

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia

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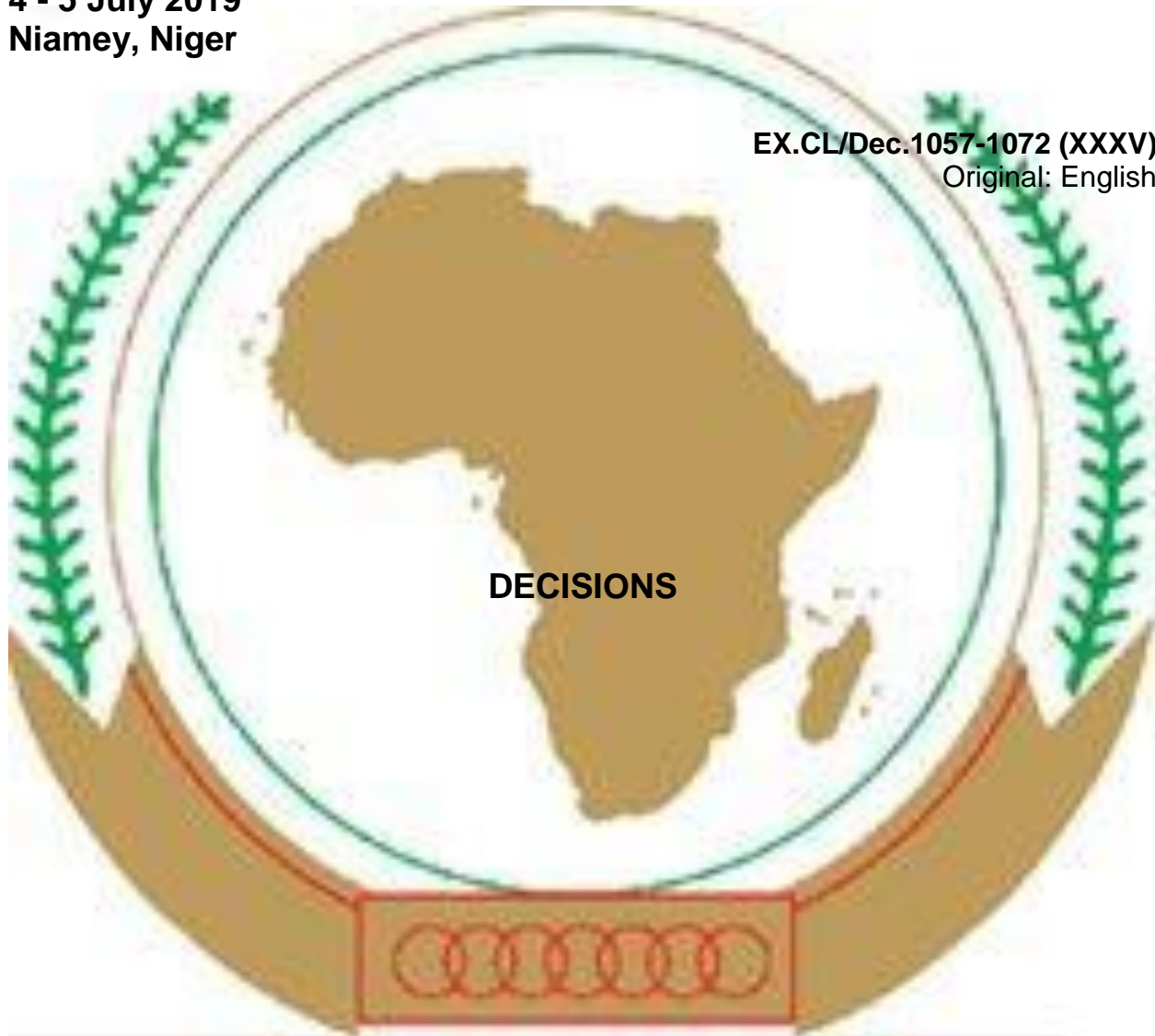
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EXECUTIVE COUNCIL
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4 - 5 July 2019
Niamey, Niger

EX.CL/Dec.1057-1072 (XXXV)
Original: English



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

The Executive Council,

1. **TAKES NOTE** of the PRC recommendations on the Reports of its Sub-Committees taking into account observations made by Member States;
- I. **THE SUB-COMMITTEE ON GENERAL SUPERVISION AND COORDINATION ON BUDGETARY, FINANCIAL AND ADMINISTRATIVE MATTERS AND THE EXPERTS OF F15 - Doc. EX.CL/1151(XXXV)ii**
 - A. **ON THE HUMAN RESOURCES AND FINANCE REFORMS ROADMAP**
2. **RECALLS** Decision Ext/EX.CL/Dec.1(XX), adopted at the 12th Extraordinary Session of the Executive Council, held in November 2018, in Addis Ababa, Ethiopia, which requested the Commission to work with a group of ten (10) independent experts, two (2) from each of the AU Region, to review and improve the AU Recruitment and Selection System;
3. **REQUESTS** the Commission to expedite the deployment of the two (2) nominated independent experts per region to support it in improving the recruitment system;
4. **TAKES NOTE** of the upcoming first meeting between the Experts and the Commission, scheduled to take place on 22 July 2019;
5. **DECIDES** to suspend the recruitment of all vacant Director positions until the expeditious start of the new recruitment system;
6. **RECALLS** Decision EX.CL/Dec.1031(XXXIV), adopted at the 34th Ordinary Session of the Executive Council, held in February 2019, in Addis Ababa, Ethiopia, on the presentation of the revised Financial Rules and Regulations (FRR) to the Specialized Technical Committee on Justice and Legal Affairs (STCJLA) prior to their consideration by the Executive Council;
7. **REQUESTS** the Commission to report to the PRC, through its relevant Sub-Committee by the end of July 2019, the following: the draft revised Staff Regulations and Rules (SRR), the draft revised FRR, the revised Procurement Policy, as well as the revised Travel Policy; for consideration in accordance with Decision Ext/EX.CL/Dec.1(XX) of the 20th Extraordinary Session of the Executive Council held on 14 and 15 November 2018 in Addis Ababa, Ethiopia.
8. **REITERATES** its call to the Commission on the need to communicate monthly to Member States on their respective quotas of staff employed in the Union, as requested in Decision EX.CL/Dec.1031(XXXIV);

9. **RECALLS** the need to gradually move to the Continent all the AU bank accounts opened outside the Continent and **DIRECTS** the Commission to fully implement this Decision and report to the Executive Council by February 2020;
10. **NOTES** with concern the substantial increase in the recruitment of consultants subsequent to imposition of the moratorium on recruiting non-regular staff and **DIRECTS** the Commission to diligently exercise due care and ensure good governance, transparency and value for money when recruiting consultants;

B. ON THE AU REPRESENTATIONAL OFFICE IN BEIJING, CHINA

11. **TAKES NOTE** of the opening of the Representational Mission in Beijing since November 2018;
12. **REGRETS** that the appropriate procedures for approval by the AU Policy Organs were not followed and **DIRECTS** the Commission to follow due process in setting up future offices;
13. **REQUESTS** the Commission to submit to the PRC the financial, legal and structural implications for the opening of the Beijing Office, for onward submission to the Executive Council for consideration in February 2020, in order to regularize the legal status of the AU Beijing Office;

C. ON HARMONIZATION OF ALLOWANCES AND BENEFITS FOR ORGANS OF THE UNION

14. **ENDORSES** payment of allowances and benefits according to the below matrix to be applied by all AU organs. **ALSO ENDORSES** maintaining the status quo of the honorarium of US\$500 for existing contracts of the judges at the African Court on Human and People's Rights (AfCHPR) until their expiry.

ORGAN	PAP			AFCHPR	ACHPR	AUABC	AUCIL	ACERWC	ECOSOCC		TOTAL
	President + 4 Vice-Presidents	Caucus - Committee Chair, Vice Chair and Rapporteur	Parliamentarians	African Court on Humans and People's Rights President + 9 Judges	African Commission on Humans and People's Rights	AU Advisory Board on Corruption	AU Commission on International Law	AU Committee on the Rights and Welfare of the Child	Presiding Officer	2xVice Presiding Officer	
Modus Operandi	4 Sessions of 15 Days			4 ordinary @ 4 weeks+1 Extra Ordinary @ 1 week	2 ordinary @21 days+ 2 Extra Ord @ 15 Days	4 ordinary @15days+ 2 Extra Ord @ 5 Days	2 ordinary @ 10 days	2 ordinary @ 10 days	2 ordinary @ 5 days		361
APPLICABILITY OF ALLOWANCE											
⇒ Monthly Admin Allowance – USD300 per month	✓	✗	✗	✓	✓	✓	✓	✓	✓	✓	
⇒ Honorarium – USD150 per day	✓	✗	✗	✓	✓	✓	✓	✓	✓	✓	
⇒ Intersession Allowance DSA Rate	✗	✗	✗	✓	✓	✗	✗	✗	✗	✗	
⇒ Judicature Allowance DSA Rate	✗	✗	✗	✓	✓	✗	✗	✗	✗	✗	
⇒ Travel Insurance on AU Official Mission	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
⇒ Class of Travel on AU Official Mission	Business	Eco.	Eco.	Business	Business	Business	Business	Business	Business	Eco.	

ORGAN	Members	No of Sessions and duration per year				Honorarium -Option 5 (USD150)		Admin Allowance USD300 per month	Inter-sessional Allowance (DSA Rate of Duty Station x No of Days)			Judicature Allowance USD14181 per year	Travel Insurance Coverage USD1000 per year	TOTAL AMOUNT USD
		Session	Days	Total No of Days	Rate/Day	Calculation	Total		Av. DSA Rate	No of Days	Amount USD			
PAP (Bureau Members Only)	5	4	15	60	150	5x60daysx\$150	45,000.00	18,000.00	0	0	0	0	5,000.00	68,000.00
PAP Caucus/ Committee Chair, Vice Chair and Rapporteur)	38	4	15	60	150	38x60daysx\$150	342,000.00	0	0	0	0	0	38,000.00	380,000.00
AFCHPR (African Court)	10	4	26	109	150	10x109daysx\$150	163,500.00	36,000.00	188	109	204,920.00	141,810.00	10,000.00	556,230.00
		1	5											
ACHPR	11	2	21	72	150	11x72daysx\$150	118,800.00	39,600.00	194	72	153,648.00	155,991.00	11,000.00	479,039.00
		2	15											
AUABC	11	4	15	70	150	11x70daysx\$150	115,500.00	39,600.00	0	0	0	0	11,000.00	166,100.00
		2	5											
AUCIL	11	2	10	20	150	11x20daysx\$150	33,000.00	39,600.00	0	0	0	0	11,000.00	83,600.00
ACERWC	11	2	10	20	150	11x20daysx\$150	33,000.00	39,600.00	0	0	0	0	11,000.00	83,600.00
ECOSOCC (Bureau Member Only)	5	5	5	10	150	5x10daysx\$150	7,500.00	10,800.00	0	0	0	0	3,000.00	21,300.00
TOTAL	100						855,300.00	223,200.00			358,568.00	297,801.00	100,000.00	1,837,869.00

15. **MANDATES** the Commission, in consultation with the AfCHPR, to undertake a review of the current honorarium and rationalize the rate to be applied following the phase out period of the current honorarium rate;
16. **DECIDES** that travel insurance for elected officials in all AU Organs except the Commission shall only be provided while on official mission;
17. **ALSO DECIDES** that except for the elected officials of the Commission, no gratuity or pension shall be paid to elected officials in any other AU Organ at the end of their term;
18. **FURTHER DECIDES** that there shall be no first class air tickets issued to the elected officials on funds provided by the AU or from International Partners.

D. ON ISSUES OF DEBTS OF THE UNION

i. Salary Arrears

19. **RECALLS** Decision Ext/EX.CL/Dec.1(XX), requesting the Commission and F15 to identify the means for the settlement of Staff Arrears;
20. **DECIDES** that salary arrears shall be paid in one instalment by 31 August 2019 in line with the cash flow projections;
21. **REQUESTS** that salary arrears shall be audited by the Office of the Internal Audit (OIA) before payment of the arrears.
 - a) **Debts owed to Member States**
 22. **CALLS FOR** the audit of the outstanding payments relating to Senegal and Algeria for inclusion in the AU debts list to be settled by December 2019 and by December 2020 in relation to Uganda;
 23. **REQUESTS** the Commission to identify savings by December 2019 to pay verified outstanding debts amounting to \$3,770,536; a provision should then be made in the 2020 Budget to pay off the balance of \$10,200,000 by the end of December 2020 as per the schedule below:

PAYMENT SCHEDULE ON DEBTS OWED TO MEMBER STATES AND OTHER DEBTS			
Country	2019	2020	Total
	US\$	US\$	US\$
Nigeria	1,243,353	3,500,000	4,743,353
Rwanda	1,506,330	5,200,000	6,706,330
Senegal	574,990	1,000,000	1,574,990
South Africa	149,300	300,000	449,300
Gambia	93,900	200,000	293,900
Kenya	77,800	-	77,800
Olympia	60,000	-	60,000
UNAMID	64,863	-	64,863
Total	3,770,536	10,200,000	13,970,536

E. ON THE REPORT ON THE ASSETS VALUATION OF THE AU

24. **REQUESTS** the Commission to set up a team of two (2) representatives per region to provide a second opinion on the re-valuation of assets and safeguard the interests of the AU assets of the AU with the support of an independent auditor.

F. ON THE INTERIM REPORT ON THE PREFERENTIAL RATE (GENEVA AND BRUSSELS)

25. **RECALLS** Decision EX.CL/Dec.1031(XXXIV) requesting the submission of a study on the preferential rate for Geneva and Brussels Missions;
26. **EXPRESSES** deep concern pertaining to the non-compliance of the Commission with the deadline stipulated in the Decision and **DECIDES** to extend the deadline for circulation of the Study to 31 July 2019.

II. THE JOINT SITTING OF THE SUB-COMMITTEE ON GENERAL SUPERVISION AND COORDINATION ON BUDGETARY, FINANCIAL AND ADMINISTRATIVE MATTERS AND THE EXPERTS OF F15 AND THE SUB-COMMITTEE ON STRUCTURAL REFORMS – Doc. EX.CL/1151(XXXV)ii

27. **TAKES NOTE** of the recommendations contained in the Report of the PRC on the proposed Departmental Structure of the Commission and of the African Union Development Agency-New Partnership for Africa's Development (AUDA-NEPAD), African Peer Review Mechanism (APRM), African Union Institute for Statistics (STATAFRIC), and Pan-African Statistical Training Centre (PANASTAT);

28. **RECALLS** Decision Ext/Assembly/AU/Dec.1(XI) on the Institutional Reform that requested the Chairperson of the Commission to submit a detailed and leaner departmental structure together with its financial implications, with due respect to the budget ceilings;
29. **TAKES NOTE** of the progress made towards the realization of the Reform;
30. **ACKNOWLEDGE** the imperative need expressed by Member States for the necessity to engage with their respective capitals and to continue the consultative process with all concerned stakeholders on the proposals of the departmental structure of the Commission; **DECIDES TO EXTEND** the submission of the departmental structures to the 36th Ordinary Session of the Executive Council in February 2020;
31. **ADOPTS** the Roadmap for consultations and validation of the departmental structure of the Commission as annexed to this Decision (Annex 1);
32. **DIRECTS** the Commission and the PRC to uphold the letter and spirit on deepening consultation regarding the Institutional Reform, as enshrined in the Decisions Assembly/AU/Dec.687(XXX), adopted at the 30th Ordinary Session of the Assembly, held in January 2018, in Addis Ababa, Ethiopia, and Assembly/AU/Dec.690(XXXI) adopted at the 31st Ordinary Session of the Assembly, held in July 2019, in Nouakchott, Mauritania;
33. **REQUESTS** the Commission to take into account inputs by Member States with a view to finalize the proposed departmental structure to be submitted, through the established procedure, as agreed in the Roadmap for consideration by the Executive Council at its 36th Ordinary Session in February 2020 along with the structure proposals of the Commission's Technical, Representational and Regional Offices;
34. **DECIDES** to avail the necessary resources for the implementation of the current Decision;
35. **ADOPTS** the following proposed structures of AUDA-NEPAD, APRM, STATAFRIC and PANASTAT as provisional structures until the validation of the new departmental structure:

a. AUDA-NEPAD

BUREAU OF THE CHIEF EXECUTIVE OFFICER (CEO)	
Chief Executive Officer	Special3
Personal Assistant to the CEO	GSA6
Special Assistant to the CEO	P3
Chief of Staff : Office of the CEO	P6
Administrative Assistant	GSA5
Driver	GSB7
Director Technical Cooperation and Programme Funding	D1

Senior Programme Officer: Resource Mobilisation	P3
Senior Programme Officer: Strategic Initiatives	P3
INTERNAL AUDIT	
Senior Internal Auditor	P3
COMMUNICATIONS	
Principal Communications Officer	P4
Communications Officer x 2	P2
Senior Protocol Officer	P3
PRIVATE SECTOR ENGAGEMENT	
Principal Programme Officer: Private Sector Engagement	P4
Programme Officer: Private Sector Engagement	P2
Programme Officer: Private Sector Engagement	P2
LEGAL	
Principal Legal Officer	P4
Legal Officers x 2	P2
1. PROGRAMME INNOVATION AND PLANNING DIRECTORATE	
Director of Programme Innovation & Planning	D1
Administration Assistant	GSA5
PROGRAMME DEVELOPMENT DIVISION	
Head of Programme Development Division	P5
Administration Assistant	GSA5
Principal Programme Officer: Programming & Budgeting	P4
Principal Programme Officer: Programme Development & Incubation	P4
Principal Programme Officer: Monitoring & Reporting	P4
Programme Officer: Project Portfolio	P2
Programme Officer: Programming & Budgeting	P2
Programme Officer: Incubation & Piloting x 2	P2
Programme Assistant: Monitoring & Reporting x 2	P1
DATA ANALYTICS AND RESEARCH TECHNOLOGY INNOVATION HUB DIVISION	
Head of Data Analytics & Research – Technology Innovation Hub	P5
Administration Assistant	GSA5
Principal Programme Officer: Statistics & Big Data	P4
Programme Officer: Data Management x 2	P2
Principal Programme Officer: Accelerator Lab	P4
Principal Programme Officer: Economist	P4
Policy Officer: Economist x 2	P2
TECHNICAL COOPERATION AND ADVISORY SERVICES DIVISION	
Head of Technical Cooperation & Advisory Services	P5
Administration Assistant	GSA5
Senior Programme Officer: Capacity Development	P3
Senior Programme Officer: Advisory Services	P3
2. PROGRAMME DELIVERY AND COORDINATION DIRECTORATE	
Director: Programme Delivery & Coordination	D1
Administration Assistants x 2	GSA5
FLAGSHIP PROGRAMMES DIVISION	
Programme Head x 4	P5
Senior Programme Officer x 14	P3
COORDINATING AND REPORTING	
Principal Programme Officer: Coordination & Reporting	P4
3. KNOWLEDGE MANAGEMENT & PROGRAMME EVALUATION DIRECTORATE	
Director of Knowledge Management & Programme Evaluation	D1
Administration Assistant	GSA5
EVALUATION DIVISION	

Head of Evaluation	P5
Administration Assistant	GSA5
Senior Evaluation Officer	P3
Senior Evaluation Officer: In-depth evaluation	P3
Senior Evaluation Officer: Economic Assessment & Policy	P3
KNOWLEDGE CAPITALISATION & MANAGEMENT DIVISION	
Head of Knowledge Capitalisation & Management	P5
Administration Assistant	GSA5
Principal Expert: Communities of Practice	P4
Programme Officer: Communities of Practice x 2	P2
Principal Expert: Publications	P4
Programme Officer: Publication x 2	P2
Principal Expert: Knowledge Dissemination	P4
Programme Officer: Knowledge Dissemination x 2	P2
CENTRE OF EXCELLENCE MANAGEMENT DIVISION	
Head of Centre of Excellence Management & Coordination	P5
Administration Assistant	GSA5
Principal Programme Officer: Energy – Climate Resilience	P4
Senior Programme Officer: Energy x3	P3
Principal Programme Officer: Science Technology and Innovation	P4
Senior Programme Officer: Science Technology and Innovation x 3	P3
Principal Programme Officer: Rural Resources and Food Systems	P4
Senior Programme Officer: Rural Resources and Food Systems x 3	P3
Principal Programme Officer: Supply Chain & Logistics Support	P4
Senior Programme Officer: Supply Chain & Logistics x3	P3
Principal Programme Officer: Human Capital and Institutions	P4
Senior Programme Officer: Human Capital and Institutions	P3
4. DIRECTORATE OF OPERATIONS	
Director of Operations	D1
Administration Assistant	GSA5
FINANCE DIVISION	
Head of Finance	P5
Administration Assistant	GSA5
Senior Finance Officer: Accounting	P3
Accounting Officer x 2	P2
Accounting Assistant x 5	GSA5
Senior Finance Officer: Budget	P3
Budget Officer: Grant x 2	P2
Senior Finance Officer: Treasury	P3
Treasury Assistant x 3	GSA5
Senior Finance Officer: Certification	P3
HUMAN RESOURCES DIVISION	
Head of Human Resources	P5
Administration Assistant	GSA5
HR Officer: Recruitment	P2
HR Officer: Talent Management	P2
HR Officer: Compensation & Benefits	P2
HR Assistant: Recruitment x 2	GSA5
HR Assistant: Talent Management x 2	GSA5
PROCUREMENT DIVISION	
Head of Procurement	P5
Administration Assistant	GSA5
Senior Procurement Officer: Institutional Procurement	P3

Senior Procurement Officer: Programme & Projects	P3
Procurement Officer: Sub-delegation & Grants	P2
Procurement Officer: Contract Management	P2
Procurement Assistant: Institutional Procurement x 2	GSA5
Procurement Assistant: Programme & Projects x 3	GSA5
Procurement Assistant: Sub-delegation & grants x 2	GSA5
INFORMATION SYSTEMS MANAGEMENT	
Head of Information System Management	P4
Programme Officer: Infrastructure & Network	P2
Programme Officer: Systems & Security	P2
Programme Officer: Applications & Development	P2
ENTERPRISE RESOURCE PLANNING	
Head of Enterprise Resource Planning	P4
Senior ERP Officer: FICO & Procurement	P3
Senior ERP Officer: HCM & Recruitment	P3
ADMINISTRATION	
Senior Administration Officer	P3
Administration Assistant: Shared Team Assistant	GSA5
Administration Officer: Safety & Security	P1
Administration Officer: Facilities Management	P1
Administration Officer: Travel Management	P2
Administration Assistant: Travel x 3	GSA5
	166 Posts

The AUDA-NEPAD Structure to be implemented over a period of three years. Implementation of the structure is done through strict application of AU Staff Regulations and Rules.

The total financial implication of the new AUDA-NEPAD Structure is 15.6 million US Dollars. It is expected that the total personnel cost should not exceed this amount. The 2020 AUDA-NEPAD Budget takes into account the implementation of the new AUDA-NEPAD structure.

b. APRM

OFFICE OF THE CHIEF EXECUTIVE OFFICER			MONITORING AND EVALUATION COORDINATION – Continued	
Chief Executive Officer	Special 3		Personal Assistant	GSA4
Chief of Staff	P6		Principal Researcher Democracy and Political Gov./Int.	P4
Admin Assistant	GSA5		Principal Economist/Integration Studies	P4
Technical Coordinator- Capacity Development	P5		Senior Researcher Corporate Governance/Int. Studies	P3
Principal Legal Counsel	P4		Senior Researcher Socio-Eco. Dev./Integration Studies	P3
Senior Auditor	P3		COUNTRY REVIEW COORDINATION	
Legal Associate	P1		Country Review Coordinator	P5
Principal Strategic Planning Officer	P4		Principal Regional Coordinator (North, West and C. Africa)	P4
Senior Partnership Officer	P3		Principal Regional Coordinator Southern Africa	P4
Strategic Planning & Project Officer	P2		Principal Regional Coordinator East Africa	P4
Partnership Officer	P2		Country Review Principal N&C Africa	P3
Senior Media and Communication Officer	P3		Country Review Principal E. Africa	P3
Communication Officer	P2		Country Review Principal W. Africa	P3
Publishing Officer	P2		Country Review Principal S. Africa	P3
Panel and Focal Point Support Officer	P1		Research Assistants x 3	P1
Meeting workflow Officer	P1		CORPORATE SERVICES COORDINATION	

Translator/Editor x 2	P3	Senior Coordinator: Finance Administration and HR	P5
Interpreters – Translator	P4	FINANCE AND BUDGET	
Driver/Messenger x 2	GSB7	Senior Finance Officer / Accounts / Budget	P3
MONITORING AND EVALUATION COORDINATION		Finance Officer	P2
Monitoring and Evaluation Coordinator	P5	Certification Officer	P2
Admin Assistant	GSA5	Accounts Assistant	GSA5
Documentalist & Office Assistant	P1	HUMAN RESOURCES	
Senior Statistician	P3	Senior Human Resources Management Officer	P3
Statistician	P2	HR/Payroll Officer	P2
Senior Officer Agenda 2063 and SDGs	P3	HR Assistant	GSA5
Officer Agenda 2063 and SDG's	P2	PROCUREMENT AND TRAVEL	
Chief Governance Officer	P3	Senior Procurement Officer	P3
Governance Officer	P2	Procurement Assistant	GSA5
Research Assistant x 2	P1	Travel Assistant	GSA5
Senior Liaising Officer	P3	ADMINISTRATION	
Senior Rating Agency Researcher	P3	Database Administrator	P1
Admin Assistant	GSA5	Receptionist /Secretary	GSA4
Senior Early Warning & Conflict Prevention Officer	P3	Driver/ Messenger	GSB7
Senior Research Methodology and Dev. Coordination	P3	TOTAL	67 Posts

c. STATAFRIC

Office of the Executive Director		Population and Social Statistics Division	
Executive Director	P6	Head of Division	P5
Bilingual Secretary	GSA4	Senior Statistician	P3
Driver CEO	GSB7		
Finance Officer	P2	Statisticians x 2	P2
Human Resources and Administrative Officer	P2	Statistics System Coordination and Innovation Division	
Administrative Assistant	GSA5	Head of Division	P5
Secretaries x 3	GSA4	Senior Statistician	P3
Clerks	GSA3	Planners	P2
Drivers/Messenger x 2	GSB7	Statistician	P2
Security Guards x 2	GSB9	Info. Communication, Publication and Tech. Division	
Cleaners x 2	GSB3	Head of Division	P5
Economic Statistics Division		Senior IT Officer	P3
Head of Division	P5	ICT Officer	P2
Senior Statistician	P3	Database Manager	P2
Statisticians x 2	P2	TOTAL	34 Posts

d. PANASTAT

Executive Director	P6
Studies and Research Coordinator	P5
Senior Training and Study Programme Officer	P3
Administrative and Financial Officer	P2
ICT Officer	P2
Secretary	GSA4
Cleaner/Mail Runner	GSB6
Driver /Messenger	GSB7
	8 Posts

III. SUB-COMMITTEE ON AUDIT MATTERS Doc.EX.CL/1151(XXXV)iv**A. ON THE INTERNAL AUDIT OF THE COMMISSION BUDGET PERFORMANCE FOR THE YEAR 2018, THE OIA AUDIT ACTIVITY REPORT FOR YEAR 2018, AND REPORT OF AU GENERAL, RESERVE AND SPECIAL FUNDS FOR THE PERIOD JANUARY 2016 TO JUNE 2018**

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- 36. EXPRESSES** concern regarding the low implementation of the recommendations contained in the OIA and Board of External Auditors (BoEA) Reports;
- 37. WELCOMES** the concrete measures taken by the Chairperson of the Commission to implement Decision EX.CL/Dec.1031(XXXIV) to take disciplinary and legal actions against persons responsible for illegal payments including allowances as per FRR and SRR and **REITERATES** its full support to his effort to enforce the rule of law and accountability in the Union;
- 38. REQUESTS** the Chairperson of the Commission to update Member States on progress in implementing decision EX.CL/1031(XXXIV) during the February 2020 Ordinary Session of the Executive Council;
- 39. DIRECTS** the Commission to address all the issues raised by the Sub-Committee including the following:
- a. Implement all the recommendations contained in the audit reports and, ensure that going forward, management comments on audit reports are provided in time, with clear and precise actions taken and the timeframe thereof;
 - b. Decides to condition the release of budget of the Commission, other AU organs and institutions on the rate/percentage of audit recommendations, the execution rate of the budget for the last three years and adherence to financial rules and regulations;
 - c. Enhance the structure of the OIA during the ongoing reforms, to provide adequate oversight services for the AU;
 - d. Submit a matrix regarding the implementation of previous decisions taken to address the audit matters before February 2020;
 - e. Provide a consolidated report and matrix of all outstanding audit recommendations with the status of implementation, and the challenges faced in implementation;

- f. The OIA in making recommendations should be clear on responsible for audit issues raised and be clear in providing its opinion pertaining to the responses on its remarks submitted by the management;
 - g. Ensure that members of the out-going committee are invited to the first meeting of the new Sub-Committee, for smooth transition of knowledge between the in-coming and out-going PRC Sub-Committees;
 - h. Hold accountable, as appropriate, the personnel in relevant departments responsible for underperformance and allocate the budget in proportion to performance in line with the AU Golden Rules on Budgeting;
 - i. Make available a detailed analysis of all special fund accounts with concrete proposals on those that are no longer relevant for consideration by the Sub-Committee by 31 July 2019;
 - j. Prepare a comprehensive statement of the previous Peace Fund collected through financial appropriations from Member States and Partners which should be merged with the new revitalized Peace Fund so as to retain one Peace Fund;
 - k. Ensure that the Office of the Legal Counsel (OLC) be represented in all meetings to provide advice on legal matters and issues requiring explanation so that decisions being adopted do not contradict the legal instruments already in place;
 - l. Provide the updated detailed information (on current market value, rental values, needs of PSC, etc.) with comparative options on New York Office Old Building to the Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters to make required recommendations to the PRC before February 2020;
- 40. DIRECTS** the Commission, to apply appropriate consequence management measures including sanctions on staff involved in the misuse of resources, irregularities and violations of the AU Rules, and the actions taken should be reported to the Sub-Committee by 31 August 2019;

B. ON THE FINANCIAL STATEMENTS OF THE AU ORGANS FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 2018

- 41. CALLS UPON** each of the AU Organs to address the issues raised under their respective Audited Financial Reports by implementing the audit recommendations and submit a matrix on the status of implementation before February 2020;

42. **ALSO CALLS UPON** all AU Organs to ensure that corrective actions are taken to resolve the weaknesses addressed in their respective reports and **DIRECTS** as follows:

(a) COMMISSION

- i) An independent forensic and performance audit should be carried out parallel to the restructuring of the Commission on financial management, recruitment of personnel, travel and procurement to identify the responsible staff and the root causes for the irregularities and violations of the FRR and SRR. In this regard, the Sub-Committee on Audit Matters should be involved in the drafting of TOR on the selection of an independent firm. The final Report of this audit should be tabled to the Summit in February 2020;
- ii) The matrix of inactive bank accounts should be prepared and submitted to the Sub-Committee on Audit Matters including details of actions being taken to close those accounts by 31 October 2019;
- iii) The Bureau of the DCP should provide explanations to the Sub-Committee on Audit Matters in relation to sanctions and actions taken on staff responsible for irregularities and non-compliance of various AU Rules and Regulations by 31 August 2019;
- iv) The Commission should with immediate effect stop double payment of housing allowance. The AU management should comply with Rule 20.5 of the SRR and put in place a mechanism to prevent double payment of housing allowances. Hence, a circular should also be issued to all AU Organs to remind them to abide by this rule. In addition, remedial action should be taken to recover the double payment. The modalities of how this will be done with detailed information of staff getting double housing allowance should be submitted to the Sub-Committee on Audit Matters by 31 August 2019;
- v) The Director of Finance should ensure that physical verification of assets is done annually among all AU Organs as it is done on inventory in stock;
- vi) The coordination of Internal Audit functions in all AU Organs should be addressed during the restructuring so as to strengthen the work of Internal Audit;
- vii) The OLC should ensure that the necessary legal advisory services are provided before reaching final decisions by the Policy Organs;

- viii) The Commission should expedite the finalization of the Draft Policy on Debt Management and write off, and have it approved to enable all AU Organs to use it;
- ix) The BoEA should develop a standard auditing policy and procedure manual to ensure uniform format and flow of information in the audit reports when auditing AU Organs;
- x) The BoEA should ensure that discussions on the findings and recommendations are made with all Organs during the period of audit so as to clear all issues before the reports are issued;
- xi) The Commission should finalize the Governance Structures of Organs aimed at streamlining the separation of powers in Organs;
- xii) The Commission should accelerate the roll out of SAP to all AU Offices and Organs before February 2020.

(b) PAP

- i) PAP should abide by Decision EX.CL/Dec.1031(XXXIV) on the issue of special allowances and any illegalities involved in implementing the Decision should be reported accordingly;
- ii) The AHRM, PAP and OLC should finalize the issues related to separated staff members and resolve them accordingly.

(c) AfCHPR

- i) The BoEA should carry out an investigation on staff who left the Court on unclear circumstances and report to the Policy Organ as per the Executive Council decision reference EX.CL/Dec.1031(XXXIV).

(d) AFRICAN COMMISSION FOR HUMAN AND PEOPLES RIGHTS (ACHPR)

- i) ACHPR and AHRM should ensure that staff performance appraisals are done by line managers every year.

(e) AUDA-NEPAD

- i) AUDA-NEPAD, in consultation with the Commission, should find a way to rationalize and minimize the bank accounts in use.

(f) AU ADVISORY BOARD ON ANTI-CORRUPTION (AU-ABC)

- i) The AU-ABC should clear long outstanding VAT Claims in accordance with the Host Agreement between the AU and the Government of The United Republic of Tanzania;
- ii) The AU-ABC should prepare and submit Financial Statements on time.

(g) APRM

I. REQUESTS the APRM to provide the audited financial statements for the year 2017 to the Board of External Auditors;

II. ALSO REQUESTS the Commission to publish the 2018 Audited and Approved Financial Statements of AU Organs including the consolidated statements on the AU website in compliance with IPSAS requirements;

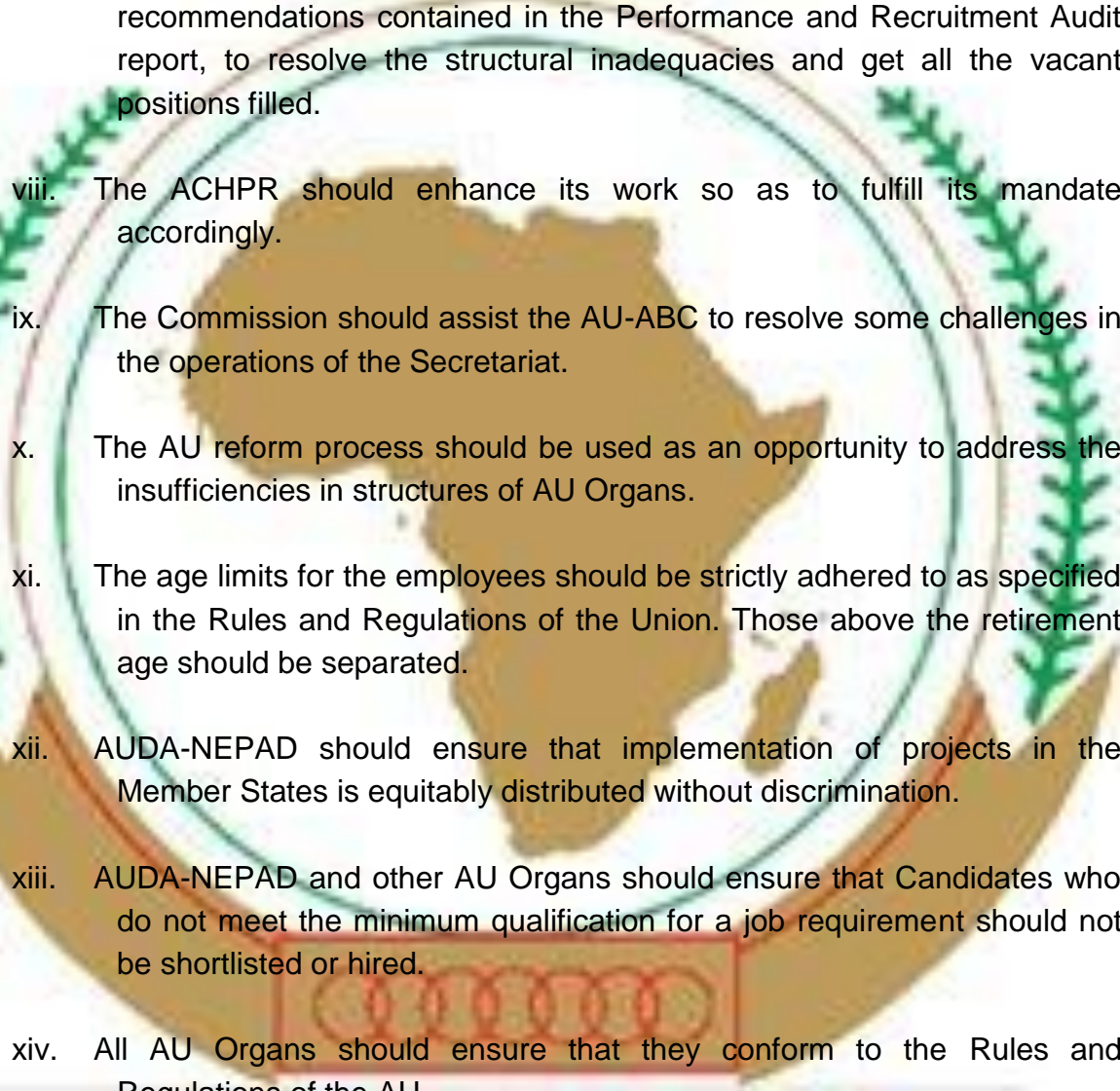
III. FURTHER REQUESTS the Commission to report on the implementation of this Decision by February 2020.

ON THE INTERNAL AUDIT REPORTS OF OTHER AU ORGANS ON PERFORMANCE AUDIT AND RECRUITMENT AUDIT

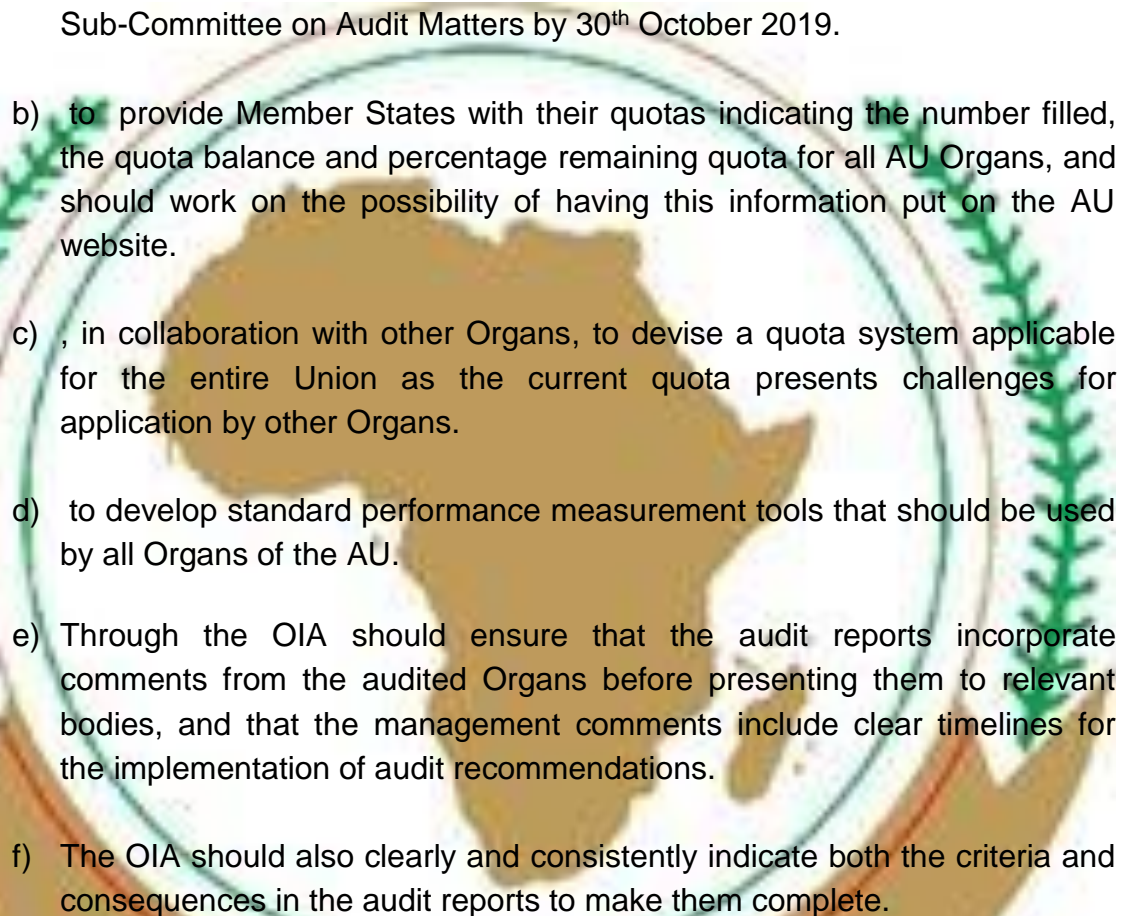
43. CALLS UPON each of the AU Organs to address the issues raised under its respective Performance and Recruitment Audit Reports, including the following:

- i. The legal issues in the Audit report of the African Court should be sent to the STCJLA, which is competent in handling such issues.
- ii. The Issue of Quorum of the AfCHPR should be discussed by the relevant STC along with the proposal of having Chambers or Panels to enable the AfCHPR operate effectively.
- iii. Proposals should be made by the AfCHPR on the amendment of the necessary legal instruments and submitted to the relevant STC.
- iv. The Court should also benchmark with other similar judicial bodies and submit any proposals to the PRC which could assist in reforming the work of the Court in the AU reform process.
- v. The AfCHPR should discontinue the practice of extending Judges' contracts. In this regard, the AfCHPR should put in place measures to ensure that Judges who are about to end their terms are not given new

cases which may extend beyond their terms so as to reduce the extension of their service on special service contracts.

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- vi. The AfCHPR should ensure that cases are disposed of within a limited time frame for efficiency and effectiveness.
 - vii. The ACHPR and the Commission should work to fully implement the recommendations contained in the Performance and Recruitment Audit report, to resolve the structural inadequacies and get all the vacant positions filled.
 - viii. The ACHPR should enhance its work so as to fulfill its mandate accordingly.
 - ix. The Commission should assist the AU-ABC to resolve some challenges in the operations of the Secretariat.
 - x. The AU reform process should be used as an opportunity to address the insufficiencies in structures of AU Organs.
 - xi. The age limits for the employees should be strictly adhered to as specified in the Rules and Regulations of the Union. Those above the retirement age should be separated.
 - xii. AUDA-NEPAD should ensure that implementation of projects in the Member States is equitably distributed without discrimination.
 - xiii. AUDA-NEPAD and other AU Organs should ensure that Candidates who do not meet the minimum qualification for a job requirement should not be shortlisted or hired.
 - xiv. All AU Organs should ensure that they conform to the Rules and Regulations of the AU.
 - xv. The AfCHPR, AUDA-NEPAD and other AU Organs should adhere to the Union quota system during the recruitment process and all subsequent recruitments should only apply to less represented Member States.

44. ALSO DIRECTS the Commission:-

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- a) to follow up on the implementation of these audit recommendations by AU Organs and put deadlines to implement them. In this regard, the matrix of all pending/outstanding recommendations should be presented to the Sub-Committee on Audit Matters by 30th October 2019.
 - b) to provide Member States with their quotas indicating the number filled, the quota balance and percentage remaining quota for all AU Organs, and should work on the possibility of having this information put on the AU website.
 - c) , in collaboration with other Organs, to devise a quota system applicable for the entire Union as the current quota presents challenges for application by other Organs.
 - d) to develop standard performance measurement tools that should be used by all Organs of the AU.
 - e) Through the OIA should ensure that the audit reports incorporate comments from the audited Organs before presenting them to relevant bodies, and that the management comments include clear timelines for the implementation of audit recommendations.
 - f) The OIA should also clearly and consistently indicate both the criteria and consequences in the audit reports to make them complete.

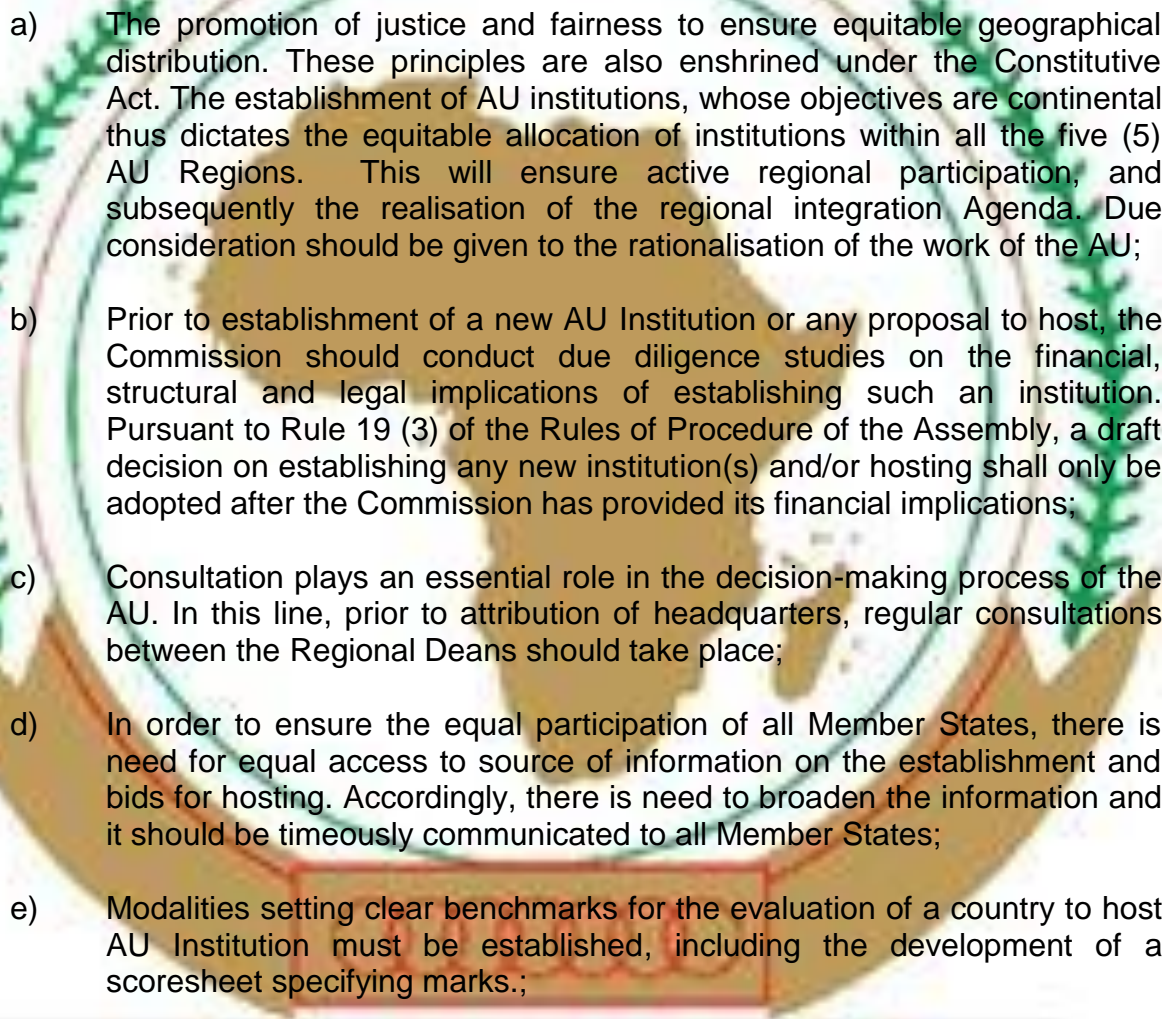
IV. THE SUB-COMMITTEE ON MULTILATERAL COOPERATION
Doc.EX.CL/1151(XXXV)v

- 45. RECALLS** Executive Council Decision EX.CL/Dec.1031(XXXIV) of February 2019 on AU representation in partnership meetings and **DECIDES** to refer the item back to the PRC Sub-Committee on Multilateral Cooperation for further consideration with a view to reaching consensus regarding this issue while continuing to apply all relevant Executive Council and Assembly decisions pertaining to this matter, namely Executive Council Decisions EX.CL/Dec.986(XXXII) of January 2018, EX.CL/Dec.942(XXX) of January 2017, EX.CL/Dec.899(XXVIII) of January 2016 and EX.CL/Dec.877(XXVII) of June

2015, Assembly/AU/Dec.131(VII) of June 2006 and Assembly/AU/Dec.635(XXVIII) of January 2017 on the Reform of the AU

V. THE SUB-COMMITTEE ON HEADQUARTERS AND HOST AGREEMENTS - Doc. EX.CL/1151(XXXV)vi

46. ADOPTS the Guidelines on the implementation of Equitable Regional Distribution of AU Institutions within the continent as follows:

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- a) The promotion of justice and fairness to ensure equitable geographical distribution. These principles are also enshrined under the Constitutive Act. The establishment of AU institutions, whose objectives are continental thus dictates the equitable allocation of institutions within all the five (5) AU Regions. This will ensure active regional participation, and subsequently the realisation of the regional integration Agenda. Due consideration should be given to the rationalisation of the work of the AU;
 - b) Prior to establishment of a new AU Institution or any proposal to host, the Commission should conduct due diligence studies on the financial, structural and legal implications of establishing such an institution. Pursuant to Rule 19 (3) of the Rules of Procedure of the Assembly, a draft decision on establishing any new institution(s) and/or hosting shall only be adopted after the Commission has provided its financial implications;
 - c) Consultation plays an essential role in the decision-making process of the AU. In this line, prior to attribution of headquarters, regular consultations between the Regional Deans should take place;
 - d) In order to ensure the equal participation of all Member States, there is need for equal access to source of information on the establishment and bids for hosting. Accordingly, there is need to broaden the information and it should be timeously communicated to all Member States;
 - e) Modalities setting clear benchmarks for the evaluation of a country to host AU Institution must be established, including the development of a scoresheet specifying marks.;
 - f) Due consideration should be given to the comparative advantage of each country;
 - g) It is equally important for the AU to review whether the established Institutions are functioning and whether Host Agreements are being implemented in light of evolving circumstances. Accordingly, there is a

need for a bi-annual review on the functionality of the established Institutions, with progress report in February 2020;

- h) Member States should be guided by a standardized Model Host Country Agreement. This is subject to modifications that may be made in relation to the technical nature of the established institutions;
- i) Member States hosting various AU Institutions should enter into a standard Agreement with the AU to be applicable to all the AU Institutions within its territory. The premises provided to all AU Institutions should, to the extent possible be located within the same premises as it is cost effective and allows for better access in the harmonization of the work of the AU;
- j) Member States that default in the implementation of the Hosting Agreement may be subject to special measures, such as the relocation of the AU Institutions from the defaulting States. In cases related to security matters the AU may also decide to temporarily relocate the AU Institution to another location pending the resolution of the matter.

47. TAKES NOTE of the outstanding matters in the “Matrix of Pending Issues” and requests the Commission to continue consultation with Host Countries;

48. DECIDES to include the Federal Democratic Republic of Ethiopia as a Permanent Member of the Sub-Committee on Headquarters and Host Agreements;


49. REQUESTS the Sub-Committee on Headquarters and Host Agreements, and the *Ad-Hoc* Working Group on Equitable Geographical Distribution, in close collaboration with the Commission, to present:

- i) A standardized Host Country Agreement for hosting of AU Institutions and meetings, with the view to guide Member States in their negotiation of hosting agreements;
- ii) Modalities on evaluation, which sets benchmarks on the assessment of bids to host AU Institutions to be endorsed by the AU Policy Organs;
- iii) An assessment report on the functionality of the existing AU bodies, including the modalities for the opening and closure of Liaison offices and their current status;
- iv) Revised Criteria for hosting AU Institutions.

50. REQUESTS the Commission to present a progress report on the implementation of this Decision and “Matrix of Pending Issues” to the 36th Ordinary Session of

the Executive Council in February 2020, and to present a final report in July 2020.

VI. THE SUB-COMMITTEE ON ECONOMIC AND TRADE MATTERS - Doc. EX.CL/1151(XXXV)vii

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51. **TAKES NOTE WITH CONCERN** of the slow pace of the establishment of the AU Financial Institutions (AIFI) and **RECOGNIZES** the determination of Africa to be a financially self-reliant continent;
52. **REQUESTS** the Commission to finalize the comprehensive study, including by undertaking thorough consultations with Member States, in order to understand the challenges and obstacles faced in signing and ratifying the Legal Instruments of AIFI;
53. **ALSO REQUESTS** the Commission to continue working with the Association of African Central Banks (AACB) and the African Securities Exchanges Association (ASEA) to implement the macroeconomic convergence criteria for the establishment of the African Central Bank (ACB) and fast-track the establishment of the Pan-African Stock Exchange;
54. **TAKES NOTE** of the proposal of the appointment of H. E. Nana Dankwa Akufo-Addo, President of the Republic of Ghana, as the Champion of AU Financial Institutions, to provide political leadership and awareness to accelerate their establishment as scheduled in the First Ten-Year Implementation Plan of Agenda 2063: The Africa We Want.

VII. DRAFT RULES OF PROCEDURE OF THE DRAFTING COMMITTEE – Doc. EX.CL/1151(XXXV)viii

55. **ENDORSES** the Rules of Procedure of the Drafting Committee as adopted by the PRC and annexed to this decision (Annex 2);
56. **REQUESTS** the provisional implementation of the Rules of Procedure pending their adoption by the STCJLA.

**DECISION ON THE OPERATIONALISATION OF THE AFRICAN UNION CENTRE
FOR POST CONFLICT RECONSTRUCTION AND DEVELOPMENT (AUC-PCRD) –
Doc. EX.CL/1153(XXXV)**

The Executive Council,

1. **RECALLS** Decision Assembly/AU/Dec.729 (XXXII), adopted at the 32nd Ordinary Session of the Assembly, held in February 2019, in Addis Ababa, Ethiopia, requesting the Commission to fast-track the operationalisation of the Centre for Post-Conflict Reconstruction and Development (AUC-PCRD) in 2019, as a continental platform for strengthening the African ownership of Post-Conflict Reconstruction and Development;
2. **TAKES NOTE** of the Report of the Commission on the Operationalization of the AUC-PCRD;
3. **COMMENDS** the Commission for the efforts deployed, in collaboration with the Arab Republic of Egypt, to ensure acceleration of the operationalization of the AUC-PCRD;
4. **RECOMMENDS** the approval of the proposed mandate, vision, objectives, scope of work and core activities of the AUC-PCRD;
5. **DECIDES** to defer the consideration of the structure of the AUC-PCRD until it is reviewed by the relevant PRC Sub-Committees;
6. **REQUESTS** the Commission to:
 - i) Expedite the deployment of a start-up team, in close consultation with the Egyptian Government, to facilitate the operationalization of the AUC-PCRD and ensure that adequate resources are made available for the functioning of the Centre;
 - ii) Finalize all outstanding organizational requirements to ensure that the AUC-PCRD is launched by the end of the third quarter of 2019;
 - iii) Mobilize resources, in coordination with AU Member States, for post-conflict reconstruction and development activities, working with relevant AU Organs, the UN system and international financial institutions including the African Development Bank (AfDB).
7. **ALSO REQUESTS** the Commission to submit a report on the operationalisation of the AUC-PCRD to the 33rd Ordinary Session of the AU Assembly scheduled for February 2020, through the Executive Council.

**DECISION ON THE REPORT ON TRANSITIONAL ARRANGEMENTS FOR THE
ELECTION OF MEMBERS OF AU ORGANS WITHIN THE FRAMEWORK OF ONE
ORDINARY SESSION OF THE ASSEMBLY OF HEADS OF STATE AND
GOVERNMENT OF THE UNION A YEAR - Doc.EX.CL/1154(XXXV)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Commission on Transitional Arrangements for the Election of Members of AU Organs and Institutions within the Framework of One Ordinary Session a Year;
2. **REGRETS** that the Commission's Report on Transitional Arrangements for the Election of Members of AU Organs and Institutions within the framework of one Ordinary Session a year is submitted after more than two years of the Assembly Decision to suspend the June/July Ordinary Session effective 2019;
3. **RECALLS** Decision Ext/Assembly/AU/Dec.1(XI), delegating the election and appointment of the Commissioners to the Executive Council;
4. **RECOMMENDS** to the Assembly to delegate its authority to appoint members of AU Organs and Institutions to the Executive Council, except for members of the Peace and Security Council and the Chairperson and Deputy Chairperson of the Commission;
5. **DECIDES** that the election of members of the ACHPR be postponed to the 36th Ordinary Session of the Executive Council in February 2020, and appointment will take place at the 33rd Ordinary Session of the Assembly in February 2020;
6. **REQUESTS** the Commission, in view of the postponement of the elections, to retain the list of candidatures already received and to reopen the submission of more candidatures for members of the ACHPR.

**DECISION ON THE PROPOSALS ON THE THEME OF THE YEAR 2020 Doc.
EX.CL/1155(XXXV)**

The Executive Council,

1. **TAKES NOTE** of the proposal to adopt the theme of “**Silencing the Guns: Creating Conducive Conditions for Africa’s Development**”;
2. **RECALLS** the Organization of African Unity/African Union (OAU/AU) 50th Anniversary Solemn Declaration adopted on 25 May 2013 in Addis Ababa, wherein the Assembly of the AU pledged not to bequeath the burden of wars to the next generation of Africans and undertook to end all wars in Africa by the year 2020;
3. **ALSO RECALLS** Decision Assembly/AU/Dec.630(XXVIII), adopted at the 28th Ordinary Session of the Assembly, held in January 2017, in Addis Ababa, Ethiopia, which endorsed the AU Master Roadmap of Practical Steps to Silence the Guns in Africa by the Year 2020, as one of the key Flagship Projects of Agenda 2063;
4. **REITERATES** the Commitment to Silencing the Guns;
5. **EXPRESSES APPRECIATION** of all efforts to date by Member States, the Commission and Regional Economic Communities/Regional Mechanisms (RECs/RMs) to create conditions necessary to support Member States to achieve the goal of Silencing the Guns by 2020 on the Continent in pursuit of African solutions to African problems;
6. **RECOGNISES** that conflict and instability are still a serious challenge across the Continent and its resultant impact adversely affects development, perpetuates poverty, reduces the incentives to invest and the capacities for economic growth and the overall achievement of the objectives of Agenda 2063;
7. **UNDERScores** the nexus between good governance, peace, stability and development and that these concepts are thoroughly intertwined and may not be considered exclusive of each other;
8. **ADOPTS** the Theme of “**Silencing the Guns: Creating Conducive Conditions for Africa’s Development**” as the theme of the year 2020;
9. **REQUESTS** the Commission, PAP, PSC, AUDA-NEPAD, Economic, Social and Cultural Council (ECOSOCC) and other stakeholders to work with the PRC and the Ministerial Follow-Up Committee on Agenda 2063, to develop a roadmap, including a matrix of planned activities with key deliverables and milestones for

implementation of the 2020 theme to be endorsed during the 33rd Ordinary Session of the Assembly in February 2020;

10. **RECALLS** the AU Charter on Democracy, Elections and Governance, ratified by thirty-one (31) Member States, and **CALLS UPON** Member States that have not done so, to ratify and report on the implementation of the Charter every two (2) years, to the Assembly in line with Articles 47 and 49 of the Charter.



**DECISION ON THE REPORT OF THE AU HIGH REPRESENTATIVE
FOR FINANCING THE UNION AND THE PEACE FUND ON THE OUTCOME
OF THE REGIONAL CONSULTATIONS ON THE MATTER OF ASSESSING
THE AU PEACE FUND
Doc.EX.CL/1156 (XXXV)**

The Executive Council,

1. **WELCOMES** the progress made in operationalising the AU Peace Fund and **TAKES NOTE** that since 2017, fifty-one (51) Member States have contributed in full or in part, to the Peace Fund;
2. **TAKES NOTE** of the deliberations of the PRC on the Progress Report of the AU High Representative for Financing the Union and the Peace Fund on the Outcome of the Regional Consultations on the Matter of Assessing the AU Peace Fund;
3. **COMMENDS** Member States for contributing \$120.7m to the AU Peace Fund since 2017 which demonstrates the high level of commitment by the Union to fully operationalise the Fund;
4. **RECALLS** Decision Assembly/AU/Dec.734(XXXII), adopted at the 32nd Ordinary Session in February 2019, in Addis Ababa, Ethiopia, and **TAKES NOTE** of the Progress Report of the High Representative for Financing the Union and the Peace Fund and **REQUESTS** the High Representative to conclude his regional consultations on the matter of assessing the Peace Fund and to report back to the February 2020 Session of the Assembly;
5. **ALSO RECALLS** that the relevant AU Policy Organs shall provide political direction and financial oversight of the AU Peace Fund;
6. **REITERATES** that the AU Peace Fund should not be utilised until all the governance and management structures are fully established and **URGES** the Commission to fully operationalize the Fund by February 2020;
7. **REQUESTS** the Commission to develop modalities for the consolidation of Member States' contributions into the 2016 revitalized Peace Fund following the forensic audit of the 1993 legacy Peace Fund. **ALSO REQUESTS** the Commission to update Member States on the outcome of the May 2019 special audit of the 2016 revitalized Peace Fund;
8. **ALSO REQUESTS** the Commission to ensure that there are no double payments to the peace fund by Member States. **FURTHER REQUESTS** the Commission to update the FRR to reflect the relevant financial and management provisions of the Assembly decisions on the revitalized AU Peace Fund, within the framework of the review of the FRR, for due consideration by the AU Policy Organs in February 2020;

9. **RECOMMENDS** an extension of the current 2021 target date for raising the full \$400m endowment within 24 months;
10. **DECIDES** that a Retreat should be held before the February 2020 Session, in Addis Ababa, Ethiopia, bringing together the Peace and Security Council, the Bureau of the PRC, the Board of Trustees and Executive Management Committee of the AU Peace Fund and the Chair of the Sub-Committee on General Supervision, Budget and Administrative Matters, to take stock of the status of operationalization of the Fund, and agree on the medium-term strategic funding priorities for the AU Peace Fund.



DECISION ON THE USE OF SPANISH AS AN AU WORKING LANGUAGE
Doc. EX.CL/1157(XXXV)

The Executive Council,

1. **RECALLS** Decision CM/Dec.45(LXXIV), adopted at the 74th Ordinary Session of the Council of Ministers held in July 2001, in Lusaka, Zambia, requesting the OAU to introduce Spanish as a working language of the Organization;
2. **ALSO RECALLS** Decision Assembly/AU/Dec.388(XVII), adopted at the 17th Ordinary Session of the Assembly of the Union, held in June 2011, in Malabo, Equatorial Guinea, requesting the Commission to take all necessary measures to operationalise the use of Spanish within the AU, as soon as possible;
3. **URGES** Member States and the Commission to take all necessary measures to speed up the ratification and the entry into force of the Protocol on the Amendment of the Constitutive Act, in order to include Spanish as a working language of the AU before July 2020;
4. **REQUESTS** the Commission to submit to the 33rd Ordinary Session of the Assembly in February 2020 a report for its consideration on the possible options and financial implications on the use of Spanish within the legal confines that govern the AU .



DECISION ON THE REPORTS OF THE SPECIALISED TECHNICAL COMMITTEES (STCs)

The Executive Council,

1. **TAKES NOTE** of the Reports of the Specialized Technical Committees (STCs);
2. **STRESSES** that the following Decisions should not bear any financial implications to the AU;
3. **REQUESTS** that all STCs adopt their Reports at the end of their meetings;
4. **RECALLS** Decision EX.CL/Dec.1032(XXXIV), adopted at the 34th Ordinary Session of the Executive Council, held in February 2019, in Addis Ababa, Ethiopia, regarding the moratorium on the creation of new bodies and offices;
- I. **REPORT OF THE 4TH EXTRAORDINARY SESSION OF THE STC ON JUSTICE AND LEGAL AFFAIRS, CAIRO, EGYPT, 2-6 MAY 2019 – Doc. EX.CL/1159(XXXV)**
5. **RECALLS** Decision Assembly/AU/Dec.713(XXXII), adopted at the 32nd Ordinary Session of the Assembly held in February 2019, in Addis Ababa, Ethiopia, wherein the Assembly delegated to the Executive Council, authority to consider and adopt the Statute and Rules of Procedure of the Governance Structures of the AUDA-NEPAD;
6. **ADOPTS** the Legal Instruments of the AUDA-NEPAD, namely:
 - i) Statute of the AUDA-NEPAD;
 - ii) Rules of Procedure of the Governance Structures of the AUDA-NEPAD as follows:
 - a. Rules of Procedure of Heads of State and Government Orientation Committee (HSGOC);
 - b. Rules of Procedure of the Steering Committee.
7. **TAKES NOTE** of the Draft Statute of APRM and **REQUESTS** the STCJLA in October/November 2019, to review the Rules of Procedure of the APRM and its Draft Statute and **DECIDES** to defer the consideration and adoption of APRM Legal Instruments to the 36th Ordinary Session of the Executive Council in February 2020.
- II. **THE MEETING OF AFRICAN MINISTERS OF TRADE (AMOT) - Doc. EX.CL/1160(XXXV)**

8. **TAKES NOTE WITH APPRECIATION**, of the Reports of the 8th and 9th Meetings of the AMOT that took place from 6 – 7 June 2019 and 1 – 2 July 2019 in Addis Ababa, Ethiopia and Niamey, Niger, respectively;
9. **COMMENDS** the role of all Member States, AMOT and other AfCFTA Negotiating Institutions, RECs and the AU cooperating partners, on the significant progress made in the ratification of the AfCFTA Agreement culminating in the unprecedented record attainment of the minimum number of instruments of ratifications on 29 April 2019, which was within thirteen months of the adoption of the AfCFTA Agreement;
10. **WELCOMES** the entry into force of the AfCFTA Agreement on 30 May, 2019;
11. **CONGRATULATES** the twenty-seven (27) State Parties who have deposited the instruments of ratification of the AfCFTA Agreement with the Chairperson of the Commission, namely: Burkina Faso, Chad, Côte d'Ivoire, Congo, Djibouti, Egypt, Eswatini, Ethiopia, Equatorial Guinea, Gabon, The Gambia, Ghana, Guinea, Kenya, Mali, Mauritania, Namibia, Niger, Rwanda, Saharawi Arab Democratic Republic, Sao Tome and Principe, Senegal, Sierra Leone, South Africa, Togo, Uganda and Zimbabwe;
12. **CALLS** upon those Member States that have not done so to accede and ratify the AfCFTA Agreement as soon as possible;
13. **RECALLS** Decision Assembly/AU/Dec.714 (XXXII), adopted at the 29th Ordinary Session of the Assembly, held in February 2019, in Addis Ababa, Ethiopia, to convene an Extraordinary Session in July 2019, a day before the First Mid-Year Coordination Meeting of the AU and the RECs, in Niamey, Niger, in order to celebrate the first Anniversary of the Signing of the AfCFTA, launch the operational phase of the African Internal Market and decide on the location and structure of the AfCFTA Secretariat;
14. **RECOMMENDS** to the Assembly, to launch the operational phase of the AfCFTA, supported by:
 - a) the agreed AfCFTA Rules of Origin;
 - b) Dashboard of the African Union Trade Observatory;
 - c) AfCFTA Trade in Goods Password Protected Dashboard;
 - d) Pan-African Payments and Settlements System; and
 - e) Continental Online Mechanism for Monitoring, Reporting and Elimination of Non-Tariff Barriers;
15. **ALSO RECOMMENDS** to the Assembly, to decide that the:
 - a) final schedules of Tariff Concessions and outstanding Rules of Origin be submitted to the next Ordinary Session of the Assembly in February 2020;

- b) dismantling of tariffs shall start not later than 1 July 2020;
- c) AfCFTA Chairperson and Head of the AfCFTA Secretariat participate in the annual Coordination Meetings of the AU and Regional Economic Communities;
- d) Interim AfCFTA Secretariat organises the inaugural meeting of the AfCFTA Council of Ministers no later than 31 October 2019;
- e) Commission ensures the operationalisation of the AfCFTA Secretariat no later than 31 March 2020; and
- f) 21st of March of each year be designated as the “Africa Integration Day” without being a public holiday, to commemorate the signing of the AfCFTA Agreement;

16. **DIRECTS** the Commission to support the Council of Ministers responsible for Trade, to put in place the AfCFTA institutional and governance structures that will facilitate effective implementation of the various trade instruments under the AfCFTA Agreement;

17. **TAKES** note of the position of Director General of the World Trade Organization falling vacant on 31 August 2020 and **DIRECTS** the Ministers responsible for Trade to work towards ensuring that Africa succeeds in getting the position and contributes to the strengthening of the multilateral trading system.

18. **RECOMMENDS** to the Assembly to adopt the Niamey Declaration on the Launch of the Operational Phase of the AfCFTA;

19. **APPRECIATES** the offer to host the AfCFTA Secretariat by Egypt, Eswatini, Ethiopia, Ghana, Kenya, Madagascar and Senegal, and hails their Pan-African spirit which led to the consensus to award Ghana the bid. In this regard, **RECOMMENDS** to the Assembly that the AfCFTA Secretariat be hosted in the Republic of Ghana.

III. **REPORT OF THE 3RD ORDINARY SESSION OF THE STC ON SOCIAL DEVELOPMENT, LABOUR AND EMPLOYMENT, ADDIS ABABA, ETHIOPIA, 1-5 APRIL 2019 - Doc. EX.CL/1161(XXXV)**

20. **ADOPTS** the following:

- i) the African Union Disability Strategic Framework;
- ii) the Plan of Action on Ending Attacks and Discrimination against People with Albinism;
- iii) the extension of the AU Campaign to End Child Marriage and development of a five-year (2019 – 2023) implementation strategy;
- iv) the AUC-International Labour Office (ILO) Five-Year Joint Programme on Decent Work for the Transformation of the Informal Economy (2020 – 2024); and

- v) the Declaration on democratization of the ILO Governing Body (as annexed);
21. **REQUESTS** the Commission, in collaboration with ILO and other international partners, to assist the G5 Sahel Secretariat to develop a special initiative on labour, employment, social protection and labour migration;
22. **ALSO REQUESTS** the Commission to appoint a Special Envoy for Persons with Albinism without additional financial implications;
23. **WELCOMES** the offer by Eswatini to host the 4th Ordinary Session of the Specialised Technical Committee on Social Development, Labour and Employment. The dates will be determined by the Bureau, in consultation with the Commission and the Government of Eswatini.

ANNEX TO THE DECISION ON REPORT OF THE 3RD STC ON SOCIAL DEVELOPMENT , LABOUR AND EMPLOYMENT, ADDIS ABABA, ETHIOPIA, 1-5 APRIL 2019 - Doc. EX.CL/1161(XXXV)

Declaration of the Ministers of Social Development, Labour and Employment of the African Union on Democratization of the Governing Body of the International Labour Office

Preamble

Considering that the present configuration of the Government Members¹ of the Governing Body of the International Labour Organisation (ILO) is undemocratic with ten (10) Members that are constitutionally designated as countries of chief industrial importance² occupying non-elective seats while the rest of the 177 Members are entitled to eighteen (18) elective seats that are distributed among the four regions of the ILO and subject to elections every three years.

Acknowledging that equity and equality of representation in the ILO Governing Body shall only be realized through the entry into force of the 1986 Instrument of Amendment of the ILO Constitution which among other things seeks to abolish non-elective seats.

Further acknowledging that for the 1986 Instrument to enter into force it must be ratified or accepted by two-thirds of the ILO (125) Membership, which currently stands at 187, including at least five of the ten Members of chief industrial importance.

22. ¹ Regular Members of the Governing Body (28 Governments, 14 Workers and 14 Employers) total 56.

23. ² Brazil, China, France, Germany, India Italy, Japan, Russia Federation, United Kingdom and United States

Noting that 28 government deputy seats of the Governing Body were introduced as an interim administrative arrangement in 1995 through amendments to the International Labour Conference's Standing Orders pending the entry into force of the Instrument of Amendment of the ILO Constitution.

Further noting that the interim arrangement reflects as far as possible the 1986 Amendment as regards the composition the Government Group by distributing the 28 deputy seats as fairly as possible among the organization's four regions -Asia, Africa, the Americas and Europe.

Observing that as at 14 February 2019, 109 ratifications and acceptances have been registered, including two from Members of chief industrial importance (India and Italy).

Further observing that an additional 16 ratifications or acceptances, including at least three from Members of chief industrial importance (from among Brazil, China, France, Germany, Japan, Russian Federation, United Kingdom and United States), are required for the 1986 Amendment to enter into force.

Concerned that if the two-thirds threshold is to be achieved without the additional three ratifications or acceptances from any of the remaining 8 countries of chief industrial importance the 1986 Instrument of Amendment will not enter into force as any constitutional amendment must be ratified by at least five of the ten countries of chief industrial importance in accordance with article 36 of the ILO Constitution.

Mindful that democratization of the ILO Governing Body:

- i) Is part of the unfinished business of the ILO affecting all Members of the organization that do not hold non-elective seats and that these Members have the collective responsibility to promote ratification of the 1986 Instrument of Amendment;
- ii) Ought to be addressed as a matter of urgency as the ILO enters into its second centenary.

Conscious that this unfinished business relates to social justice which is at the heart of the organization and its work, the ILO ought to lead by example within the United Nations system.

Call for Immediate Action

We, the Executive Council of the African Union whose countries are Members of the International Labour Organization;

1. **Express** our concern about the lack of progress towards improving governance in the ILO's Governing Body;

2. **Recall** paragraphs 60 and 62 of our Agenda 2063 in which we advocate equal participation in the multilateral institutions and reforms of the United Nations and other international institutions.

Do hereby:

1. **Call Upon** the Director General of the ILO to bring this Declaration wherein we are seeking immediate action to the attention of all Members of the Organization that are still to ratify the 1986 Instrument of Amendment;
2. **Urge** all Members that are still to ratify the 1986 Instrument of Amendment to do so forthwith in order to bring equity and equality of representation in the Governing Body in the second centenary of the ILO;
3. **Appeal to** the 8 Members currently designated as countries of chief industrial importance, occupying non-elective seats and have not yet ratified the 1986 Instrument to do so forthwith as the present structure of the Governing Body of the ILO does not reflect the sovereign equality propounded in Article 1 of the Charter of the United Nations.

IV. REPORT OF THE 2ND STC ON TRANSPORT, TRANSCONTINENTAL AND INTERREGIONAL INFRASTRUCTURE, ENERGY AND TOURISM (TTIET), CAIRO, EGYPT, 14-18 APRIL 2019 - Doc: EX.CL/1162(XXXV)

24. ENDORSES the following:

- i) the Continental Transport Policy Paper;
- ii) the Guidelines on Corridor Management Institutions;
- iii) the African Tourism Strategic Framework.

25. REQUESTS the Commission to:

- i) mobilize the necessary financial and technical resources to implement the project on “African Energy Information System, Energy Efficiency Indicator Database and AFREC new Strategy”;
- ii) undertake the feasibility study for the establishment of the African Tourism Organisation, without any additional financial burden for Member States;

26. ALSO REQUESTS the Commission, in collaboration with the AUDA-NEPAD, RECs, Member States, and all other relevant regional organisations to:

- i) develop a continental transmission master plan and mini-grid development plan;
- ii) operationalise the Electricity Market in Africa;

- iii) prioritise the launch of the African Network for Women in Infrastructure (ANWIn).



**DECISION ON THE 2019 MID-TERM ACTIVITY REPORT OF THE AFRICAN COURT
ON HUMAN AND PEOPLES' RIGHTS
Doc. EX.CL/1163(XXXV)**

The Executive Council,

1. **TAKES NOTE** of the Mid-term Activity Report of the African Court on Human and Peoples' Rights (the Court) for the period 1 January to 30 June 2019, and the recommendations therein;
2. **ALSO TAKES NOTE** of comments by State Parties on the Mid-term Activity Report of the AfCHPR, which will be annexed to the report before its publication in line with previous decisions of the Executive Council;
3. **URGES** the Chairperson of the Commission to take all necessary measures to operationalize the Legal Aid Fund in 2019 by appointing the Board members of the Fund in conformity with previous Executive Council Decisions, and to this end, **INVITES** and **ENCOURAGES** all Member States to make generous voluntary contributions to the Fund, in order to ensure its sustainability and success;
4. **CONGRATULATES** the thirty (30) Member States that have ratified the Protocol, namely: Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, The Comoros, Congo, Côte d'Ivoire, Gabon, The Gambia, Ghana, Kenya, Lesotho, Libya, Malawi, Mali, Mauritania, Mauritius, Mozambique, Niger, Nigeria, Rwanda, Sahrawi Arab Democratic Republic, Senegal, South Africa, Tanzania, Togo, Tunisia and Uganda;
5. **ALSO CONGRATULATES** the nine (9) State Parties that have deposited the Declaration under Article 34(6) of the Protocol, namely: Benin, Burkina Faso, Côte d'Ivoire, The Gambia, Ghana, Malawi, Mali, Tunisia and Tanzania;
6. **NOTES** that over two decades after its adoption, only thirty (30) Member States have ratified the Protocol and only nine (9) of the 30 State Parties, have deposited the declaration required under Article 34 (6) thereof, allowing individuals and NGOs to bring cases to the Court;
7. **INVITES** those Member States that have not already done so, to accede to the Protocol and deposit the Declaration;
8. **EXPRESSES ITS APPRECIATION** to the Government of the United Republic of Tanzania for the facilities it has placed at the disposal of the Court, and for the architectural designs for the construction of the permanent premises of the Court submitted to the Commission, and **URGES** the Government of the United Republic of Tanzania, the PRC and the Commission, in collaboration with the

Court, working under the framework of the Task Force established by Decision EX.CL/Dec.994(XXXII), to take steps towards the expeditious construction of the premises, bearing in mind the human resource structure and space requirement of the Court;

9. **DECIDES** that the Court should discontinue the practice of extending contracts of outgoing judges and ensure that cases are disposed of within a limited time frame for efficiency and effectiveness;
10. **REQUESTS** the Court to report on the implementation of this Decision at the 36th Ordinary Session of the Executive Council in February 2020.



**DECISION ON THE REPORT OF THE AFRICAN COMMISSION ON HUMAN AND
PEOPLES' RIGHTS
Doc. EX.CL/1164(XXXV)**

The Executive Council,

1. **TAKES NOTE** of the Forty-Sixth (46th) Activity Report of the African Commission on Human and Peoples' Rights (the "ACHPR");
2. **EXPRESSES ITS APPRECIATION** for the efforts deployed by the ACHPR during the reporting period to promote and protect human rights on the Continent;
3. **REITERATES ITS CALL** to those State Parties that have not done so, to sign and ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, and the Protocol to the Treaty Establishing the African Economic Community relating to Free Movement of Persons, Right of Residence and Right of Establishment;
4. **URGES** State Parties to submit their Periodic Reports in compliance with Article 62 of the African Charter on Human and Peoples' Rights (African Charter), Article 26 of the Maputo Protocol, and Article 14 of the Kampala Convention;
5. **CALLS ON** State Parties to comply with requests for Provisional Measures, to implement Decisions made by the ACHPR in Communications to which they are parties, and to inform the ACHPR of the measures taken to implement those Decisions in line with Rule 112 of the ACHPR's Rules of Procedure;
6. **ENCOURAGES** the Kingdom of Morocco and the ACHPR to continue engaging in a dialogue about its mission to the territory referred to by the African Union as the Sahrawi Arab Democratic Republic and the United Nations as Western Sahara as mandated by previous relevant African Union decisions;
7. **WELCOMES** the cooperation of the Government of the State of Libya with the ACHPR concerning the dispatch of a fact-finding mission to investigate allegations of violations of the human rights of African migrants in Libya, and **CALLS ON** the ACHPR to undertake the mission as soon as possible;

8. **CALLS ON** the Commission to expedite the establishment of the Support Group for the Republic of The Gambia on the construction of the ACHPR Headquarters in line with Executive Council Decision EX.CL/Dec.1045(XXXIV);
9. **ALSO CALLS ON** the Chairperson of the Commission to take the necessary measures to expedite recruitment to the various unfilled positions at the ACHPR Secretariat, in accordance with the approved structure;
10. **URGES** the Commission and the ACHPR to expedite the processes for organizing the Annual PRC-ACHPR Follow-Up Joint Retreat before November 2019, with a view to continue to improve the collaboration and working relationship between the two Organs, based on the outcomes of the Nairobi Retreat held in June 2018, as well as, the provisions of Decisions EX.CL/Dec.1015(XXXIII) and EX.CL/Dec.1041(XXXI);
11. **EXPRESSES ITS APPRECIATION** to the Arab Republic of Egypt for hosting the 64th Ordinary Session of the ACHPR held in May 2019, in Sharm El- Sheikh, Egypt, and the excellent facilities accorded to all participants during the Session;
12. **WELCOMES** the offer by the Republic of Rwanda to host the Ordinary Session of the ACHPR in October 2020, as well as the offers by the Kingdom of Lesotho, the Kingdom of Eswatini and the Republic of Malawi, to host future Ordinary Sessions; and **CALLS ON** Member States, particularly those that have not yet done so, to consider hosting one of the Sessions of the ACHPR;
13. **DECIDES** to adopt the 46th Activity Report of ACHPR and **AUTHORISES** its publication subject to correction of factual information and to circulate the corrected version prior to circulation; and in that regard **REQUESTS** State Parties to submit, within fourteen (14) days of the date of the circulation of the corrected version of the Activity Report, their written observations on the Activity Report, to be annexed thereto upon its publication.

**DECISION ON THE REPORT OF THE MINISTERIAL COMMITTEE ON THE
IMPLEMENTATION OF AGENDA 2063 - Doc.EX.CL/1165(XXXV)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Sixth Meeting of the Ministerial Committee on Agenda 2063 and **ENDORSES** the recommendations contained therein;
2. **ENCOURAGES** the Ministerial Committee on Agenda 2063 to continue with its efforts to revitalize itself to ensure effective follow-up on the implementation of Agenda 2063, including by observing due attendance during its meetings;
3. **CALLS UPON** the STCJLA to examine the draft Rules of Procedure for their subsequent submission to the Executive Council for further consideration and adoption.
4. **REQUESTS** the Commission to:
 - i) continue leading the prioritization exercise of the Flagship Projects with appropriate consideration of issues relating to infrastructure, financing, and associated legal instruments for efficient execution and sustainability of the projects;
 - ii) work closely with Member States, AfDB, RECs and other Partners to mobilize resources for the rolling out of the integrated M&E Framework;
 - iii) collaborate with UN agencies to implement the Joint AU-UN Framework on the Joint Implementation of the Agenda 2063 and 2030 Agenda, including the integrated reporting;
 - iv) conduct midterm review and categorization of flagship projects of Agenda 2063 FTYIP as recommended by the Ministerial follow up committee on the implementation of Agenda 2063 and report the outcome to the latter by July 2020 in collaboration with AUDA-NEPAD;
 - v) report to the Executive Council on the implementation of Decisions EX.CL/Dec.998(XXXII) and Ext/EX.CL/Dec.1(XX) in relation to the proposal to establish a fully-fledged Division on Agenda 2063 to coordinate the work of the Ministerial Follow-up Committee on the Implementation of Agenda 2063 and the Flagship Projects mindful of the ongoing structural reforms within the Commission.
 - vi) compile the practice and lessons learnt from champions of African strategic initiatives and submit proposals to the Ministerial Committee on Agenda 2063 on the appointment of champions of the Flagship projects;

- vii) continue the domestication of Agenda 2063 in the remaining Member States and intensify follow up efforts to those already domesticated.



**DECISION ON THE REPORT OF THE MINISTERIAL COMMITTEE ON
CANDIDATURES WITHIN THE INTERNATIONAL SYSTEM - Doc.EX.CL/1166(XXXV)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Ministerial Committee on African Candidatures within the International System;
2. **ENDORSES:**
 - (i) ***For Membership of the United Nations Human Rights Advisory Committee, for the period 2019-2022***, the candidature of:
 - ***Professor Lazhari Bouzid*** of the People's Democratic Republic of Algeria
 - (ii) ***For Membership of the Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)***, during elections scheduled for 3 October 2019 in Geneva, the candidature of:
 - ***Ms. Ines Laurenda Hadonou-Toffoun*** of the Republic of Bénin
 - (iii) ***For Membership of the Council of the International Maritime Organization, Under Category C***, during elections scheduled from 25 November to 6 December 2019, in London, United Kingdom, the candidatures of:
 - ***the Republic of Liberia***
 - ***the Federal Republic of Nigeria***
 - (iv) ***For the Post of Vice Chairman of the Bureau of the Commission for Africa of the World Tourism Organization (UNWTO) for the period 2019-2021***, during elections scheduled for September 2019 at the 23rd Session of the UNWTO General Assembly in Saint Petersburg, Russian Federation, the candidature of:
 - ***the People's Democratic Republic of Algeria***
 - (v) ***For Membership of the Executive Council of the World Tourism Organization (UNWTO) for the period 2020-2023***, during elections scheduled for the second half of 2019, at the 23rd Session of the UNWTO

General Assembly in Saint-Petersburg, Russian Federation, the candidatures of:

- ***the Kingdom of Morocco***
- ***the People's Democratic Republic of Algeria***

(vi) ***For Membership of the Sustainable Development of Tourism Committee (SDTC) of the Secretariat of the World Tourism Organization for the period 2019-2023***, during elections scheduled for the second half of 2019, at the 23rd Session of the UNWTO General Assembly in Saint Petersburg, Russian Federation, the candidatures of:

- ***the People's Democratic Republic of Algeria***
- ***the Republic of Seychelles***

(vii) ***For Membership of the Committee on Statistics and the Tourism Satellite Account of Secretariat of the World Tourism Organization for the period 2019-2023***, during elections scheduled for September 2019, at the 23rd Session of the UNWTO General Assembly in Saint Petersburg, Russian Federation, the candidatures of:

- ***the People's Democratic Republic of Algeria***
- ***the Republic of Seychelles***

(viii) ***For Membership of the UNESCO World Heritage Committee, for the period 2020-2023***, during elections scheduled for November 2019 in Paris, France, the candidatures of:

- ***the Federal Democratic Republic of Ethiopia***
- ***the Republic of Mali***

(ix) ***For Membership of the Council of Administration of the Universal Postal Union (UPU), for the period 2020-2024***, during elections scheduled for August 2020, in Abidjan, Côte d'Ivoire, the candidature of:

- ***the Republic of Tunisia***

(x) ***For Membership of the Postal Operations Council of the Universal Postal Union, for the period 2020-2024***, during elections scheduled for August 2020, in Abidjan, Côte d'Ivoire, the candidature of:

- ***the Republic of Tunisia***

(xi) ***For Membership of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (ICPRCP), for the period 2019-2023***, during elections scheduled for November 2019 in Paris, France, the candidature of:

- ***the Arab Republic of Egypt***

(xii) ***For Membership of the United Nations Human Rights Council for the period 2020-2022***, during elections scheduled for September 2019, in New York;

- ***the Islamic Republic of Mauritania***

(xiii) ***For Membership of the United Nations Human Rights Council for the period 2021-2023***, during elections scheduled for 2020, at the 75th Ordinary Session of the United Nations General Assembly, in New York;

- ***the Republic of Côte d'Ivoire***

(xiv) ***For Membership of the Executive Board of UNESCO for the period 2019-2023***, during elections to be held at the UNESCO General Conference in Paris, France, in November 2019;

- ***the Republic of Ghana***

3. **ALSO ENDORSES** ***the Southern African Region for the post of Secretary General of the Africa, Caribbean and Pacific Group (ACP) for the period 2020-2025***, **AND REFERS** the Region to designate a candidate to fill the post and inform the African Group in Brussels, Belgium, accordingly to take necessary action prior and during the elections scheduled for December 2019 ;

4. **DECIDES** to suspend the endorsement of the Republic of Sudan for Membership of the United Nations Human Rights Council for the period 2020-2022 and for Membership of the International Civil Aviation Organisation (ICAO) for the period 2019 - 2022;

5. **ALSO DECIDES** to delegate the PRC to consider the candidatures for the post of **Judge at the International Court of Justice** for the period 2021-2030 and to endorse the African candidature to that post by November 2019;

6. **FURTHER DECIDES** to delegate the **PRC** to consider the candidatures of the Republic of Kenya and the Republic of Djibouti for the post of Non-Permanent

Member of the United Nations Security Council for the period 2021-2022 and to endorse the African candidature to that post by November 2019;

7. **RECALLS** Decision EX.CL/Dec.1021(XXXIII), which *“recommends that Ambassadors of Member States of the Ministerial Committee of African Candidatures within the International System set up the Sub-Committees on Candidatures, the establishment of which was decided by the Executive Council”*, and in this context delegates the Permanent Representatives of Member States of the Ministerial Committee on Candidatures within the International System, to consider candidatures to posts within the international system;.
8. **TAKES NOTE** of the revised Rules of Procedure of the Ministerial Committee on Candidatures within the International System and refers it to Member States for their inputs to be submitted by 1 September 2019, then to the STCJLA prior to its inclusion on the agenda of the February 2020 Ordinary Session.



**DECISION ON THE REPORT OF THE MINISTERIAL COMMITTEE ON THE
CHALLENGES OF RATIFICATION/ACCESSION AND IMPLEMENTATION OF THE
OAU/AU TREATIES, Doc. EX.CL/1167(XXXV)**

The Executive Council,

1. **ADOPTS** the Progress Report of the Ministerial Committee on the Challenges of Ratification/Accession and Implementation of OAU/AU Treaties and the recommendations contained therein;
2. **COMMENDS** Member States for the signature and ratification/accession rate to OAU/AU Treaties during the period January to December 2018 and for speedily ratifying/acceding to the AfCFTA, which entered into force in May 2019;
3. **ALSO COMMENDS** the Commission for the promotional work on OAU/AU Treaties and the consequential high rate of signatures, and ratifications/accessions;
4. **APPEALS** to Member States who have not yet done so, to:
 - a) establish National Sectorial Committees (NSCs) on the Challenges of ratification/accession and Implementation of OAU/ AU Treaties which will serve as national focal points to communicate information to the Ministerial Committee, through the Commission, on efforts made and challenges faced by each Member State in relation to the ratification of/accession to OAU/AU Treaties, as well as implementation;
 - b) respond to the Commission on their request for information on NSCs to enable the Commission compile statistics on Member States which have established NSCs and which ones have not.
5. **COMMENDS** the Ministerial Committee and the Commission for the Draft Plan of Action to Accelerate Ratification/Accession and Implementation of OAU/AU Treaties and for the Draft Guidelines on the Modalities for Setting up, Liaising and Engaging with the NSC.
- 6 **ENDORSES:**
 - a) the Plan of Action to Accelerate Ratification/Accession and Implementation of OAU/AU Treaties;
 - b) the Guidelines on the Modalities for Setting up, Liaising and Engaging with the NSCs.

7. **ENCOURAGES** Member States to implement the Plan of Action to Accelerate Ratification/Accession and Implementation of OAU/AU Treaties and the Guidelines on the Modalities for Setting up, Liaising and Engaging with the NSCs, where applicable;
8. **DECIDES** to extend the Treaty Signing Week to the whole month of December, every year;
9. **REQUESTS** AU Organs and the Commission in particular, to:
 - a. ensure that zero draft treaties are elaborated in a technically correct and coherent manner;
 - b. dedicate sufficient time to the AU treaty making process and to encourage consensus building among Member States through adequate consultations; and
 - c. convene a meeting of the Member States Multi-Steering Experts to develop AU Guidelines on Treaty Making and to review all the overlapping OAU/AU treaties and to submit them to the STCJLA for consideration in readiness for adoption by the relevant policy organ;
10. **ENCOURAGES** Member States that have not ratified some treaties to forward relevant information to the Commission on the challenges that have prevented them from ratifying those treaties;
11. **REQUESTS** the Commission to submit a progress report on the implementation of this decision to the 36th Ordinary Session of the Executive Council in February 2020.



DECISION ON THE 2020 AFRICAN UNION BUDGET

The Executive Council,

1. **TAKES NOTE** of the Report of the Joint Sitting of the PRC Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters, Sub-Committee of Programs and Conferences and the F15's Committee of Experts as well as observations made by Member States;
2. **APPROVES** a total budget of **US\$647,379,441** for the AU for the year 2020 of which **US\$246,959,713** is to be assessed on Member States **(38%)**, **US\$392,219,728** from Partners **(61%)** and **US\$8,200,000** from the 1993 legacy Peace Fund **(1%)**. This is further broken down as follows:
 - i) Regular budget of **US\$374,257,929** broken down as follows:
 - a) Operating budget of **US\$157,264,330** fully funded by Member States;
 - b) Programme Budget of **US\$216,993,599** to be financed as follows:
 - **US\$89,695,382 (41%)** assessed on Member States; and
 - **US\$127,298,216 (59%)** to be solicited from international partners;
 - ii) Peace Support Operations with a total budget of **US\$273,121,512** to be financed as follows:
 - a) **US\$8,200,000** to be dedicated to death and disability compensation for the AMISOM contingent, to be drawn from the old Peace Fund assessed on Member States;
 - b) **US\$264,921,512** to be solicited from international partners;
3. **ALSO APPROVES** a supplementary budget of **\$350,000** for the Office of the Secretary General of the Commission for the 2019 financial year to be funded from the Reserve Fund as follows:
 - i) **\$230,221** to cover the additional costs for the PRC/AUC retreat held from 29 to 30 April 2019 in Tunis, Tunisia; and
 - ii) **\$119,810** to cover the costs for the Niamey Summit from 4 to 8 July 2019.

Organs	Member States			Partners		Total Budget 2020		
	Operating	Programs	Total	Programs	Total	Operating	Programs	Total
AUC	101,485,925	41,380,040	142,865,965	107,401,598	107,401,598	101,485,925	148,781,638	250,267,563
PAP	10,546,203	5,286,974	15,833,177	575,000	575,000	10,546,203	5,861,974	16,408,177
AfCHR (The Court)	8,294,536	4,994,331	13,288,867			8,294,536	4,994,331	13,288,867
ACHPR (The Commission)	6,053,710		6,053,710			6,053,710		6,053,710
ECOSSOC	1,770,000	1,797,004	3,567,004			1,770,000	1,797,004	3,567,004
NEPAD	10,633,354	10,000,000	20,633,354	9,000,000	9,000,000	10,633,354	19,000,000	29,633,354
AUCIL	369,751	315,116	684,867			369,751	315,116	684,867
Advisory Board on Corruption	1,896,849	1,081,187	2,978,036			1,896,849	1,081,187	2,978,036
Peace & Security Council		1,316,323	1,316,323				1,316,323	1,316,323
ACERWC	1,348,441	599,157	1,947,598			1,348,441	599,157	1,947,598
SPECIALIZED OFFICES								
AFREC	1,083,114		1,083,114			1,083,114		1,083,114
IPED	481,891		481,891			481,891		481,891
CIEFFA	769,538		769,538			769,538		769,538
PAU	3,340,575	15,552,610	18,893,185	1,743,387	1,743,387	3,340,575	17,295,997	20,636,572
AIR	265,939		265,939	1,761,747	1,761,747	265,939	1,761,747	2,027,686
ACDC	2,971,148	3,217,882	6,189,030	6,816,484	6,816,484	2,971,148	10,034,366	13,005,514
AOSTI	706,871		706,871			706,871		706,871
AFRIPOL	898,450		898,450			898,450		898,450
APRM	2,836,818	4,154,758	6,991,576			2,836,818	4,154,758	6,991,576
SPORT COUNCIL	1,218,129		1,218,129			1,218,129		1,218,129
ASRIC	293,090		293,090			293,090		293,090
TOTAL before PSOs	157,264,330	89,695,382	246,959,713	127,298,216	127,298,216	157,264,330	216,993,599	374,257,929
PEACE OPERATIONS								

AMISOM	8,200,000		8,200,000	247,717,628	247,717,628	8,200,000	247,717,628	255,917,628
MNJTF				10,506,716	10,506,716		10,506,716	10,506,716
Gambia (LRA discontinued)				1,191,450	1,191,450		1,191,450	1,191,450
HRMOM				5,505,718	5,505,718		5,505,718	5,505,718
Total Peace Support	8,200,000	-	8,200,000	264,921,512	264,921,512	8,200,000	264,921,512	273,121,512
TOTAL	165,464,330	89,695,382	255,159,713	392,219,728	392,219,728	165,464,330	481,915,111	647,379,441

4. **FURTHER APPROVES** Technical Assistance³ granted by international partners, amounting to **US\$5,533,615**;
5. **AUTHORIZES** the Commission to mobilize resources from International Partners for activities under funding gap to a total of **US\$18,158,251** till 30 December 2019 for the approval of the PRC. Thereafter, the activities without funding will be removed from the budget in compliance with Golden Rule 3, which provides for a balanced budget;
6. **DIRECTS** that all partner Funds, including those secured under the gap from Partners, its terms and conditions should be presented to the Policy Organs for approval;
7. **DECIDES** that Pass-through Funds will remain part of the total Budget of the Union but will be excluded from the budget ceilings; and **DECIDES** that for the year 2020, the Pass-through funds shall be \$27,033,758;
8. **TAKES NOTE** of the increased burden on Member States due to the application of the new scale of assessment for year 2020-2022 and **DECIDES** that the Member States assessment for year 2021 shall not exceed US\$250,000,000;
9. **NOTES** with great concern the violation in implementing Golden Rule number 4 with reference to the 2020 Budget and **DEMANDS** that the Programme Budget for 2021 shall be increased, as soon as possible, to at least 62% of the total AU Budget;
10. **CALLS UPON** the Commission to make all necessary arrangements to get firm funding confirmation from Partners prior to engaging with Member States on budget so as to avoid future budgets with funding gaps in line with Golden Rule number two (2);

24. ³ Technical Assistance is a support in-kind from development partners to the African Union in the form of providing experts for example

11. **EMPHASIZES** that the Commission and all other AU Organs/Specialized offices/Regional Offices and AU Institutions should submit performance reports for the preceding year as a pre-condition to consider their budget and release the allocation of their funds to implement the activities;
12. **DECIDES** to condition/commensurate the release of budget of the AU Commission, other Organs and Institutions on the execution rate of the budget and the percentage of audit recommendations implementation;
13. **RECOMMENDS** that from 2020 substantial funds under Conflict Management and capacity building in the Peace and Security Department Budget be allocated to conflict prevention and early warning activities;
14. **NOTES WITH CONCERN** the significant financial implications of relying on freelance translators and interpreters and **REQUESTS** the Commission to put in place measures to recruit regular contracted translators and interpreters to save on costs;
15. **DIRECTS** the Commission to:
 - a. Procure the services of an independent consultant/audit firm to perform an independent forensic audit on:
 - (i) the utilization of administrative fees/costs it receives for managing Partner funds; and
 - (ii) the utilisation, status and balance of the 1993 Peace Fund;
 - b. Submit the Report to the Policy Organs by February 2020.
16. **ALSO DIRECTS** that the independent audit be reviewed by the BoEA. **REQUESTS** that Member States be actively involved in the preparation of the Terms of Reference;
17. **FURTHER DIRECTS** that all AU activities relating to communications shall be managed by the Department of Information and Communication;
18. **RECALLS** Decision EX.CL/Dec.1049(XXXIV) requesting the Commission, in collaboration with ACBF, to assess the annual financial contribution that the AU could make to the operation of the ACBF and **DIRECTS** the Commission to report to the Executive Council by February 2020;
19. **DIRECTS** the Commission when holding meetings outside the Headquarters to take into consideration the principles of cost efficiency, equity and regional rotation as well as on the basis of full board with negotiated preferential rates between Member States and the AU, in line with the AU Travel Policy.

**DECISION ON THE ELECTION OF FOUR (4) MEMBERS OF THE AFRICAN UNION
ADVISORY BOARD ON CORRUPTION (AUABC)
Doc. EX.CL/1175(XXXV)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Commission on the Election of the Four (4) Members of the AU Advisory Board on Corruption (AUABC);
2. **ELECTS** the following Members of the AUABC for a **two (2) - year term**:

NO	NAME	COUNTRY	REGION	GENDER
1	KIBONGUI-SAMINOU MOUGEMBA Anne-Marie Rose	Congo	Central	F
2	SEJA Sabina	Tanzania	Eastern	F
3	AIT CHAALAL Hocine	Algeria	Northern	M
4	KIMEU Samuel Mbithi (floating seat)	Kenya	Eastern	M

3. **APPOINTS** the elected Members of AUABC for a **two (2)-year term**, in exercise of delegated authority from the Assembly as per Decision Assembly/AU/Dec.743 (XXXII).

DECISION ON THE REPORT OF MINISTERIAL COMMITTEE ON SCALE OF ASSESSMENT AND CONTRIBUTIONS

The Executive Council,

1. **TAKES NOTE** of the Report of the Ministerial Committee on Scale of Assessment and Contributions;
2. **RECALLS** Decision EX.CL/Dec.1001(XXXII)Rev.1, adopted the 32nd Ordinary Session, held in January 2018, in Addis Ababa, Ethiopia, which requested the Commission to put in place, in collaboration with the Ministerial Committee, a mechanism for consultation and interaction with Member States that have difficulties in paying their contributions, with a view to understanding the problems and undertaking missions to the Member States concerned, so as to reach an agreement that will enable them to fulfil their financial obligations *vis-à-vis* the AU;
3. **FURTHER RECALLS** Decision Ext/Assembly/AU/Dec.3(XI), adopted at the 12th Extraordinary Session of the Executive Council, held in Addis Ababa, Ethiopia, in November 2018, which adopted a strengthened Sanctions Regimes for implementation as of July 2019;
4. **COMMENDS** Member States that are up-to-date in the payment of their contributions, including the Central African Republic, for clearing their arrears, and **URGES** Member States who have not yet done so to pay their assessed contributions in fulfilment of their financial obligations to the Union;
5. **MANDATES** the Commission to hold consultations with Member States on the elaboration of modalities for implementation of the strengthened Sanctions Regime and to submit a report by February 2020;
6. **DECIDES** to lift the sanctions previously imposed on the Central African Republic and **MAINTAINS** the sanctions imposed on Guinea Bissau;
7. **DECIDES** to, taking into account the security and political situation, withhold the imposition of sanctions on Somalia and Libya, and in this regard, **REQUESTS** the Commission to consult with the two countries to agree on a repayment plan to clear the arrears as soon possible, within four (4) years from the adoption of this Decision;
8. **REITERATES** that, in accordance with Decision Ext/Assembly/AU/Dec.3(XI) of November 2018, Member States experiencing force majeure circumstances making them temporarily unable to pay their assessed contributions, shall notify the Assembly for consideration;

9. **REQUESTS** the Commission to expedite implementation of financial and budgetary reforms including the introduction of a multi-year planning and budgeting (3-year rolling), which will ultimately assist Member States plan ahead their contributions to the Union.



DECISION ON WORLD TRADE ORGANISATION (WTO) DIRECTOR GENERAL SELECTION

The Executive Council,

1. **RECOGNIZES** the unique mandate of the WTO as one of the key pillar of the global economic architecture;
2. **REAFFIRMS** the principles that guides Africa's continued engagement in the WTO negotiations;
3. **BEARING IN MIND** that since the GATT (1948), which is the predecessor of the WTO, no African has occupied the post of Director General in the WTO;
4. **REAFFIRMS** the commitments to achieve the objectives of the African Union's Agenda 2063: the Africa We Want, through a rules-based governance system established by the AfCFTA;
5. **WELCOMES** the entry into force of the AfCFTA on 30 May 2019, which will be officially launched during the 12th Extraordinary Summit of the Assembly of the Union, to be held on 7 July 2019 in Niamey, Niger;
6. **STRONGLY RECOMMENDS** that the WTO Director General be from Africa;
7. **CALLS ON** the AU Member States to consider presenting competent candidates to the AU Ministerial Committee on Candidatures in the International System for the position of WTO Director General by 30 November 2019, with a view to endorsing one candidate during the February 2020 Ordinary Session;
8. **MANDATES** the African Group in Geneva, in consultation with the Commission, to take all the necessary actions in order to promote the African candidate after his/her endorsement by the relevant Policy Organs;
9. **REQUESTS** the Commission to report on this matter to the 36th Ordinary Session of the Executive Council in February 2020.

Annex 1

**REVISED ROADMAP
PROCESS OF CONSULTATIONS AND VALIDATION OF THE DEPARTMENTAL
STRUCTURE OF THE AU COMMISSION**

1. The Commission to circulate once again, to all Member States by 20 July 2019, the proposed departmental structure together with its Executive Summary as well as all versions of reports talking to Structural reviews of the African Union Commission for their inputs by 15th September 2019.
2. The Commission shall remind the Member States to submit their inputs on the proposed departmental structure of the Commission latest by 15th September 2019 following their consultations with their respective capitals.
3. The Joint meeting of the Sub-Committee on Structural Reforms and Sub-Committee on General Supervision and Coordination on Financial, Budgetary and Administrative Matters shall convene, in October 2019, with the view to engage on the inputs of Member States in order to forge a consensus on the proposed Structure of the African Union Commission and its Regional, Representational and Technical Offices.
4. Based on the forged consensus, the Commission in collaboration with the Bureaus of the Joint PRC Sub-committees, will amend the proposed structure accordingly to re-submit to the Joint Meeting of the PRC Sub-Committees before 30th of October 2019.
5. The Joint meeting of the Sub-Committee on Structural Reforms and Sub-Committee on General Supervision and Coordination on Financial, Budgetary and Administrative Matters shall present its report to the PRC by 15th November 2019 for Submission to the Ordinary Session of the Executive Council in February 2020.



Annex 2

**PROVISIONAL RULES OF PROCEDURE
OF THE DRAFTING COMMITTEE**

The Executive Council,

Having regard to the Constitutive Act of the African Union adopted in July, 2000;

Having regard to Decision Assembly/AU/Dec.745(XXXII) XXXII), adopted in February 2019, regarding the re-establishment of the Drafting Committee at Ambassadorial level;

HAS ADOPTED THESE RULES OF PROCEDURE :

Rule 1

Re-establishment and Composition

1. The Drafting Committee is hereby re-established at the Ambassadorial level.
2. The Drafting Committee shall consist of fifteen (15) members as follows:
 - a) the five (5) members of the Bureau of the Union; and
 - b) two (2) Member States from each region. To be transmitted from each region

Rule 2

Mandate and Function

The mandate and function of the Drafting Committee shall be to:

- a) validate draft decisions of the Executive Council and the Assembly submitted by the Commission and other AU Organs and finalize them by incorporating therein any amendments that may have been adopted;
- b) verify the the accuracy of the content of the decisions with the deliberations and conclusions of the Executive Council and the Assembly.

**Rule 3
Tenure**

The tenure of the Drafting Committee shall be one (1) year.

**Rule 4
Meetings**

1. The meetings of the Drafting Committee shall be convened by its Chairperson.
2. The Drafting Committee shall hold its meetings at the side-lines of the meeting of PRC, Executive Council and Assembly.

**Rule 5
Agenda and Working Documents**

The agenda and working documents of the meetings of the Drafting Committee shall be limited to consideration of draft decisions of the Executive Council and the Assembly.

**Rule 6
Chairperson**

1. The Chairperson of the Drafting Committee shall be the Chairperson of the PRC.
2. In case of absence, the Chairperson may delegate any Member of the Bureau of the African Union.

**Rule 7
Duties of the Chairperson**

1. The Chairperson shall:
 - a) preside over all the meetings of the Drafting Committee;
 - b) open and close the meetings of the Drafting Committee;
 - c) submit for approval the records of the sessions;
 - d) guide the deliberations of the meetings;
 - e) submit to a vote, where required, matters under discussion and announce the results of the vote taken;
2. The Chairperson shall ensure order and decorum during the proceedings of the meeting.

3. In between sessions, the Chairperson, in consultation with the Chairperson of the Commission, shall ensure the timely publication of the Decisions adopted by the Policy Organs.

Rule 8
Quorum

The quorum for meetings shall be two-thirds of the members of the Drafting Committee.

Rule 9
Working Languages

The working languages of the Drafting Committee shall be the working languages of the African Union.

Rule 10
Secretariat

The Commission shall be the Secretariat of the Drafting Committee.

Rule 11
Decision Making

The Drafting Committee shall adopt its decisions by consensus, failing which, by a two-third majority.

Rule 12
Amendments

Any Member State may propose amendments to these Rules of Procedure.

Rule 13
Entry into Force

1. These Rules of Procedure shall enter into force upon adoption by the Executive Council of the African Union.
2. Amendments to these Rules of Procedure shall enter into force upon their adoption by the Executive Council of the African Union.