efforts necessary to ensure the smooth and effective functioning of the Centre. **FURTHER REQUESTS** the Chairperson of the Commission to take appropriate measures to establish the permanent Structure of the Centre;
4. **STRESSES** the urgent need for the Centre to be fully operational and endowed with the required resources to ensure its effective functioning and **REQUESTS** the PRC to urgently consider and approve the document relating to the Modalities for the Functioning of the African Centre for the Study and Research on Terrorism;
5. **CALLS UPON** Members States, Regional Mechanisms and other stakeholders to extend full cooperation to the Centre by identifying, as soon as possible, Focal Points to liaise with the Centre to ensure their active participation;
6. **APPEALS** to Africa's Partners to support the Centre both financially and diplomatically and other means of cooperation necessary to ensure the effective functioning of the Centre.

**DECISION ON THE OUTCOME OF THE 7TH REGIONAL
CONFERENCE ON WOMEN**
Doc. EX.CL.147 (VI)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. WELCOMES** the actions and programmes adopted by the 7th Regional Conference of Women on Africa's Common Position;
- 3. ADOPTS** the Outcome of the 7th Regional Conference of Women on Africa's Common Position in relation to the forthcoming Beijing +10 Review Process;
- 4. REQUESTS** the Chairperson of the Commission as well as Member States, to participate fully and actively and to speak with one voice at the forthcoming Beijing +10 Meeting in New York in 2005;
- 5. FURTHER REQUESTS** the United Nations system and the international community to facilitate the participation of Africa in the 2005 Beijing +10 Review process;
- 6. ALSO REQUESTS** the Chairperson of the Commission to present the outcome of the Beijing +10 Review process to the 7th Ordinary Session of Council.

**DECISION ON THE SITUATION OF REFUGEES,
RETURNEES AND DISPLACED PERSONS**
Doc. EX.CL/148 (VI)

The Executive Council:

1. **EXPRESSES CONCERN** over the problems of refugees and displaced persons that have persisted in the Continent as well as the grave continued violations of human rights in conflict situations;
2. **COMMENDS** Member States that continue to host refugees and make available to them all the facilities and services in the spirit of African solidarity and hospitality and **CALLS ON** all Member States to mobilize resources in order to alleviate the burden on recipient Member States;
3. **FURTHER COMMENDS** Member States which have abided by the peace initiative and agreements that have created conducive conditions for the return of refugees and displaced persons to their communities and **APPEALS** to Member States concerned to promote voluntary return of their nationals;
4. **CALLS UPON** the International Community to support the on-going repatriation operations and post-conflict reconstruction programmes in various areas;
5. **WELCOMES** the appointment of a Special Representative on the Protection of Civilians in Armed Conflict Situations in Africa and **APPEALS** to the donor community to extend moral, material and financial support to the Special Representative in the execution of her mandate;
6. **URGES** Member States as well as Non-State Actors to comply with the International Humanitarian Law;
7. **REQUESTS** the Commission to continue monitoring the situation of refugees, returnees and displaced persons in close collaboration with the AU Commission on Refugees; revitalize, as a matter of urgency, the Coordinating Committee on Assistance and Protection to Refugees and Internally Displaced Persons; and continue to implement the Comprehensive Implementation Plan in close collaboration with the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC);
8. **FURTHER REQUESTS** the Commission to convene a Ministerial Conference on refugees, returnees and displaced persons in 2006, in collaboration with the AU Commission on Refugees, UNHCR and other relevant partners;

- 9. URGES** the Commission to launch a resource mobilization programme in close collaboration with all relevant partners for the purpose of ensuring the adequate well-being and protection for refugees and displaced persons and durable solution to the problem in Africa.

DECISION ON THE STATUS OF OAU/AU TREATIES
Doc. EX.CL/159 (VI)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. COMMENDS** the Chairperson of the Commission for the personal initiatives and efforts aimed at encouraging Member States to become States Parties to the OAU/AU Treaties;
- 3. URGES** all Member States that have not yet done so to sign and ratify or accede to OAU/AU Treaties expeditiously;
- 4. REQUESTS** all Member States to submit information on Constitutional Procedures relating to ratification or accession to OAU/AU Treaties to the Commission as requested by Council in July 2004.

**DECISION ON THE PROPOSED AMENDMENTS TO THE RULES OF
PROCEDURE OF THE PRC, THE EXECUTIVE COUNCIL AND THE
ASSEMBLY AND THE STATUTES OF THE COMMISSION**
Doc. EX.CL/160 (VI)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. DECIDES** to refer the proposals for amendment to a meeting of the PRC and Legal experts from Member States for finalization and submission to the 7th Ordinary Session of Council in July 2005.

**DECISION ON THE VENUE OF THE FOURTH
MINISTERIAL CONFERENCE OF THE CHINA-AFRICA
COOPERATION FORUM IN 2009**
Doc. EX.CL/165 (VI) – Add.2

The Executive Council:

1. **TAKES NOTE** of Egypt's offer to host the Fourth Ministerial Conference of the China-Africa Cooperation Forum in 2009;
2. **STRESSES** the importance of the cooperation between the African Continent and the People's Republic of China, and **EXPRESSES SATISFACTION** at the current level of cooperation, and the success of the forum since its establishment in the year 2000;
3. **DECIDES** to endorse Egypt's offer to host the Fourth Ministerial Conference of the China-Africa Cooperation Forum 2009;
4. **REQUESTS** the Chairperson of the Commission to follow up this matter and to submit a report to the 7th Ordinary Session of Council in July 2005.

DECISION ON THE INSTITUTIONALIZATION OF
THE AFRICAN PRIVATE SECTOR FORUM
Doc. EX.CL/153 (VI)

The Executive Council;

- 1. TAKES NOTE** of the Report;
- 2. WELCOMES** this initiative and **REAFFIRMS** the important role of the Private Sector in the development of Africa;
- 3. UNDERSCORES** the necessity for the private sector to lead the process, while the Commission plays the role of facilitator in the organization of the Forum;
- 4. INVITES** the Private Sector to finance the organization of the Forum with the facilitation of the Commission;
- 5. REQUESTS** the Commission with the assistance of ECA, ADB the African Chambers of Commerce and Industry and the Labour and Social Affairs Commission to organize the Forum.

DECISION ON THE MIDDLE EAST AND PALESTINE

Doc. EX.CL/145(VI)

The Executive Council:

1. **RECALLS** all relevant resolutions and decisions adopted by the OAU/AU on the situation in the Middle East and Palestine;
2. **EXPRESSES DEEP REGRET AND CONDOLENCES** to the martyred people of Palestine on the untimely death of President Yasser Arafat, Chairman of the Palestine Liberation Organization (PLO) and the Palestine National Authority (PNA), who selflessly devoted his life to the cause of the Palestinian people and **PAYS TRIBUTE** to his devotion to peace in the Middle East and the attainment of Sovereign Independence for Palestine;
3. **WELCOMES** the holding of democratic elections in Palestine, which enabled the people to freely elect the leadership of the PLO and Palestine National Council and **WARMLY CONGRATULATES** Mr. Mahmoud Abbas on his election as President of the Palestinian Authority;
4. **REITERATES** its continued full solidarity and support to the Palestine people in their just and legitimate struggle, under the leadership of the PLO, their sole and legitimate representative in the exercise of their inalienable national rights to self-determination and in accordance with the principle of international law and pertinent resolutions of the OAU/AU and the UN;
5. **REAFFIRMS ITS COMMITMENT AND SUPPORT** for the Quartet Road Map, which remains the only viable plan for lasting peace in the Region and provides the path to a vision of two states, Israel and Palestine, living side by side, in peace and security;
6. **CALLS UPON** both sides to stop the vicious cycle of violence against the Palestinian and Israeli civilians, in accordance with the implementation of all peace initiatives, especially the Roadmap for Palestine Sovereign Independence;
7. **STRONGLY CONDEMNS** the Israeli repressive and willful practices perpetrated against defenceless Palestinians, unwarranted arrests and assassination of Palestinian leaders, the policy of total destruction and devastation of Palestinian society and infrastructure, the economy, its official and public institutions as well as the blockade on the movement of goods and persons and **URGES** the Government of Israel to put an end to those disproportionate retaliatory actions;

- 8. CALLS UPON** the Government of Israel to put an end to the construction of the Wall in the Occupied Palestinian Territories, which constitutes a breach by Israel of international law and its obligations under International Humanitarian Law and **URGES** compliance with the July 2004 advisory opinion of the International Court of Justice, so as to facilitate the resumption of peace negotiations in the region;
- 9. APPEALS** to the International Community and the Quartet to support and work with the new Palestinian Leadership in the early implementation of the Roadmap and to undertake necessary measures including bringing pressure to bear on the Parties, in order to salvage the peace process;
- 10. TAKES NOTE** of the initial efforts deployed by the Committee of 10 Member States on Palestine established by Decision HG/Dec.182(XXXVIII), in July 2002, and **URGES** continued efforts in the quest for a peaceful and acceptable solution to the conflict in the Middle East and Palestine;
- 11. CALLS UPON** the Government of Israel, to put an end to its occupation to the Syrian Golan Heights and Lebanese Saba Farms occupied in 1967, in accordance with the UN Security Council relevant resolutions including Resolutions 242 and 338 and the Madrid Declaration and the principle of land for peace and the Road Map in order to reach a just, comprehensive and peaceful solution of the Arab Israeli Conflict.

DECISION ON THE 17TH ANNUAL ACTIVITY REPORT
OF THE AFRICAN COMMISSION ON HUMAN AND
PEOPLES' RIGHTS (ACHPR)
Doc. EX.CL/167 (VI)

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. FURTHER TAKES NOTE** of the fact that Member States responses have been attached to the above report;
- 3. DECIDES** to recommend to the Assembly to:
 - **ADOPT** the 17th Annual Activity Report of the ACHPR;
 - **AUTHORIZE** publication of this report, in accordance with the provisions of Article 59 of the African Charter on Human and Peoples' Rights as well as its attachments.

**DECISION ON THE REPORT OF THE HIGH
LEVEL PANEL ON THREATS, CHALLENGES AND CHANGE
RELATING TO THE REFORM OF THE UNITED NATIONS**
Doc. EX.CL/168 (VI)

The Executive Council:

1. **TAKES NOTE** with appreciation of the quality and depth of analysis, of the Report and the briefing provided by the African Group Ambassadors in New York;
2. **DECIDES** to set up a Ministerial Committee of Fifteen (15) Members, which is open-ended, on the basis of the AU formula for equitable geographical distribution applied to the Peace and Security Council;
3. **REQUESTS** the various regions to urgently undertake consultations in conformity with their respective regional mechanisms and submit the names of the members of the Committee thereof to the Commission;
4. **MANDATES** the Committee of Fifteen (15) to consider all aspects of the recommendations made in the report of the High-Level Panel for the reform of the United Nations System;
5. **MANDATES ALSO** the Committee of Fifteen (15) to consider the two options relating to the reform of the UN Security Council, taking into account:
 - a) the African Common Position contained in the Harare Assembly Declaration of June 1997;
 - b) developments on the international scene since the adoption of the Harare Declaration; and
 - c) the essence of the long debate held in this Session of Council on 28 January 2005 as summarised by the Chairperson.
6. **DECIDES** that the meeting of the Committee should be convened from 20 to 22 February 2005, followed by an Extraordinary Session of the Executive Council, to adopt Africa's position which will be presented to the UN Secretary General for inclusion in his report to the UN General Assembly in March 2005;
7. **DECIDES** that the African Group of Ambassadors in New York and resource persons should be involved in the work of the Committee of Fifteen (15) on the Reform of the United Nations and in the Extraordinary Session of the Executive Council due to take place in March 2005;
8. **ACCEPTS WITH APPRECIATION** the invitation of the Kingdom of Swaziland to host the meeting of the Committee of Fifteen (15).

**DECISION ON THE REQUEST FOR GRANTING ACCREDITATION
TO EAST AFRICAN COMMUNITY (EAC) AS ONE OF THE
REGIONAL ECONOMIC COMMUNITIES OF THE AU**

The Executive Council,

- 1. TAKES NOTE** of the request submitted by the Member States of the East African Community for recognition and accreditation of the East African Community as one of the Regional Economic Communities of the AU;
- 2. RECOMMENDS** it to the Assembly for recognition of the East African Community and therefore accrediting it as a Regional Economic Community of the African Union.

DECISION ON PROPOSALS RELATING TO THE CANCELLATION OF CUSTOMS BETWEEN MEMBER STATES, HARMONIZATION OF CUSTOMS TARIFFS BETWEEN MEMBER STATES IN DEALING WITH THE REST OF THE WORLD, THE UNIFICATION OF TRANSPORT AND COMMUNICATION AND THE CREATION OF THE POSTS OF MINISTER OF FOREIGN TRADE, TRANSPORT, DEFENCE AND FOREIGN AFFAIRS WITHIN THE AFRICAN UNION

The Executive Council:

1. **NOTES WITH APPRECIATION** the proposals made by the Great Socialist People's Libyan Arab Jamahiriya on the cancellation of Customs between Member States, harmonization of customs tariffs between Member States in dealing with the rest of the world, the unification of transport and communication and the creation of the Posts of Minister of Foreign Trade, Transport, Defence and Foreign Affairs within the African Union;
2. **ACCEPTS** that these proposals are pertinent and forward-looking and in line with the Vision of the African Union;
3. **UNDERScores** the imperative for Africa to continue to gradually strengthen the Structures of the African Union and the attainment of the objectives of the Union;
4. **DECIDES** to recommend these proposals to the Assembly for appropriate directives.

DECISION ON THE DEVELOPMENT OF AN AFRICAN POLICY
ON THE SUPPLY OF ITEMS TO PEACEKEEPING
OPERATIONS IN AFRICA
Doc. EX.CL/165 (VI) Add.3

The Executive Council:

- 1. TAKES NOTE** of the Report;
- 2. REQUESTS** the Commission to establish a Working Group to study the proposal and submit a report to the 7th Ordinary Session of Council in July 2005.

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 said Report;
3. **DECIDES** to endorse the following candidatures:
 - a) Candidature of Dr. Mohamed Elbaradei, from Egypt, for his re-election as Director General of the International Atomic Energy Agency (IAEA) at the end of his mandate in November 2005.
 - b) Candidature of Hon. Jaya Krishna Cuttaree, Minister of Foreign Affairs, International Trade and Regional Co-operation of Mauritius, to the post of Director General of the World Trade Organization, at elections scheduled to be held in 2005.
 - c) Candidature of the Republic of Ghana for the non-permanent seat allocated to West Africa on the Security Council for the period 2006-2007, at the elections to be held in the Fall of 2005 during the 60th Session of the General Assembly of the United Nations.
 - d) Candidature of the Republic of Congo for a non-permanent seat allocated to Central Africa region on the United Nations Security Council for the period 2006-2007 to replace the Peoples Democratic Republic of Algeria by the end of 2005.
 - e) Candidature of the Republic of Madagascar for the United Nations Economic and Social Council (ECOSOC) during the partial renewal of the membership at the 60th Session of the General Assembly and **REQUESTS** the African Group of Ambassadors in New York to expedite the process of filling the remaining seats;
 - f) Candidature of the Republic of Côte d'Ivoire for re-election on the Programmes and Coordination Committee (PCC) and the Industrial Development Board (IDB) of the United Nations Industrial Development Organization (UNIDO) during the election to be held at the 11th Session of the General Conference of this Organization in December 2005.
 - g) Candidature of the Republic of Niger for membership of the Executive Board of the World Food Programme (WFP) for the 2005-2007 period.
4. **RECOMMENDS** that Uganda, Sierra Leone, Burkina Faso and Kenya hold consultations on the post of Director-General of the United Nations Industrial Development Organization (UNIDO).

5. **TAKES NOTE** of the decision of the Arab Republic of Egypt and the Great Jamahiriya to hold consultations in Vienna on the candidature for membership of the International Atomic Energy Agency (IAEA) for the period 2005-2007.

DECISION ON THE SCALE OF ASSESSMENT

The Executive Council:

- 1. TAKES NOTE** of the Report of the Ad Hoc Ministerial Committee on the Scale of Assessment and the proposals contained therein;
- 2. REQUESTS** Member States to carry out consultations on the proposals to enable Council to consider the issue at its next Session;
- 3. FURTHER REQUESTS** the Ad Hoc Committee to remain seized with the matter in order to enable Assembly reach a final decision in July 2005.