

AFRICAN UNION

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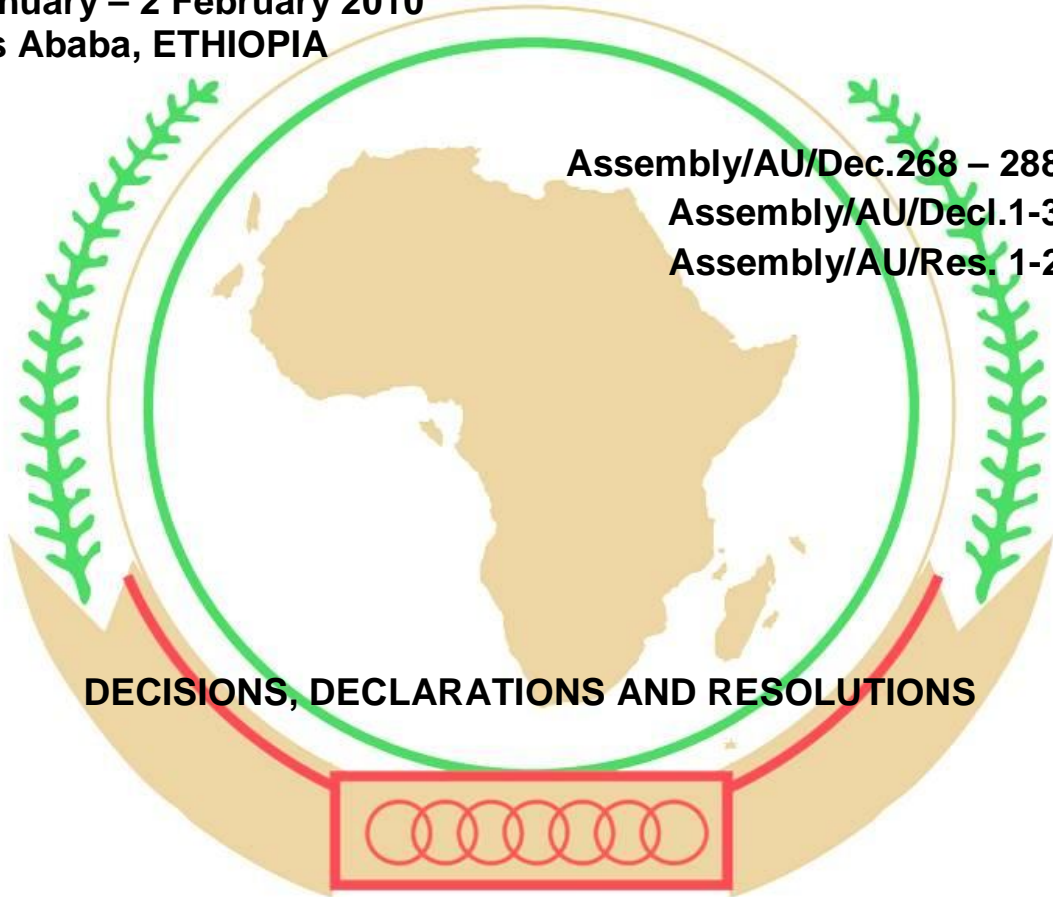
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ASSEMBLY OF THE AFRICAN UNION

Fourteenth Ordinary Session

31 January – 2 February 2010

Addis Ababa, ETHIOPIA



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**DECISION ON THE REPORT OF THE PEACE AND SECURITY COUNCIL
ON ITS ACTIVITIES AND THE STATE OF PEACE AND SECURITY IN AFRICA
Doc. Assembly/AU/3(XVI)**

The Assembly,

1. **TAKES NOTE** of the Report of the Peace and Security Council on its Activities and the State of Peace and Security in Africa;
2. **RECALLS** the Tripoli Declaration on the Elimination of Conflict and the Promotion of Sustainable Peace in Africa [SP/ASSEMBLY/PS/DECL (1)] and the Plan of Action [SP/ASSEMBLY/PS/MAP], adopted at its Special Session held in Tripoli, Great Libyan Arab Jamahiriya, on 31 August 2009;
3. **WELCOMES** efforts by the African Union (AU) and the Regional Economic Communities (RECs), with the support of the international community, for the effective establishment of the continental Peace and Security Architecture, as well as for the prevention and resolution of conflicts and the consolidation of peace. The Assembly **NOTES WITH SATISFACTION** the progress made in this regard and **URGES** all stakeholders to persevere in their efforts and work towards the effective implementation of the Tripoli Plan of Action;
4. **EXPRESSES CONCERN** over the impasse in the implementation of the Maputo Agreement of 8 and 9 August 2009, and the additional Act of Addis Ababa of 6 November 2009, for the return to constitutional order in Madagascar. The Assembly **NOTES** the crisis-exit proposals presented to the Malagasy Parties by the Chairperson of the Commission on 20 and 21 January 2010 in Antananarivo. The Assembly **ALSO URGES** the AU and the Southern African Development Community (SADC) to continue to work together with relevant continental, regional and international institutions in assisting the negotiation process in Madagascar;
5. **REITERATES** the importance of SADC in continuing to lead the mediation process in the country, given its regional responsibilities and comparative advantages, as well as the role of H.E. Joaquin Chissano, former President of Mozambique, as facilitator. **REQUESTS** the Peace and Security Council (PSC) to meet at the appropriate time to review the situation and take steps required, on the basis of the relevant AU instruments;

6. **WELCOMES** the continuing efforts to consolidate the national reconciliation process in The Comoros and the promotion of stability, including the holding of elections to the National Assembly and to the Councils of the three autonomous islands on 6 and 20 December 2009, and **ENCOURAGES** the Comorian parties, particularly the Union authorities, to pursue a consensual approach in the implementation of institutional reforms introduced by the new Constitution adopted by referendum on May 17 2009, in order to preserve the achievements made;
7. **REAFFIRMS** the AU's full support to the Transitional Federal Government (TFG) of Somalia and its efforts towards the implementation of the Djibouti Peace Process; **REITERATES ITS STRONG CONDEMNATION** of the continued attacks and other terrorist acts being perpetrated against the TFG, the Somali people and the African Union Mission in Somalia (AMISOM) by the armed groups bent on undermining the peace and reconciliation process, as well as the actions of Al Shabaab to deny the needy population access to humanitarian aid and services;
8. **WELCOMES** the adoption, by the United Nations (UN) Security Council on 23 December 2009, of resolution 1907(2009), which imposes sanctions on Eritrea, namely an arms embargo, travel restrictions and a freeze on the assets of political and military leaders for, among other things, providing political, financial, and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability;
9. **STRESSES** the need to pursue vigorously the effective implementation of Resolution 1907 (2009); **CALLS UPON** the UN Security Council Sanctions Committee to urgently designate the relevant Eritrean military and political leaders and other persons and entities as required, to allow for an effective sanctions regime to be implemented, and **URGES** the Security Council to speedily act on its earlier request for the imposition of a no-fly zone and the blockade of sea ports to prevent the entry into Somalia of foreign elements and the supply of logistical and other support to the insurgency;
10. **REITERATES ITS APPRECIATION** to the Troop Contributing (namely, Burundi and Uganda) and Police Contributing Countries to AMISOM, and **WELCOMES** the pledge by Djibouti to contribute forces to AMISOM, as well as the pledge by Burundi and Uganda to each deploy one additional battalion, and **REITERATES ITS CALL** to Member States to provide the troops required for AMISOM to reach its authorized strength. The Assembly **STRESSES** the need for predictable, reliable and timely provision of resources to the AU by all partners, and **REITERATES ITS CALL** to the Security Council to take the necessary steps for the United Nations to play a role commensurate with the gravity and complexity of the situation on the ground;

11. **EXPRESSES CONCERN** at the continued impasse in the peace process between Ethiopia and Eritrea and **REITERATES** the readiness of the AU to assist the two countries to overcome, through dialogue the current stalemate, normalize their relations and lay the foundation for a comprehensive and durable peace between them;
12. **REITERATES** its earlier decisions on the relations between Djibouti and Eritrea, and its grave concern at the total absence of progress regarding the implementation by Eritrea of these decisions, as well as of resolution 1862 (2009) and 1907 (2009), and **URGES** Eritrea to urgently and fully comply with the demands contained therein;
13. **WELCOMES** the remarkable progress in the peace process in Burundi, and **URGES** all Burundian parties to continue their efforts, including working to create conditions conducive to the organization and holding of general elections between May and September 2010. The Assembly **ALSO WELCOMES** the improved security situation in eastern Democratic Republic of Congo (DRC) and the continuing efforts to consolidate peace in the country and to strengthen relations between the DRC and Rwanda. The Assembly **REITERATES ITS CALL** to the international community to provide the support required for post-conflict reconstruction and peace building in Burundi and DRC, and in this respect, **WELCOMES** the Multidisciplinary Assessment Mission deployed by the AU Commission to these two countries within the framework of monitoring the implementation of relevant decisions of the PSC and the Tripoli Plan of Action;
14. **NOTES** that The Sudan will hold national elections in April 2010 and the referendum on self determination for Southern Sudan in January 2011; **REITERATES** its full support to The Sudan and hails the steps taken thus far to ensure free and fair elections. The Assembly **FURTHER NOTES** with satisfaction the progress made in the humanitarian and security situation in Darfur and **CALLS FOR** the intensification of efforts so as to reach a lasting political settlement to allow Darfurians to participate fully in the upcoming elections;
15. **ALSO NOTES** the need to intensify current initiatives to assist the people of The Sudan to achieve lasting peace and stability. In this regard, the Assembly **URGES** Member States, the Commission and international partners to support and cooperate with these initiatives, including the AU Ministerial Committee on Post-Conflict Reconstruction and Development (PCRD) in The Sudan.
16. **WELCOMES** the report of the AU High Level Panel on Darfur (AUPD), and the recommendations contained therein, which provide a clear and sound Road Map for achieving peace, justice, reconciliation and healing in Darfur, and thereby contribute to the overall objective of promoting sustainable peace and stability in The Sudan, **ENDORSES** the communiqué adopted in this respect by the PSC at its

207th meeting held in Abuja, Nigeria, on 29 October 2009, and **REITERATES** that the AUPD recommendations shall be the basis of AU engagement in Darfur and its interaction with its international partners. The Assembly **EXPRESSES ITS FULL SUPPORT** to the AU High Level Implementation Panel (AUHIP) on Sudan and **STRESSES** the need for all stakeholders to extend full cooperation to the Panel in the discharge of its mandate. In this context, the Assembly **REITERATES** the AU's support to the efforts of the Joint AU/UN Mediation and the facilitation provided by Qatar. The Assembly **EXPRESSES** its appreciation to all African countries, such as Libya, that are contributing to the search for peace in Darfur, in particular the process of unification of the Darfurian movements;

17. **ALSO WELCOMES** the appointment of Professor Ibrahim Gambari as the AU/UN Joint Special Representative and the Head of the United Nations-African Union Mission in Darfur (UNAMID);
18. **FURTHER WELCOMES** the progress made towards appeasement and normalization of relations between Chad and The Sudan, through the signing in N'Djamena, on 15 January 2010, of the Agreement on Normalization between Chad and the Sudan, as well as the Additional Protocol on the Securitization of Borders, and **ENCOURAGES** the two countries to maintain dialogue and implement the commitments made;
19. **NOTES WITH SATISFACTION** the significant progress made in the implementation of the recommendations of the Inclusive Political Dialogue in the Central African Republic (CAR) and **URGES** the Central African stakeholders to persevere in their efforts, particularly by providing the necessary cooperation towards the implementation of the disarmament, demobilization and reintegration programme (DDR) and working towards the establishment of conditions conducive to the holding of the free, fair and transparent legislation and presidential elections slated for April and May this year. The Assembly **APPEALS ONCE AGAIN** to the international community to lend the necessary support for the consolidation of peace, including the implementation of the Programme for the Reform of the Security Sector (RSS), and the socio-economic recovery of the CAR;
20. **URGES** the Ivorian parties to redouble efforts to successfully complete the peace and reconciliation process in their country, including the holding, within the set timeframe, of legislative and presidential elections which will conclude the process aimed at bringing the crisis to an end;
21. **TAKES NOTE** of the ongoing mediation process in Niger and **COMMENDS** the efforts of General Abdulsalami Abubakar, former Head of State of Nigeria and Mediator on the Inter-Nigerien Dialogue. The Assembly **CALLS ON** all parties to fully cooperate with the Mediator, in particular during the upcoming meeting scheduled to be held in Niamey, Niger, on 4 February 2010;

22. **NOTES WITH SATISFACTION** the continued progress being made towards post-conflict reconstruction and peace-building in Liberia, and **URGES** the international community to continue to provide the necessary support to the ongoing efforts. The Assembly **COMMENDS** the Government of Liberia for initiating a process to formulate the best strategy for implementing the final report of the Truth and Reconciliation Commission (TRC);
23. **REITERATES THE FIRM CONDEMNATION** by the African Union of the deliberate massacres and acts of violence perpetrated by elements of the Guinean armed and security forces against unarmed civilians in the Conakry Stadium on 28 September 2009, and **STRESSES** the need to bring to justice the authors of these massacres and those who ordered them, in conformity with the AU principles on combating impunity. The Assembly **WELCOMES** the signing in Ouagadougou, on 15 January 2010, of the Joint Ouagadougou Declaration, under the aegis of President Blaise Compaoré, in his capacity as Mediator of the Guinean crisis, which marks a significant step in the process for the return to constitutional order and the resolution of the crisis in Guinea, in accordance with the relevant AU and ECOWAS decisions. The Assembly **PLEDGES** the commitment of the AU to mobilize support required for the implementation of the Ouagadougou Declaration, and **EXPRESSES ITS APPRECIATION** to President Blaise Compaoré of Burkina Faso for his efforts towards resolving the crisis;
24. **COMMENDS** the work of the International Contact Group (ICG), under the co-chairmanship of ECOWAS and AU, for its ongoing efforts aimed at resolving the crisis in Guinea. In that regard, the Assembly **TAKES NOTE** of the outcome of the most recent meeting of the ICG, held on 26 January 2010, in particular its invitation to the AU, ECOWAS and all AU partners to review the sanctions imposed on Guinea, in the course of the crisis, in light of recent positive developments in that country;
25. **COMMENDS** the return of Mauritania to constitutional order, and the mediation role played by the President of the Republic of Senegal, H.E. Abdoulaye Wade, with the support of the international community, through the International Contact Group on Mauritania under the leadership of the AU. The Assembly **ENCOURAGES** the holding, during the first half of 2010, of a meeting with bilateral and multilateral partners for the purpose of mobilizing financial and economic support for Mauritania, and **FURTHER ENCOURAGES** the Mauritanian parties to fully implement the Dakar Agreement;
26. **NOTES WITH SATISFACTION** the progress made in the process for the stabilization of Guinea Bissau since the presidential elections of June-July 2009, and **REQUESTS** the Chairperson of the Commission, in close collaboration with ECOWAS, to continue to work towards the implementation of the provisions of the Tripoli Plan of Action on Guinea Bissau, particularly those on the reconstruction and reform of the security sector, through the deployment of a joint AU-ECOWAS

Stabilization Mission. The Assembly **URGES** the bilateral and multilateral partners to participate in the Donors Roundtable for Guinea Bissau, scheduled to be held during the first half of 2010, and **APPEALS** to the international community to provide the necessary assistance to the country in the fight against drug trafficking;

27. **WELCOMES** the entry into force, on 15 July 2009, of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), and **LOOKS FORWARD** to the Conference of the States' Parties to the Treaty, scheduled to take place in Addis Ababa, in April 2010, to establish the African Commission on Nuclear Energy. The Assembly **ALSO WELCOMES** the entry into force, in December 2009, of the Non-Aggression and Common Defence Pact, and **ENCOURAGES** the Commission to take all steps required for the implementation of the Pact. The Assembly **NOTES** that these two instruments enrich the AU normative framework for the structural prevention of conflicts;
28. **REQUESTS** the Peace and Security Council, in close collaboration with the Chairperson of the Commission, to spare no effort, within the framework of the Year of Peace and Security, to significantly advance the different peace processes in the Continent and to take the necessary initiatives for more dynamic action in the area of conflict prevention and post-conflict reconstruction.



**DECISION ON THE PREVENTION OF UNCONSTITUTIONAL CHANGES OF
GOVERNMENT AND STRENGTHENING THE CAPACITY OF THE AFRICAN UNION
TO MANAGE SUCH SITUATIONS
Doc. Assembly/AU/4(XVI)**

The Assembly,

1. **TAKES NOTE** of the Report of the Chairperson of the Commission on the Prevention of Unconstitutional Changes of Government and the Strengthening of the Capacity of the African Union (AU) to Manage such Situations;
2. **RECALLS** its previous decisions on the issue of Unconstitutional Changes of Government, particularly Decisions Assembly/AU/Dec. 220(XII) and Assembly/AU/Dec. 253 (XIII) adopted at its Twelfth and Thirteenth Ordinary Sessions held, respectively, in Addis Ababa, from 1 to 4 February 2009, and in Sirte from 1 to 4 July 2009, as well as the Tripoli Declaration on the Elimination of Conflicts in Africa and the Promotion of Sustainable Peace, especially paragraph 8 thereof, adopted by the Special Session of the Assembly of the Union held in Tripoli, Great Libyan Arab Jamahiriya, on 31 August 2009;
3. **REITERATES** the African Union's total rejection of Unconstitutional Changes of Government, and its determination to put a definitive end to this scourge which undermines the progress achieved in the ongoing democratization processes in the Continent and constitutes a threat to peace and security in Africa. To this end, the Assembly **REAFFIRMS** the importance of the Algiers Decisions of July 1999, the Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government adopted by the 36th Ordinary Session of the Assembly of Heads of State and Government of the OAU held in Lomé, Togo, from 10 to 12 July 2000, as well as the relevant provisions of the Constitutive Act of the African Union and the Protocol Relating to the Establishment of the Peace and Security Council;
4. **TAKES NOTE** of the initiatives taken by the Commission to follow up on Decision Assembly/AU/Dec. 253 (XIII), including the consultations with the various stakeholders to seek their views on the issue, including the strengthening of coordination with the AU, and the conclusions of the Peace and Security Council Retreat held in Ezulwini, Swaziland, from 17 to 19 December 2009;

5. **CONSIDERS** that AU is endowed with the instruments required to tackle the scourge of unconstitutional change of Government and that the objective should be to promote the effective implementation of these instruments by, where necessary, refining, enriching and updating them, rather than elaborating new instruments. The Assembly **ALSO EMPHASIZES**, in conformity with the relevant AU instruments, the need for a comprehensive approach to the issue of unconstitutional changes of Government based on zero tolerance for *coups d'Etat* but also for violations of democratic standards, the persistence and reoccurrence of which could result in unconstitutional changes;
6. **ENDORSES** the recommendations contained in the Report of the Chairperson of the Commission and, more specifically, agrees on the following measures:
- i) **Enhancing the effectiveness of AU response to unconstitutional changes and modalities for accompanying transitions:**
 - a) **REITERATES** its appeal to all the Member States concerned to take, without delay, the measures required of them to become parties to the African Charter on Democracy, Elections and Governance, which considerably strengthens the provisions regarding unconstitutional changes of Government, and **REQUESTS** the Commission, working closely with the relevant structures of the Union, particularly the Pan-African Parliament, to pursue and step up its efforts at raising the awareness of all the concerned stakeholders to speed up the entry into force of the Charter;
 - b) **DECIDES** that, in cases of unconstitutional changes of Government, in addition to the suspension of the country concerned, the following measures shall apply:
 - a. non-participation of the perpetrators of the unconstitutional change in the elections held to restore constitutional order;
 - b. implementation of sanctions against any Member State that is proved to have instigated or supported an unconstitutional change in another State;
 - c. implementation by the Assembly of other sanctions, including punitive economic sanctions.

- c) **DECIDES ALSO** that Member States should, upon the occurrence of an unconstitutional change of Government, not recognize the *de facto* authorities; and **CALLS ON** all non-African international bodies, including the United Nations and its General Assembly, to refrain from granting accreditation to such authorities, thus strengthening the automatic suspension measures taken by the AU against those countries in which unconstitutional changes of Government have taken place;
- ii) **Revitalization of the mechanism for structural prevention of Unconstitutional Changes of Government**
- a) **UNDERScores STRONGLY** the importance of the signing and ratification by Member States that have not already done so, of the AU Charter on Democracy, Elections and Governance, and of adhering to the principles of good neighbourliness and non-subversion. With respect to good governance and the rule of law in particular, the Assembly **REITERATES** the need for Member States to uphold the rule of law and abide by their own Constitutions, especially with regard to constitutional reforms, bearing in mind that failure to respect these provisions could lead to situations of tension which, in turn, could trigger political crisis;
- (b) **REQUESTS** the Peace and Security Council, pursuant to the provisions of Article 7(m) of the Protocol Relating to the Establishment of the PSC, which stipulates that this body, in collaboration with the Chairperson of the Commission, shall “follow-up, within the framework of its conflict prevention responsibilities, the progress towards the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, respect for the sanctity of human life by Member States”, to examine regularly progress made in the democratisation processes, on the basis of a report prepared by an independent Rapporteur to be appointed by the Chairperson of the Commission, who will be given the necessary support in terms of personnel and expertise. The Assembly **DECIDES** that, for 2010, Year of Peace and Security in Africa, this review shall be effected by a meeting of PSC at ministerial level;
- (c) **REQUESTS** the Commission to redouble its efforts to ensure the follow-up and effective implementation of the recommendations made by the Panel of the Wise in its Report on the Strengthening of the Role of the African Union in the Prevention, Management and Resolution of Elections-related tensions and violent conflicts in Africa as endorsed by the Thirteenth Ordinary Session of the Assembly of the Union [Document Assembly/AU/6(XIII)]

Rev.1], considering the fact that differences concerning the conduct of an electoral process contribute to the occurrence of an unconstitutional change of Government;

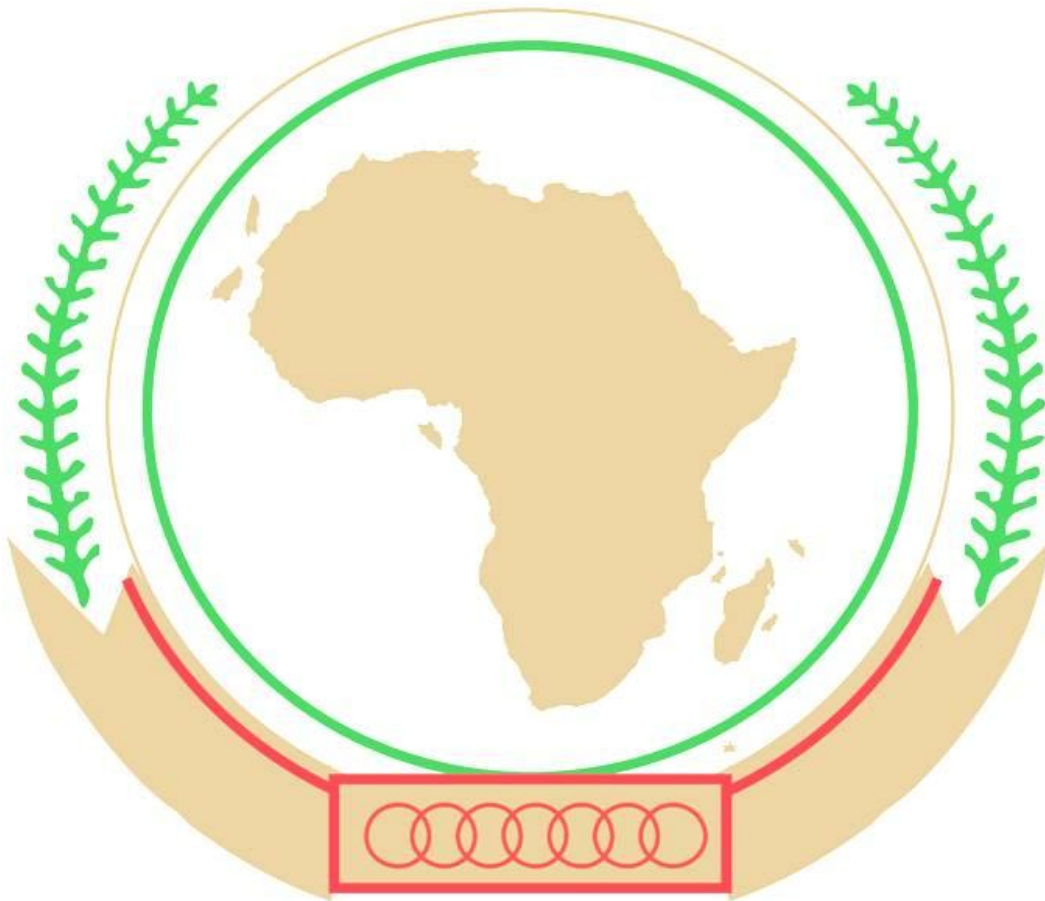
- (d) **UNDERScores** the need to build AU's proactive capacity, through a much more dynamic direct preventive action. In that connection, the Assembly **ENCOURAGES** the Chairperson of the Commission to make full use of the powers conferred on him by the provisions of Article 10 (2b) of the Protocol establishing the PSC and to work, as necessary, with the Panel of the Wise and other eminent African personalities to diffuse tensions and resolve crises which could lead to unconstitutional changes of Government. The Assembly **UNDERScores** the obligation on the part of Member States to provide all the assistance and cooperation required to that end.

(iii) **Coordination at regional and international levels**

- a) **REITERATES** the primacy of the Union's responsibility in the promotion of peace, security and stability in the continent, in accordance with the Protocol relating to the Establishing of the PSC, and **DECIDES**, therefore, that whenever the AU takes a decision on an unconstitutional change of Government, it must do so in close consultation with the Regional Mechanisms for Conflict Prevention, Management and Resolution as provided for under Article 16 of the above referred Protocol. The Regional Mechanisms must conform with the decision thus taken and, in particular, refrain from admitting States suspended from participating in the AU activities. The Assembly **FURTHER DECIDES** that, in discharging its mandate, the PSC should take into account the fundamental role of the RECs and their rules and practices governing unconstitutional changes of government;
- b) **REQUESTS** AU partners, both bilateral and multilateral, including the UN and the European Union, to strongly support the decisions taken by the AU in situations of unconstitutional change of government and to refrain from any action which could undermine the efforts of the AU and send conflicting signals to the perpetrators of unconstitutional changes;
- c) **RECOGNISES** the important role played by International Contact Groups in mobilizing the support of AU partners and the international community as a whole to AU positions on unconstitutional changes of Government, and **ENCOURAGES** the Commission to establish, as and when necessary, such Groups under AU leadership, in order to mobilize the broadest support

possible for decisions taken by the Union in accordance with the relevant instruments of the AU;

7. **REQUESTS** the Chairperson of the Commission to take all necessary measures to follow-up and implement this Decision and to report regularly on efforts deployed to this end.



**DECISION ON THE REPORT OF THE SECOND MEETING OF STATES PARTIES TO
THE ROME STATUTE ON THE INTERNATIONAL CRIMINAL COURT (ICC)
DOC. Assembly/AU/8(XIV)**

The Assembly,

1. **TAKES NOTE** of the Report of the Ministerial Preparatory Meeting on the Rome Statute of the International Criminal Court (ICC) held in Addis Ababa, Ethiopia on 6 November 2009 in conformity with Decision Assembly/AU/Dec.245(XIII) adopted in Sirte, Great Libyan Arab Jamahiraya, in July 2009, to prepare for the Review Conference of States Parties scheduled for Kampala, Uganda in May-June 2010;
2. **ENDORSES** the recommendations contained therein, and in particular the following:
 - I) Proposal for amendment to Article 16 of the Rome Statute;
 - II) Proposal for retention of Article 13 as is;
 - III) Procedural issues: Guidelines for the exercise of prosecutorial discretion by the ICC Prosecutor;
 - IV) Immunities of Officials whose States are not parties to the Rome Statute: the relationship between articles 27 and 98; and
 - V) Proposals regarding the crime of aggression.
3. **REITERATES** its commitment to fight impunity in conformity with the provisions of Article 4(h) of the Constitutive Act of the African Union;
4. **ALSO TAKES NOTE** of the Report of the Commission on the 8th Assembly of States Parties of the ICC (ASP) held in The Hague, Netherlands from 16 to 26 November 2009 and the outcome of the ASP meeting.
5. **WELCOMES** the submission by the Republic of South Africa, on behalf of the African States Parties to the Rome Statute of the ICC of a proposal which consisted of an amendment to Article 16 of the Rome Statute in order to allow the United Nations (UN) General Assembly to defer cases for one (1) year in cases where the UN Security Council would have failed to take a decision within a specified time frame.
6. **UNDERSCORES** the need for African States Parties to speak with one voice to ensure that the interests of Africa are safeguarded;

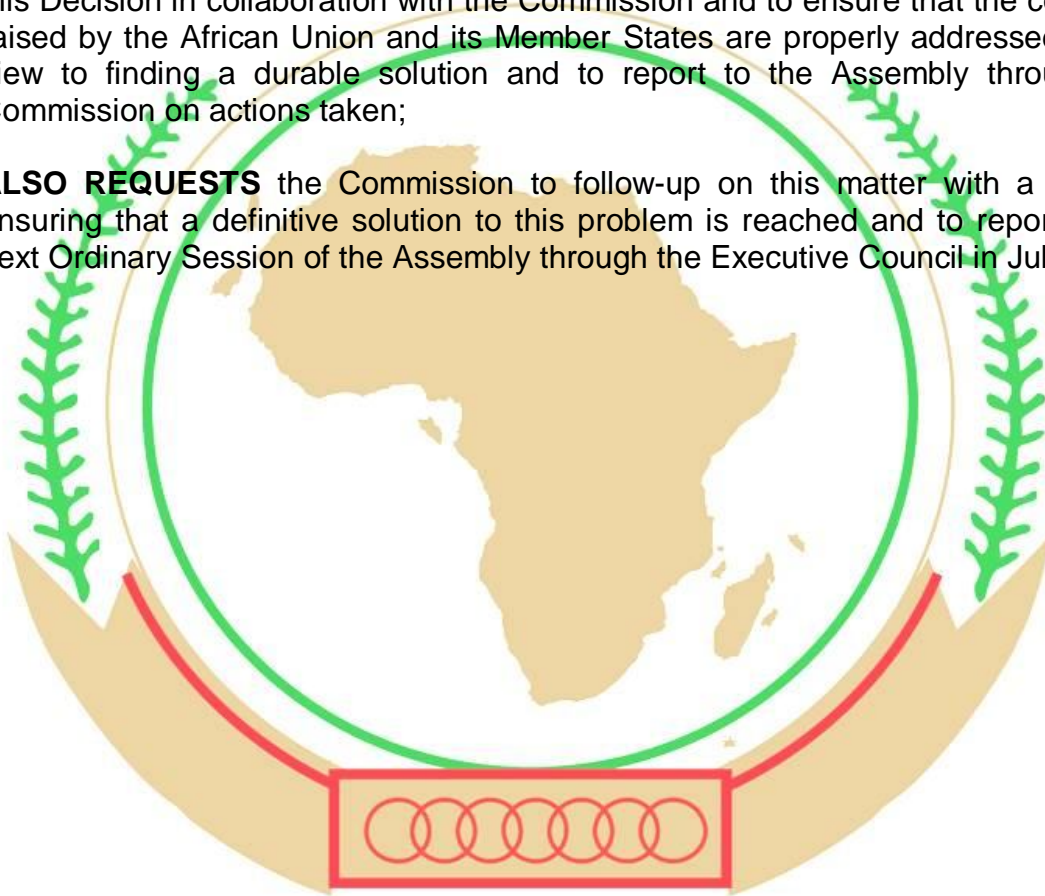
7. **WELCOMES** Resolution ICC-ASP/8/Res.6 on the Review Conference that establishes a Working Group of the ASP for the purpose of considering, as from its Ninth Session, amendments to the Rome Statute including among others the proposal for amendment to Article 16 of the Rome Statute together with the proposals from other States Parties or group of States Parties;
8. **TAKES NOTE** of the fact that the other proposals made by the Second Meeting of the African States Parties to the Rome Statute will not be considered during the Review Conference and **REQUESTS** accordingly, the African States Parties to raise the issue of the immunities of Officials whose States are not parties to the Rome Statute (the relationship between articles 27 and 98 under the topic "Cooperation" at the level of the Working Group of New York of the Bureau of ASP as well as during the stocktaking exercise of the Review Conference;
9. **ALSO TAKES NOTE** of the fact that there was no debate on the crime of aggression during the 8th ASP;
10. **DEEPLY REGRETS** that the request by the African Union to the UN Security Council to defer the proceedings initiated against President Bashir of The Sudan in accordance with Article 16 of the Rome Statute of ICC on deferral of cases by the UN Security Council, has not been acted upon, and in this regard, **REITERATES** its request to the UN Security Council;
11. **URGES** the African States Parties to the Rome Statute to follow-up on the concerns raised by Member States;
12. **TAKES NOTE** of the Review Conference of States Parties to the International Criminal Court scheduled to be held in Kampala, Uganda from 31 May to 11 June 2010, and **CALLS UPON** African Member States Parties to attend and effectively participate in the Conference;
13. **REQUESTS** the African Group in New York and the African Members of the Bureau of ASP, to follow-up on the implementation of this Decision in collaboration with the Commission and to ensure that the concerns raised by the Assembly of the Union and its Member States are properly addressed through consultations with other Regional Groups with a view to finding a durable solution and to report to the Assembly through the Commission on actions taken;
14. **ALSO REQUESTS** the Commission to follow-up on the implementation of this Decision and to report to the next Ordinary Session of the Assembly through the Executive Council in July 2010.

**DECISION ON THE ABUSE OF THE PRINCIPLE
OF UNIVERSAL JURISDICTION
Doc. EX.CL/540(XVI)**

The Assembly,

1. **TAKES NOTE** of the recommendations of the Executive Council on the Progress Report of the Commission on the Implementation of Decision Assembly/AU/Dec.243 (XIII) adopted in Sirte, Great Libyan Arab Jamahiriya in July 2009;
2. **ALSO TAKES NOTE** of United Nations General Assembly (UNGA) Resolution A/RES/64/L117 on the Scope and Application of the Principle of Universal Jurisdiction adopted on 16 December 2009 by the United Nations (UN) General Assembly and **INVITES** all Member States to submit to the UN Secretary General, before 30 April 2010, information and observations on the scope and application of the principle of universal jurisdiction, including information on the relevant applicable international treaties, their domestic legal rules and judicial practice;
3. **REITERATES** its previous positions articulated in decisions Assembly/Dec.199(XI), Assembly/Dec.213(XII) and Assembly/Dec.243 (XIII) adopted in Sharm el Sheikh, Addis Ababa and Sirte in July 2008, February 2009 and July 2009 respectively to the effect that there has been blatant abuse of the Principle of Universal Jurisdiction particularly by some non-African States and **REITERATES** its call for immediate termination of all pending indictments;
4. **FURTHER REITERATES** its commitment to fight impunity in conformity with the provisions of Article 4(h) of the Constitutive Act of the African Union;
5. **URGES** the European Union (EU) and its Member States to extend the necessary cooperation to the African Union to facilitate the search for a durable solution to the abuse of the Principle of Universal Jurisdiction;
6. **ALSO REITERATES** its conviction of the need for an international regulatory body with competence to review and/or handle complaints or appeals arising out of abuse of the Principle of Universal Jurisdiction by individual States;
7. **CALLS UPON** all concerned States, particularly European States, to respect international law and particularly the immunity of state officials when applying the Principle of Universal Jurisdiction;

8. **EXPRESSES APPRECIATION** to the Chairperson of the African Union and the Chairperson of the Commission for efforts made so far towards ensuring that this matter is exhaustively discussed at the level of the United Nations;
9. **URGES** Member States affected by the abuse of the Principle of Universal Jurisdiction by non-African States to respond to the request made by the Chairperson of the Union and to communicate to the Commission the list and details of pending cases in non-African States against African personalities;
10. **REQUESTS** the African Group in New York to follow-up on the implementation of this Decision in collaboration with the Commission and to ensure that the concerns raised by the African Union and its Member States are properly addressed with a view to finding a durable solution and to report to the Assembly through the Commission on actions taken;
11. **ALSO REQUESTS** the Commission to follow-up on this matter with a view to ensuring that a definitive solution to this problem is reached and to report to the next Ordinary Session of the Assembly through the Executive Council in July 2010.



DECISION ON THE HISSENE HABRE CASE
Doc. Assembly/AU/9(XVI)

The Assembly,

1. **TAKES NOTE** of the Progress Report of the Commission on the Implementation of Assembly Decision Assembly/AU/Dec.240(XII) and Decision Assembly/AU/246 (XIII) adopted by the Assembly in Addis Ababa, Ethiopia, in February 2009 and in Sirte, Great Libyan Arab Jamahiriya in July 2009 respectively on the Hissene Habre Case;
2. **REITERATES** its commitment to fight impunity in conformity with the provisions of Article 4(h) of the Constitutive Act of the African Union
3. **ALSO TAKES NOTE** that in spite of its previous Summit decisions calling on all Member States to make voluntary contributions to the budget of the Hissene Habre Case there has been no positive reactions from the majority of Member States;
4. **REITERATES** its appeal to all Member States to contribute to the budget of the trial and extend the necessary support to the Government of Senegal in the execution of the African Union (AU) mandate to prosecute and try Hissene Habre;
5. **RECALLS** its Decision Assembly/AU/246 (XIII) adopted in Sirte, Great Libyan Arab Jamahiriya in July 2009, calling for the African Union to make a token contribution to the budget of the trial for a sum to be determined following consultations between the Commission and the Permanent Representatives Committee;
6. **REQUESTS** the Government of Senegal, the Commission and Partners, particularly the European Union to continue with consultations with the view to ensuring the holding of the Donors Round Table as soon as possible;
7. **INVITES** all partner countries and institutions to support this process and the Donors Round Table that will be organized in Dakar, Senegal in 2010;
8. **REQUESTS** the Commission to monitor the implementation of this Decision and to report to the next Ordinary Session of the Assembly through the Executive Council in July 2010.

DECISION ON THE TERRORIST ATTACK AGAINST THE TOGOLESE NATIONAL FOOTBALL TEAM

The Assembly,

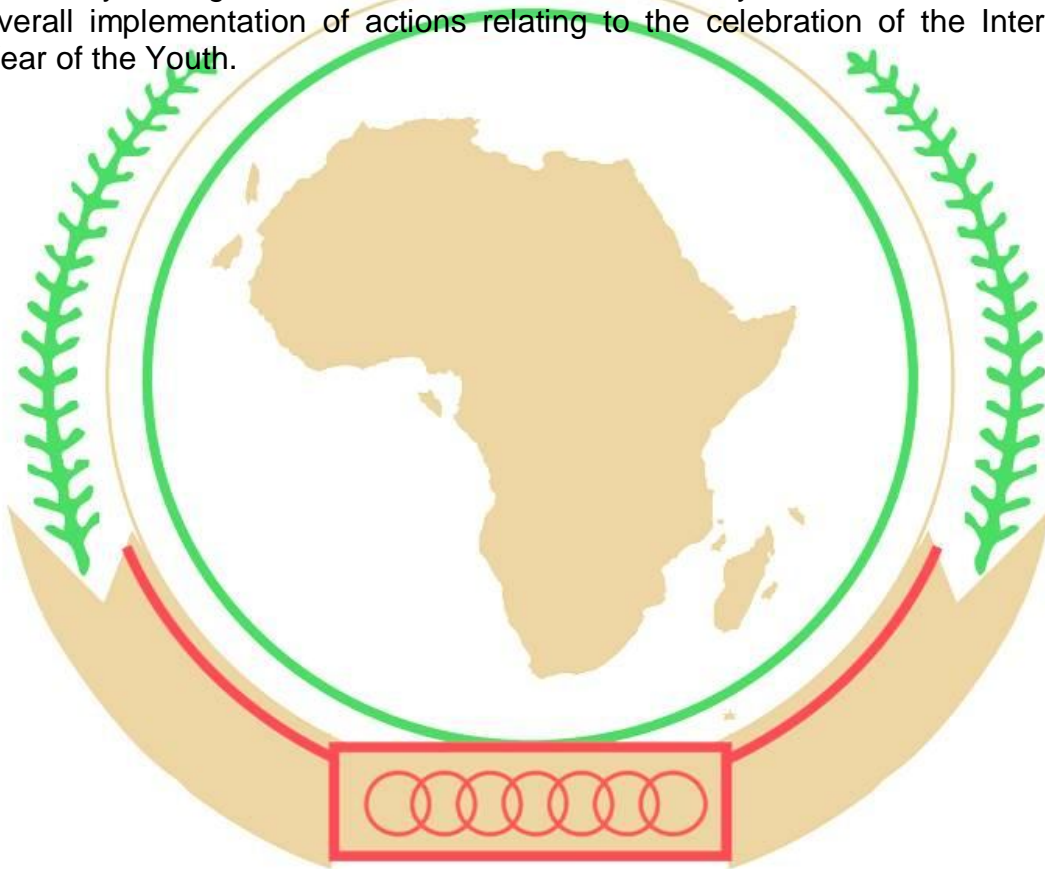
1. **STRONGLY CONDEMNS** the terrorist act of 8 January 2010 against the Togolese National Football Team attending the African Nations Cup tournament in the Angolan Province of Cabinda, on the border between the Republic of Angola and the Republic of Congo;
2. **REAFFIRMS** that terrorism is an abominable and condemnable act aimed at destabilizing the peace and security of all peoples;
3. **RECALLS** the principles enshrined in the Constitutive Act of the African Union, the 1999 OAU Convention on Preventing and Combating Terrorism (Algiers Convention) and the 2004 Protocol, the relevant legal instruments of the United Nations and other International Conventions relating to the fight against terrorism, all of which equally condemn the support, sheltering and financing of terrorists groups;
4. **REAFFIRMS** its resolve to fight terrorist acts in Africa and in the world, and **APPEALS** to all African and Non-African countries to abstain from promoting, protecting, supporting, sheltering and harbouring terrorists groups;
5. **URGES** countries from where the terrorist act was organized, planned and later claimed to cooperate with the Government of Angola in arresting and bringing to justice those responsible for the act;
6. **ENCOURAGES** those countries not to allow permanent residence in their territories to those with known terrorist backgrounds and to take necessary measures to prevent the use of their territories for planning and carrying out terrorist attacks against African countries;
7. **CALLS ON** the international community, notably Member States and relevant international organizations, to fully cooperate with the Angolan Authorities in bringing the perpetrators of this heinous act to justice.

**DECISION ON THE PROCLAMATION
OF 2010 AS THE INTERNATIONAL YEAR OF THE YOUTH**

The Assembly,

1. **RECALLS** Decision Assembly/AU/Dec.250 (XIII) requesting all Member States and the African Group in New York to give their support to efforts geared towards the adoption of a draft resolution proclaiming 2010 “International Year of the Youth”;
2. **ALSO RECALLS** Decision Assembly/AU/Dec.250 (XIII) inviting all Member States of the United Nations Organisation and other international organizations to support this initiative to proclaim 2010 as International Year of the Youth, and to contribute to its adoption when it is tabled before the United Nations General Assembly;
3. **TAKES NOTE** of the effective adoption on 18 December 2009 by the 64th Session of the United Nations General Assembly of Resolution 64/131 entitled “*2010 International Year of the Youth: Dialogue and Mutual Understanding*” to proclaim the year and to organize a World Youth Conference as the highlight of the Year, and invites the President of the General Assembly to conduct open-ended consultations with Member States with a view to determining the modalities of the Conference and the expected outcomes;
4. **EXPRESSES** its full satisfaction and great pride following the unanimous adoption, on the initiative of His Excellency Zine El Abidine BEN ALI, President of the Republic of Tunisia, of the appeal to proclaim 2010 as the International Year of the Youth;
5. **COMMENDS** the Republic of Tunisia and its President, His Excellency Zine El Abidine BEN ALI, for the special interest given to the role of the youth, in general, and the African Youth, in particular, in the task of developing and consolidation mutual understanding;
6. **CALLS UPON** Member States to continue to support this initiative while actively participating in consultations that will be led by the President of the United Nations General Assembly on the modalities for organizing the World Youth Conference;
7. **URGES** Member States to organize and undertake national actions and participate in regional and international activities to mark the International Year of the Youth;

8. **ALSO URGES** Member States to work with the Commission to launch and implement the African Union Youth Volunteer Corps;
9. **REQUESTS** the Commission to get actively involved in the popularization of the theme of the International Year of the Youth, "*Dialogue and Mutual Understanding*", in the implementation of the appropriate activities and in the monitoring of actions undertaken by Member States and Regional Economic Communities;
10. **ALSO REQUESTS** the Commission to report to the Ordinary Session of the Assembly through the Executive Council in January 2011 on the status of the overall implementation of actions relating to the celebration of the International Year of the Youth.



DECISION ON THE YEAR OF PEACE AND SECURITY IN AFRICA
Doc. Assembly/AU/5(XIV)

The Assembly,

1. **TAKES NOTE** of the Report of the Chairperson of the Commission on the Year of Peace and Security in Africa;
2. **RECALLS** the Tripoli Declaration on the Elimination of Conflicts in Africa and the Promotion of Sustainable Peace [SP/Assembly/PS/Decl.(I)], adopted by the Special Session of the Assembly of the African Union (AU) on the Consideration and Resolution of Conflicts in Africa, held in Tripoli, Great Libyan Arab Jamahiriya, on 31 August 2009, in particular paragraph 23 of the Declaration in which the Heads of State and Government decided to proclaim 2010 as the Year of Peace and Security in Africa;
3. **FURTHER RECALLS** that, while notable gains have been made and the number of violent conflicts on the Continent has been reduced significantly in recent years, nevertheless far too many African countries remain trapped in a vicious cycle of conflict with devastating consequences;
4. **UNDERLINES** the need for the full operationalization of the African Peace and Security Architecture, in order to enhance the capacity of the Continent to successfully address the challenges of peace and security;
5. **STRESSES** that the Year of Peace and Security will be an opportunity for African peoples and leaders, as well as African institutions, in partnership with the international community, to review current efforts towards peace on the Continent, with a view to strengthening them and, where appropriate, launching new initiatives, in particular by:
 - (i) giving added momentum to peace and security efforts on the Continent;
 - (ii) giving greater visibility to past and ongoing efforts by the African Union (AU) on the ground;
 - (iii) speeding up the implementation of commitments made by Member States in various AU instruments relating to peace and security;
 - (iv) making synergies between official efforts to promote peace and security with those being undertaken on the ground by grassroots communities; and
 - (v) mobilizing resources to support peace and security efforts on the Continent.

6. **EXPRESSES ITS FULL SUPPORT** for the steps and initiatives envisaged by the Chairperson of the Commission as contained in his report on the Year of Peace and Security in Africa. The Assembly **COMMENDS** the Commission for the steps already taken towards the implementation of the Year of Peace and Security, in particular the building of the required partnerships, the mobilization of resources and outreach activities;
7. **REQUESTS** the Chairperson of the Commission to pursue those efforts and to urgently take all the required measures for the successful celebration of the Year of Peace and Security, in particular by mobilizing human, technical and financial resources, ensuring the active involvement of all relevant AU structures, including the Pan-African Parliament (PAP), the Economic, Social and Cultural Council (ECOSOCC) and AU Specialized Institutions, among others, mobilizing the African private sector and civil society, as well as the support of AU's bilateral and multilateral partners and other relevant stakeholders. In this respect, the Assembly **WELCOMES** the partnership between the AU and the Confederation of African Football (CAF), as well as the financial and technical support provided by the German Government through GTZ, and the commitment of the United Nations Fund for Children (UNICEF) to work with the AU towards the successful celebration of the Year of Peace and Security;
8. **UNDERLINES** the crucial role of Member States and the Regional Economic Communities (RECs), and **URGES** them to seize the opportunity of the Year of Peace and Security to highlight the actions undertaken in promoting peace and security and intensify their efforts in this regard, including by signing and ratifying relevant AU instruments and effectively implementing the commitments contained therein. The Assembly **WELCOMES** the entry into force of the Pelindaba Treaty and of the Non-Aggression and Common Defence Pact, which enrich the AU normative framework for structural conflict prevention and **ONCE AGAIN, APPEALS TO** all Member States that have not yet done so to speedily take the steps required to become parties to the African Charter on Democracy, Elections and Governance;
9. **FURTHER URGES** Member States to take the necessary measures for the success of the campaign and to take other steps in support of the Year of Peace and Security, including issuing special stamps, providing free air time and space for advertisements in state media and facilitating the successful tour of the Flame of Peace;
10. **REQUESTS** the Peace and Security Council to undertake specific activities in support of the Year of Peace and Security, in particular by holding meetings in countries affected by conflicts, making further visits in the field, so that PSC members can observe at first hand the realities of these countries, and becoming

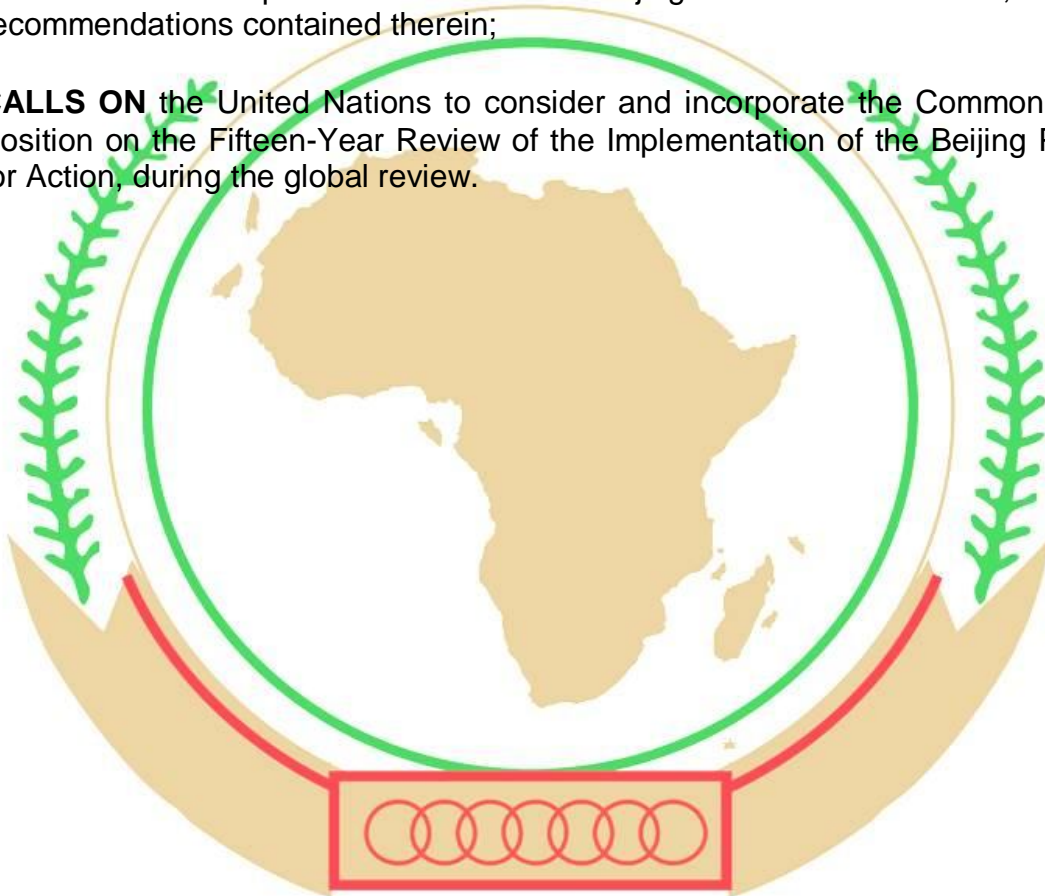
both more proactive in considering situations of potential and incipient conflict, while remaining engaged in countries that are emerging from conflict. The Assembly **ALSO REQUESTS** the PSC to devote special sessions to the theme of Women and Youth in Conflicts. Recognizing that women and children continue to be the most affected by the conflicts that ravage parts of our Continent and recalling the launch of the African Women's Decade, as decided at the Twelfth Ordinary Session of the Assembly, **DECLARES** that the laudable intentions contained therein should be reinforced by the Declaration of 2010 as the African Year of Peace and Security in Africa, and that its objectives continue to permeate throughout the coming Women's Decade, reinvigorating and strengthening the attainment of lasting peace, security and prosperity on the Continent;

11. **NOTES** that, in the next twelve (12) months, seventeen (17) African countries will be celebrating their fiftieth anniversaries as independent states and that these celebrations should mark a new beginning, heralding a new era for the continent, specially through renewed efforts to address the challenge of peace and security;
12. **CALLS ON** the African countries concerned to seize the opportunity of their respective national days to work with the Commission in carrying out programmes collaboratively in support of the Year of Peace and Security;
13. **APPEALS** to all AU partners and other stakeholders to extend full support to the AU to ensure the successful celebration of the Year of Peace and Security and **ENCOURAGES** them to jointly identify with the Commission activities that could be undertaken in this respect;
14. **REQUESTS** the Chairperson of the Commission to submit to it a progress report on the implementation of the Year of Peace and Security campaign at the next Ordinary Session of the Assembly, through the Executive Council in July 2010.

**DECISION ON THE AFRICAN COMMON POSITION ON THE FIFTEEN-YEAR
REVIEW OF THE IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION**

The Assembly,

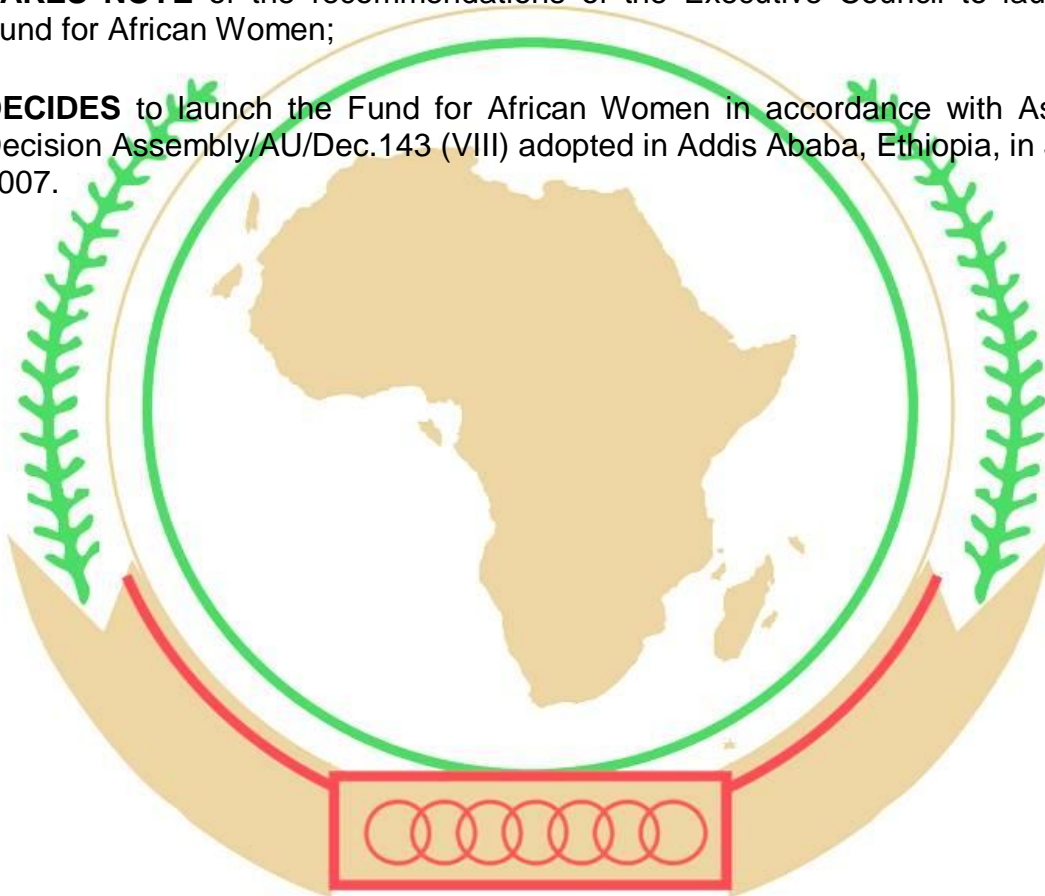
1. **TAKES NOTE** of the Report on the African Common Position on the Fifteen-Year Review of the Implementation of the Beijing Platform for Action, and the recommendations contained therein;
2. **CALLS ON** the United Nations to consider and incorporate the Common African Position on the Fifteen-Year Review of the Implementation of the Beijing Platform for Action, during the global review.



**DECISION ON THE ESTABLISHMENT OF THE FUND
FOR AFRICAN WOMEN**

The Assembly,

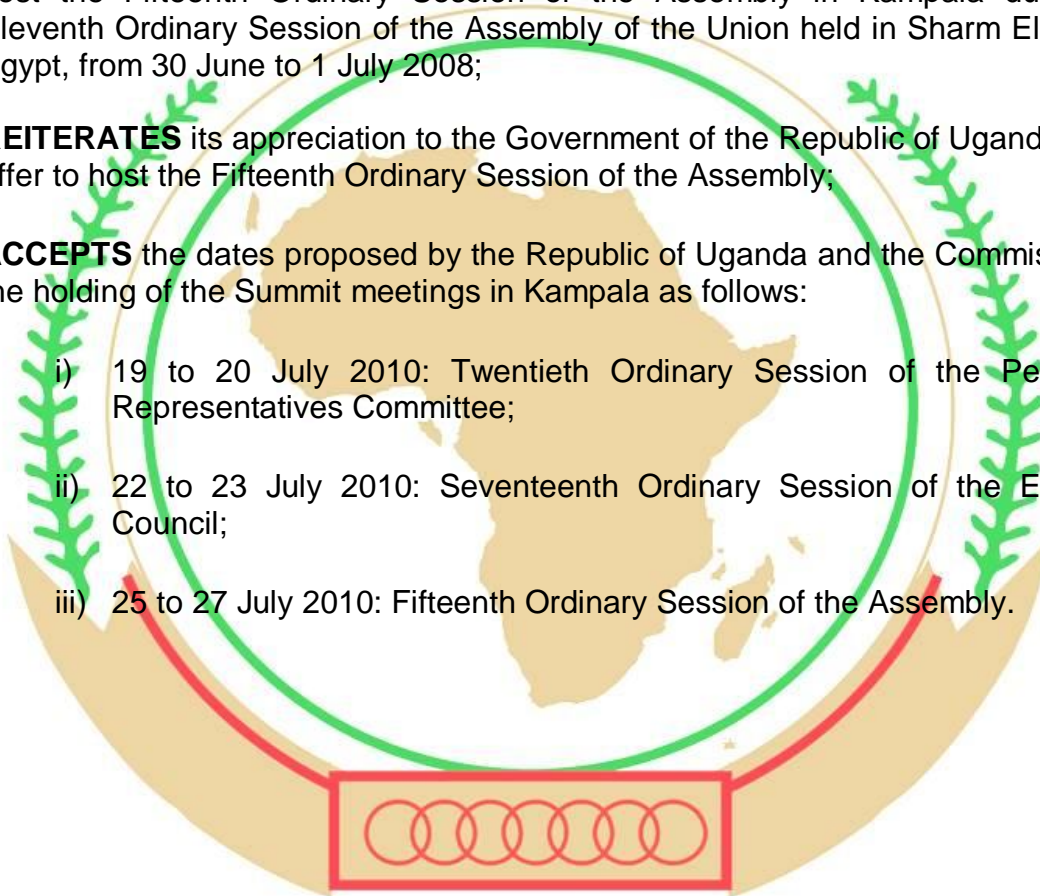
1. **TAKES NOTE** of the recommendations of the Executive Council to launch the Fund for African Women;
2. **DECIDES** to launch the Fund for African Women in accordance with Assembly Decision Assembly/AU/Dec.143 (VIII) adopted in Addis Ababa, Ethiopia, in January 2007.



**DECISION ON THE DATE AND
VENUE OF THE FIFTEENTH ORDINARY SESSION OF
THE ASSEMBLY OF THE AFRICAN UNION**

The Assembly,

1. **RECALLS** its earlier acceptance of the invitation by the Republic of Uganda to host the Fifteenth Ordinary Session of the Assembly in Kampala during the Eleventh Ordinary Session of the Assembly of the Union held in Sharm El Sheikh, Egypt, from 30 June to 1 July 2008;
2. **REITERATES** its appreciation to the Government of the Republic of Uganda, for its offer to host the Fifteenth Ordinary Session of the Assembly;
3. **ACCEPTS** the dates proposed by the Republic of Uganda and the Commission for the holding of the Summit meetings in Kampala as follows:
 - i) 19 to 20 July 2010: Twentieth Ordinary Session of the Permanent Representatives Committee;
 - ii) 22 to 23 July 2010: Seventeenth Ordinary Session of the Executive Council;
 - iii) 25 to 27 July 2010: Fifteenth Ordinary Session of the Assembly.

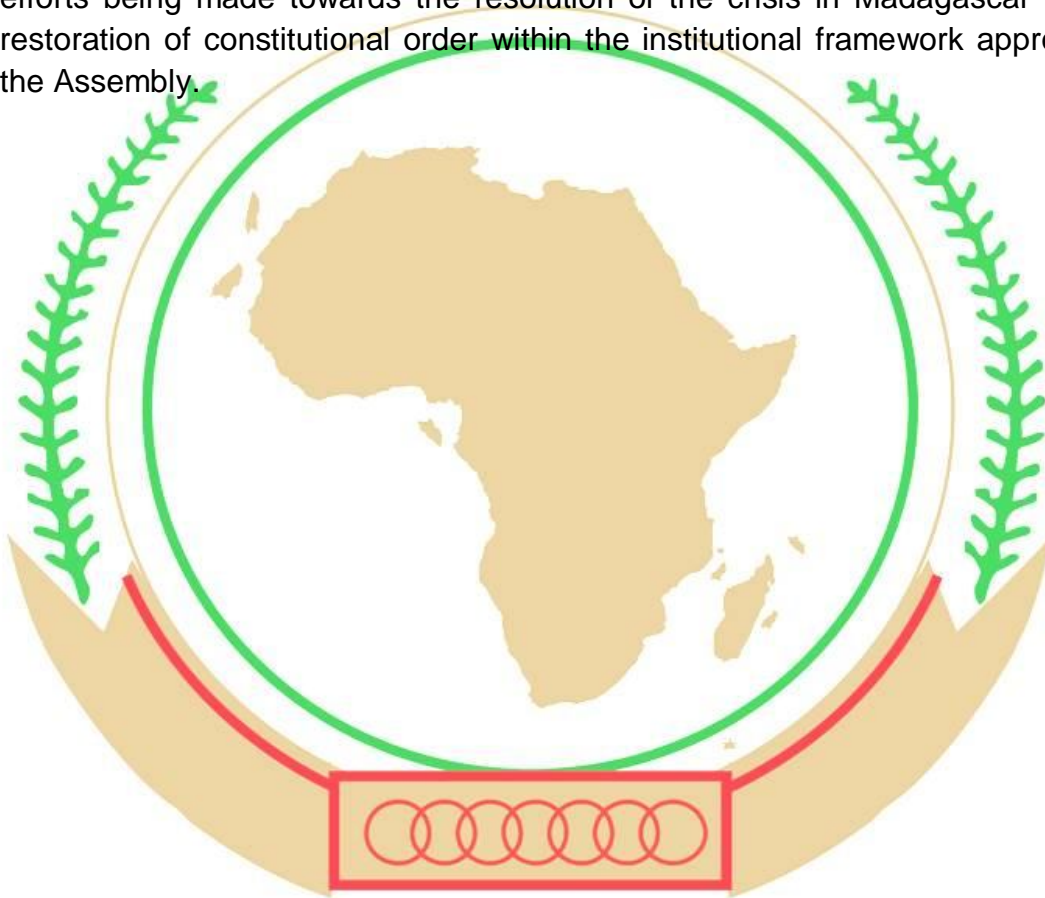


DECISION ON MADAGASCAR

The Assembly,

1. **EXPRESSES** deep concern over the continuing political crisis in Madagascar;
2. **RECOGNIZES** the importance and validity of the Maputo Agreement and the Additional Act of Addis Ababa;
3. **STRESSES** that these agreements remain the only roadmap for a comprehensive solution to the Madagascar crisis and **URGES** for their speedy and faithful implementation;
4. **URGES** the illegal regime in Madagascar to desist from attempts to impose unilateral solutions to the current crisis thereby circumventing the Maputo Agreement and the Additional Act of Addis Ababa;
5. **RECOGNIZES** the efforts being made by the African Union (AU) and the Southern African Development Community (SADC), to restore constitutional order in Madagascar;
6. **WELCOMES** the various Summit meetings and decisions of the SADC leaders; the meetings convened in Maputo on 8 and 9 August 2009, and Addis Ababa from 2 to 6 November 2009;
7. **REQUESTS** the Commission and SADC to continue to work together in assisting the negotiation process in Madagascar;
8. **UNDERSCORES** the leading role played by SADC in the mediation process, given its regional responsibilities and comparative advantages;
9. **STRESSES** the need for the establishment of the Follow Up Mechanism provided for in paragraph 12 of the Additional Act of Addis Ababa of 6 November 2009;
10. **EXPRESSES FULL SUPPORT** to H.E. Joaquim Chissano, former President of the Republic of Mozambique and SADC Mediator, and his mediation team for their endeavours towards re-establishing constitutional order in Madagascar;

11. **NOTES** the proposals presented by the Chairperson of Commission to the Malagasy parties during his mission to Madagascar from 21 to 22 January 2010 and **URGES** the parties to respond expeditiously to these proposals;
12. **REQUESTS** the Peace and Security Council to meet in due course to review the situation and take the required decisions in light of the relevant AU instruments;
13. **APPEALS** to the international partners to continue to extend full support to the efforts being made towards the resolution of the crisis in Madagascar and the restoration of constitutional order within the institutional framework approved by the Assembly.



**DECISION ON ELECTION OF THE MEMBERS OF THE
PEACE AND SECURITY COUNCIL OF THE AFRICAN UNION
Doc. EX.CL/578(XVI)**

The Assembly,

1. **TAKES NOTE** of the election of the Members of the Peace and Security Council of the African Union by the Executive Council;
2. **APPOINTS** the following five (5) Members of the Peace and Security Council for a three(3)-year term as of 1 April 2010:



NAME	REGION
Equatorial Guinea	Central Region
Kenya	Eastern Region
Libya	Northern Region
Zimbabwe	Southern Region
Nigeria	Western Region

3. **ALSO APPOINTS** the following ten (10) Members of the Peace and Security Council for a two (2)-year term as of 1 April 2010:

NAME	REGION
Burundi	Central Region
Chad	Central Region
Djibouti	Eastern Region
Rwanda	Eastern Region
Mauritania	Northern Region
Namibia	Southern Region
South Africa	Southern Region
Benin	Western Region
Cote d'Ivoire	Western Region
Mali	Western Region

DECISION ON THE FIFTEENTH CONFERENCE OF PARTIES TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC) AND THE KYOTO PROTOCOL¹

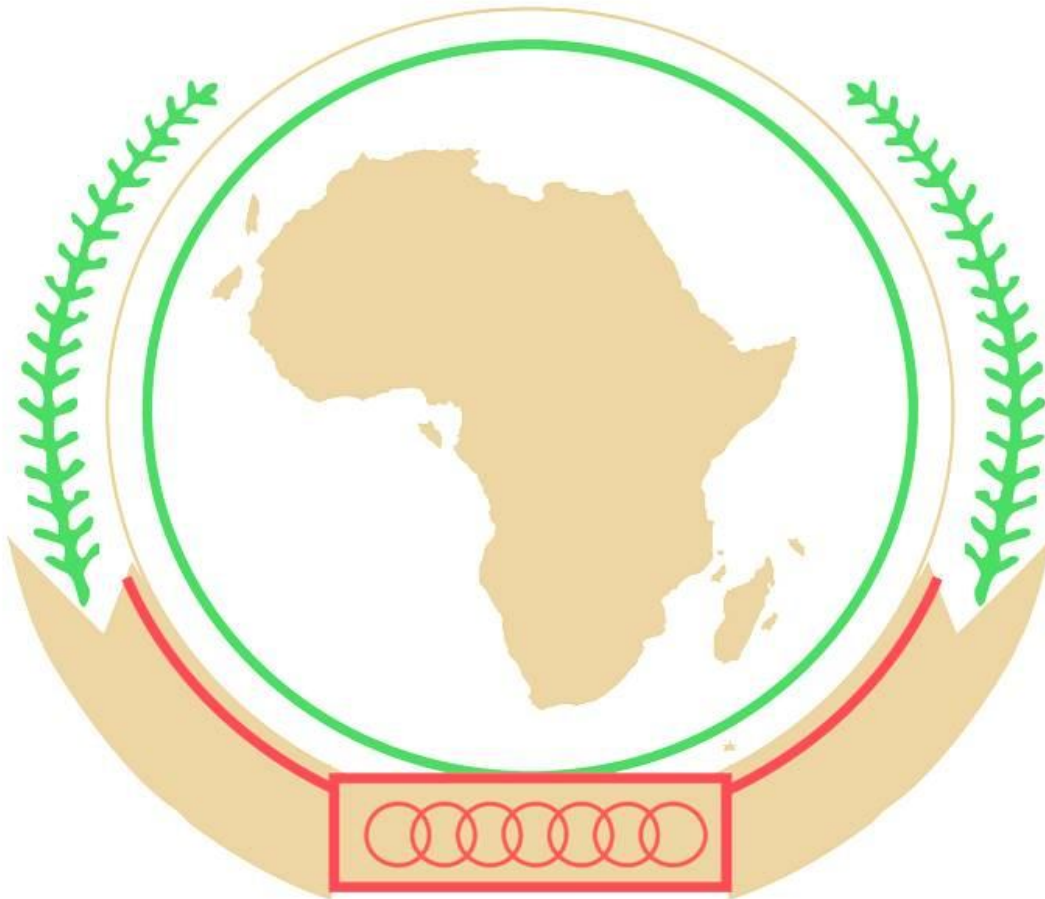
Doc. Assembly/AU/10 (XIV)

The Assembly,

1. **TAKES NOTE** of the Report of H.E Meles Zenawi, Prime Minister of the Federal Democratic Republic of Ethiopia, the Coordinator of the Conference of African Heads of State and Government on Climate Change (CAHOSCC), on the conduct and outcomes of the Fifteenth Conference of Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol, held in Copenhagen, Denmark, in December 2009;
2. **ENDORSES** the provisions of the Copenhagen Accord and **ENCOURAGES** all Member States that may wish to do so, to make individual submissions to the Secretariat of UNFCCC supporting the Accord in the context of the common but differential responsibilities and supported with the means of implementation;
3. **REAFFIRMS** its continued stand to remain united in all future negotiations on climate change; and **ENDORSES** that the leadership of H.E Meles Zenawi, Prime Minister of the Federal Democratic Republic of Ethiopia, as Coordinator of CAHOSCC, be extended to lead CAHOSCC for the next two (2) Conferences of Parties (COP16 in Mexico and COP17 in South Africa, in 2010 and 2011 respectively);
4. **REQUESTS** CAHOSCC to establish a streamlined single negotiating structure at the Ministerial and Expert levels to replace the current coordinating mechanism;
5. **ALSO REQUESTS** CAHOSCC to hold a Post-COP 15 Meeting before the Conference in Bonn, Germany in May 2010 in order to prepare for all the other meetings identified in the report of the CAHOSCC Chairperson;

¹ Reservation entered by Egypt

6. **FURTHER REQUESTS** the Chairperson of the Commission to take all necessary measures to register the African Union as a Party to the UNFCCC, for purposes of negotiation but consistent with the sovereign right of its Member States.



**DECISION ON THE REPORT OF HEADS OF STATE AND GOVERNMENT
IMPLEMENTATION COMMITTEE ON THE NEW PARTNERSHIP FOR AFRICA'S
DEVELOPMENT (NEPAD)**

The Assembly,

1. **TAKES NOTE WITH APPRECIATION** of the Report by the Chairperson of the New Partnership for Africa's Development (NEPAD) Heads of State and Government Implementation Committee (HSGIC), H.E. Meles Zenawi, Prime Minister of the Federal Democratic Republic of Ethiopia;
2. **NOTES AND WELCOMES** progress made in the implementation of the NEPAD Programme, particularly on the African Union (AU)/NEPAD Comprehensive Africa Agriculture Development Programme (CAADP) through the signing of CAADP Compacts and the finalization of the NEPAD Capacity Development Strategic Framework (CDSF) as a common reference and integrated tool to address capacity challenges in Africa;
3. **RECALLS** Decision Assembly/AU/Dec.241(XII) of the Twelfth Ordinary Session of the AU Assembly on the need for a coherent, systematized and institutionalized partnership engagement with the G8 and **NOTES** the outcomes of the L'Aquila G8/Africa Outreach of July 2009 including the launch of the US\$20 billion L'Aquila Food Security Initiative (AFSI), the Pittsburgh G20 Summit of September 2009 and the conclusions of the 13th Africa Partnership Forum (APF);
4. **OBSERVES** that the evolving global context with respect to the G8 and G20, and the latter serving as the premier forum for international economic cooperation has necessitated an in-depth review of Africa's partnership strategy within this new global governance architecture. In this regard, **NOTES** that the G8 has established an accountability mechanism with Africa and therefore **AGREES** that Africa should undertake an independent assessment of G8/Africa partnership as a contribution to the next G8/Africa Outreach;
5. **REQUESTS** the Commission and the NEPAD Secretariat, in collaboration with the Africa Development Forum to undertake this assessment and submit its findings by the June 2010 G8 Summit;
6. **URGES** the adoption of a new strategic approach focusing on partnership dialogue on Africa's development policy issues and **CALLS FOR** the institutionalization of Africa's engagement within the G20, and the effecting of the desired paradigm shift from management of poverty in the Continent to economic transformation for Africa to emerge as a new growth pole to address existing imbalances and play a significant role in the integrated world economy.

DECISION ON THE INTEGRATION OF THE NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT (NEPAD) INTO THE STRUCTURES AND PROCESSES OF THE AFRICAN UNION INCLUDING THE ESTABLISHMENT OF THE NEPAD PLANNING AND COORDINATING AGENCY (NPCA)

The Assembly,

1. **RECALLS AND REAFFIRMS** the Decision of the Second Session of the Assembly in Maputo of July 2003, the 13-Point Conclusions of the Algiers New Partnership for Africa's Development (NEPAD) Brainstorming Meeting of March 2007 as endorsed by the Tenth Ordinary Session of the Assembly in Addis Ababa in February 2008 and the outcomes of the Dakar NEPAD Review Summit of April 2008 as the basis for the integration of NEPAD into the structures and processes of the African Union (AU);
2. **FURTHER RECALLS** the adoption of NEPAD as a programme of the AU by the Thirty-seventh Ordinary Session of the Assembly of the then Organization of African Unity (OAU) in Lusaka, Zambia, in July 2001 and **REITERATES** that the NEPAD vision and programme had since inception remained an intrinsic part of the African Union;
3. **NOTES** the key recommendations contained in the consultancy-study report on AU/NEPAD Integration commissioned in December 2008 and the similarity of views of the African Union Commission and the NEPAD Secretariat on the recommendations as well as the broad consultations with various African stakeholders;
4. **ENDORSES** the recommendations of the 21st NEPAD Heads of State and Government Implementation Committee (HSGIC) as re-submitted by the 22nd HSGIC on the integration of NEPAD into the structures and processes of the African Union;
5. **HEREBY APPROVES:**
 - a. **The establishment of the NEPAD Planning and Coordinating Agency (NPCA) as a technical body of the African Union in replacement of the NEPAD Secretariat with the mandate to:**
 - i. Facilitate and coordinate the implementation of the continental and regional priority programmes and projects;

- ii. Mobilize resources and partners in support of the implementation of Africa's priority programmes and projects;
- iii. Conduct and coordinate research and knowledge management;
- iv. Monitor and evaluate the implementation of programmes and projects; and
- v. Advocate on the AU and NEPAD vision, mission and core principles/values.

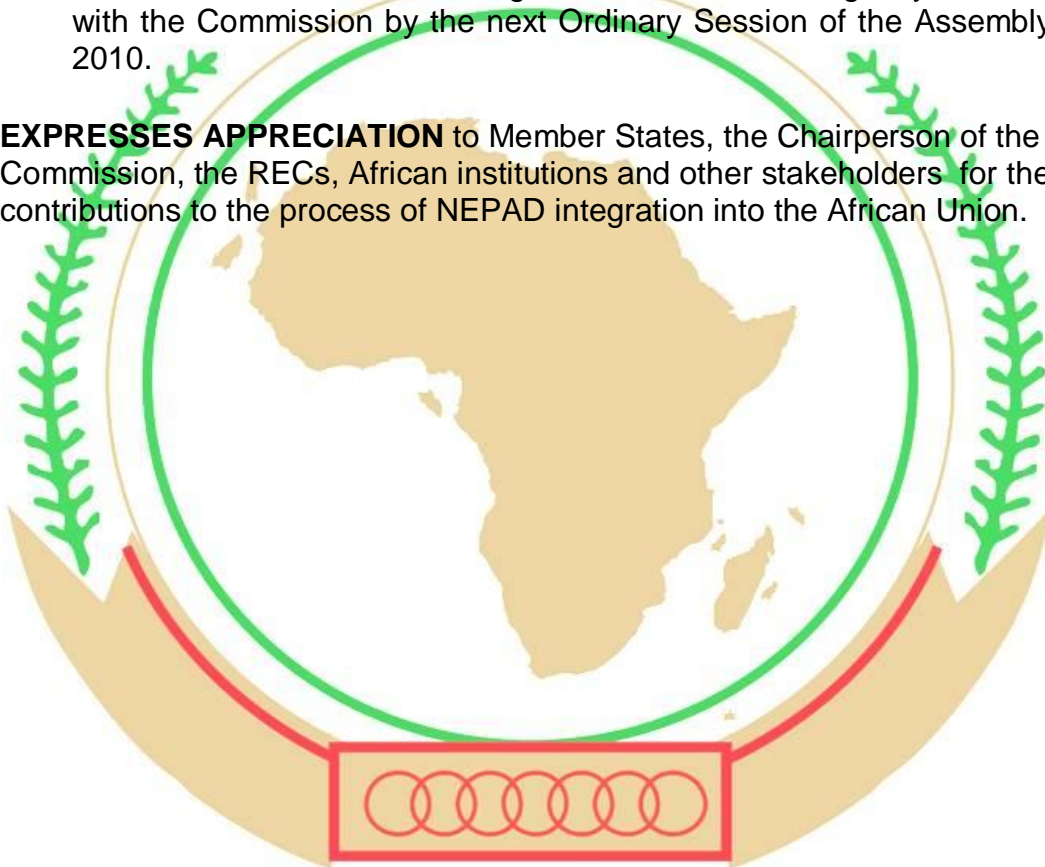
b. The main features of the NEPAD Governance structures:

- i. The NEPAD Heads of State and Government Implementation Committee (HSGIC), with a change of name to the NEPAD Heads of State and Government Orientation Committee (HSGOC);
- ii. The HSGOC is a sub-committee of the AU Assembly that provides political leadership and strategic guidance on the NEPAD Programme and reports its recommendations to the Assembly for endorsement;
- iii. The HSGOC is the essence and spirit of NEPAD with the lead function of high-level coordination of the NEPAD priority sectors;
- iv. An intermediary body to interface between the HSGOC and the new Agency, consisting of the NEPAD Steering Committee;
- v. The Chairperson of the African Union Commission exercises supervisory authority over the NEPAD Planning and Coordinating Agency, whilst giving the new Agency adequate and necessary flexibilities to carry out its mandate and thereby maintaining the corporate brand identity of the NEPAD Programme within the African Union.

c. Financing the NPCA and its programmatic activities will be through:

- i. Established budget from the statutory sources of the African Union Commission;
- ii. Continuation of voluntary contributions by AU Member-States;

- iii. Additional budgetary support from Development Partners and the Private Sector in conformity with AU financial rules and regulations.
 - d. **URGES** the early conclusion of a permanent Host Agreement for the NEPAD Planning and Coordinating Agency (NPCA) between the South African Authorities and the Commission, in consultation with the NEPAD entity;
 - e. The Chairpersons of HSGOC and the Commission should mandate the CEO of NEPAD to work out the modalities and roadmap for the effective and smooth take-off and functioning of the new NEPAD Agency in collaboration with the Commission by the next Ordinary Session of the Assembly in July 2010.
6. **EXPRESSES APPRECIATION** to Member States, the Chairperson of the Commission, the RECs, African institutions and other stakeholders for their contributions to the process of NEPAD integration into the African Union.

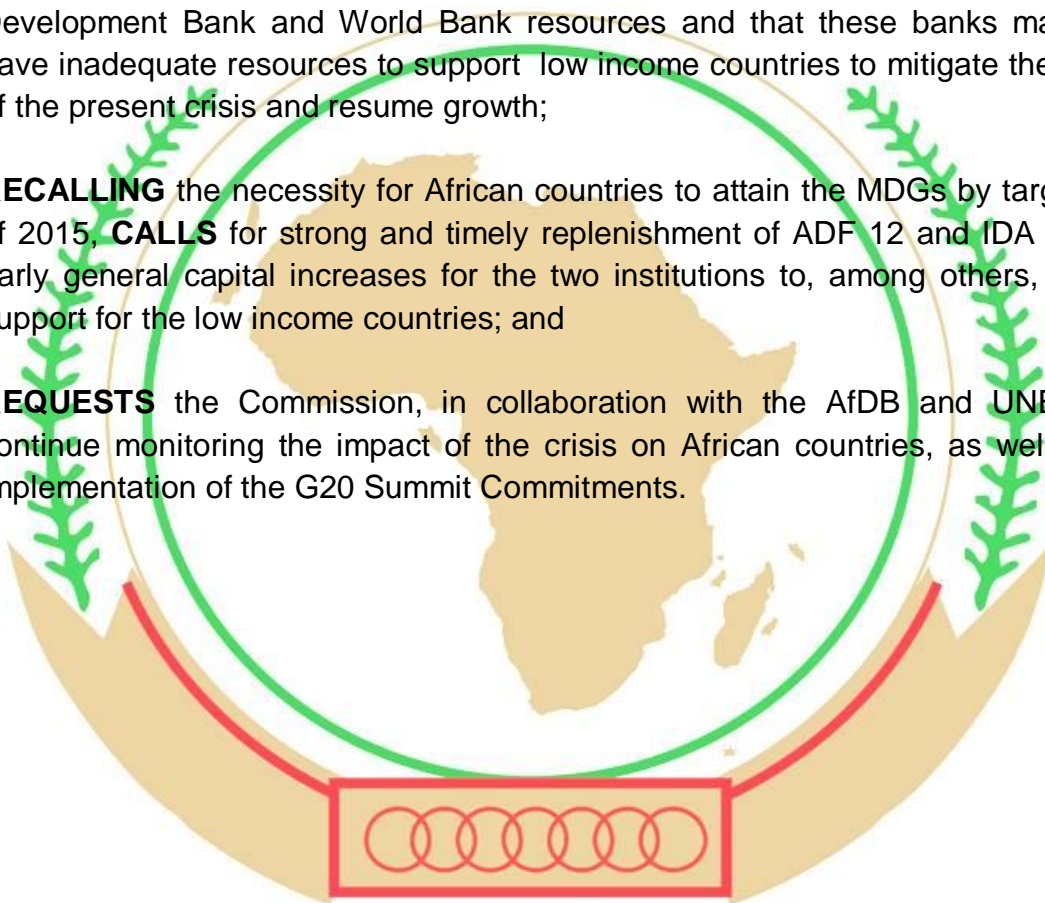


DECISION ON THE RESPONSE TO THE GLOBAL FINANCIAL AND ECONOMIC CRISIS

The Assembly,

1. **TAKES NOTE** of the Report on initiatives and responses to the global financial and economic crisis by international financial institutions; the multilateral development banks, including the African Development Bank (AfDB); as well as the African countries;
2. **COMMENDS** the role played by the African Union Commission, the African Development Bank, and the United Nations Economic Commission for Africa (UNECA) in pushing Africa's position regarding the crisis within various international fora such as the G8 and the G20;
3. **EXPRESSES CONCERNS** regarding the impact of the global financial and economic crisis on African countries, despite their economies being less integrated into the international financial system;
4. **FURTHER COMMENDS** efforts made by developed countries, the international financial institutions, African countries, and Regional and Multilateral Development Banks , among others, aimed at mitigating the impact of the crisis;
5. **WELCOMES** the outcome of the G-20 Summit held in Pittsburgh, USA, in September 2009, including the need for increased voice and representation at the Bretton Woods Institutions; general capital increase for Regional and Multilateral Development Bank, including the African Development Bank (AfDB) and the World Bank; sale of gold; debt relief; review of Debt Sustainability Framework; the need to deliver on ODA commitments; increasing policy space; trade, including conclusion of Doha Round / Trade Negotiations; climate change; and support for regional integration in Africa;
6. **CALLS UPON** developed countries as well as international financial institutions to urgently implement the recommendations and commitments made during the Pittsburgh G-20 Summit;

7. **COMMENDS** AfDB and the World Bank for front loading ADF 11 and IDA 15, respectively, and developing new facilities to support African countries, particularly the low income countries, to cope with the crisis;
8. **SUPPORTS** the acceleration of ADF 12 and IDA 16 replenishments, in view of the fact that both AfDB and the World Bank have front loaded ADF 11 and IDA 15 respectively;
9. **NOTES** with concern that the crisis has increased the demand for African Development Bank and World Bank resources and that these banks may soon have inadequate resources to support low income countries to mitigate the impact of the present crisis and resume growth;
10. **RECALLING** the necessity for African countries to attain the MDGs by target date of 2015, **CALLS** for strong and timely replenishment of ADF 12 and IDA 16, and early general capital increases for the two institutions to, among others, provide support for the low income countries; and
11. **REQUESTS** the Commission, in collaboration with the AfDB and UNECA, to continue monitoring the impact of the crisis on African countries, as well as the implementation of the G20 Summit Commitments.



DECISION ON THE REFORM OF THE UNITED NATIONS SECURITY COUNCIL

The Assembly,

1. **ADOPTS** of the Report of the Committee of Ten Heads of State and Government on the Reform of the United Nations (UN) Security Council;
2. **REAFFIRMS** the Ezulwini Consensus and the Sirte Declaration on the reform of the United Nations Security Council containing the African Common Position, and **CALLS** for its intensive promotion to ensure that Africa speaks with one voice on the issue of Security Council Reform;
3. **TAKES NOTE** of current developments in the intergovernmental Negotiations and **ENCOURAGES** the Committee of Ten Heads of State to continue to promote and defend Africa's interest in the Security Council Reform process;
4. **REQUESTS** the Committee of Ten Heads of States to meet regularly in order to keep abreast of developments, with a view to updating African Leaders accordingly;
5. **ALSO REQUESTS** the African Permanent Representatives to the United Nations of the Committee of Ten to work closely with other African Permanent Representatives to the UN as well as with other Interest Groups in the context of the ongoing intergovernmental Negotiations on the Security Council Reform Process;
6. **FURTHER REQUESTS** the Commission to continue to facilitate the activities of the African Permanent Representatives to the UN of the Committee of Ten to enable them to defend Africa's interest on the basis of the Ezulwini Consensus and the Sirte Declaration;
7. **CALLS ON** the Committee of Ten to remain seized of this matter until Africa achieves its objectives and report on progress made at the next Ordinary Session of the Assembly in July 2010.

**DECISION ON THE ANNEXES TO THE STATUTES OF
THE AFRICAN INVESTMENT BANK**

The Assembly,

1. **TAKES NOTE** of Decision EX.CL/Dec.550(XVI) of the Executive Council recommending the adoption of the Annexes to the Statutes of the African Investment Bank;
2. **ADOPTS** the Annexes to the Statutes of the African Investment Bank (AIB) including the selection of scenario B, as amended on the distribution of capital and voting rights of the AIB among Member States, and the choice of Special Drawing Rights (SDRs) of the International Monetary Fund as unit of account of the AIB, until the creation of the African single currency;
3. **REQUESTS** the Member States that have not yet done so to sign and ratify the Protocol and the Annexes to the Statutes of the African Investment Bank.



**DECISION ON THE BUDGET OF THE AFRICAN UNION
FOR THE 2010 FINANCIAL YEAR²
Assembly/AU/13(XIV)**

The Assembly,

1. **ADOPTS** the Budget of the African Union for the Year 2010 amounting to US\$ 250,453,697:
 - i. A total amount of US\$ 111,763,676 assessed to Member States on the basis of the current Scale of Assessment, which includes the balance of the Programs Budget amounting to US\$ 11,171,000;
 - ii. A total of US\$ 5,000,000 from the fund allocated from the purchase of Washington Office and;
 - iii. A total amount of US\$ 133,690,021 earmarked for the programmes is secured from International Partners.
2. **ADOPTS** the Budget breakdown among the AU Organs to be as follows:

	Operational Budget in (US\$)	Programs Budget in (US\$)	Total in (US\$)
African Union Commission (AUC)	82,047,121	135,415,745	217,462,866
Pan African Parliament (PAP)	9,129,736	5,019,514	14,149,250
African Commission on Human and Peoples' Rights (ACHPR)	2,968,874	1,960,978	4,929,852
African Court on Human and Peoples' Rights (AfCHPR)	6,169,591	1,769,784	7,939,375
Economic Social and Cultural Council (ECOSOCC)	1,531,500	-	1,531,500

² Reservation entered by Tunisia

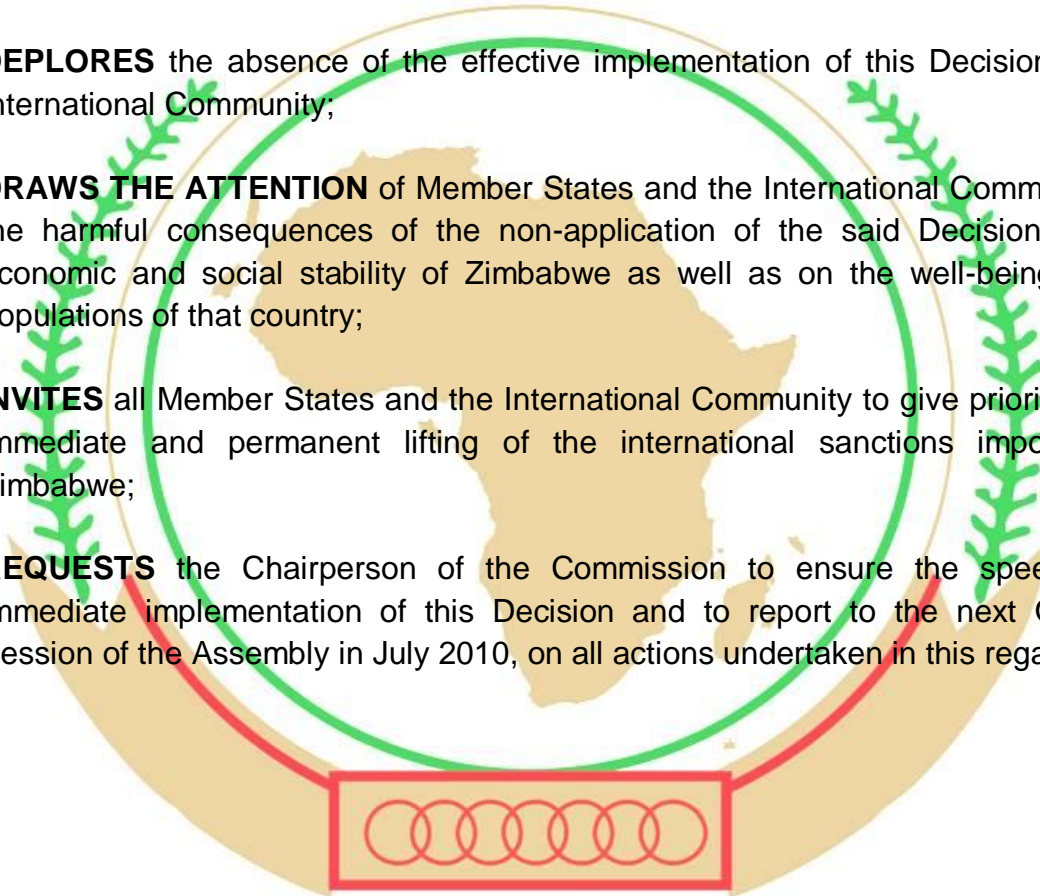
	Operational Budget in (US\$)	Programs Budget in (US\$)	Total in (US\$)
African Union Commission on International Law (AUCIL)	225,000		225,000
NEPAD	3,020,854		3,020,854
Advisory Board on Corruption	500,000		500,000
Peace and Security Council		695,000	695,000
Total	105,592,676	144,861,021	250,453,697

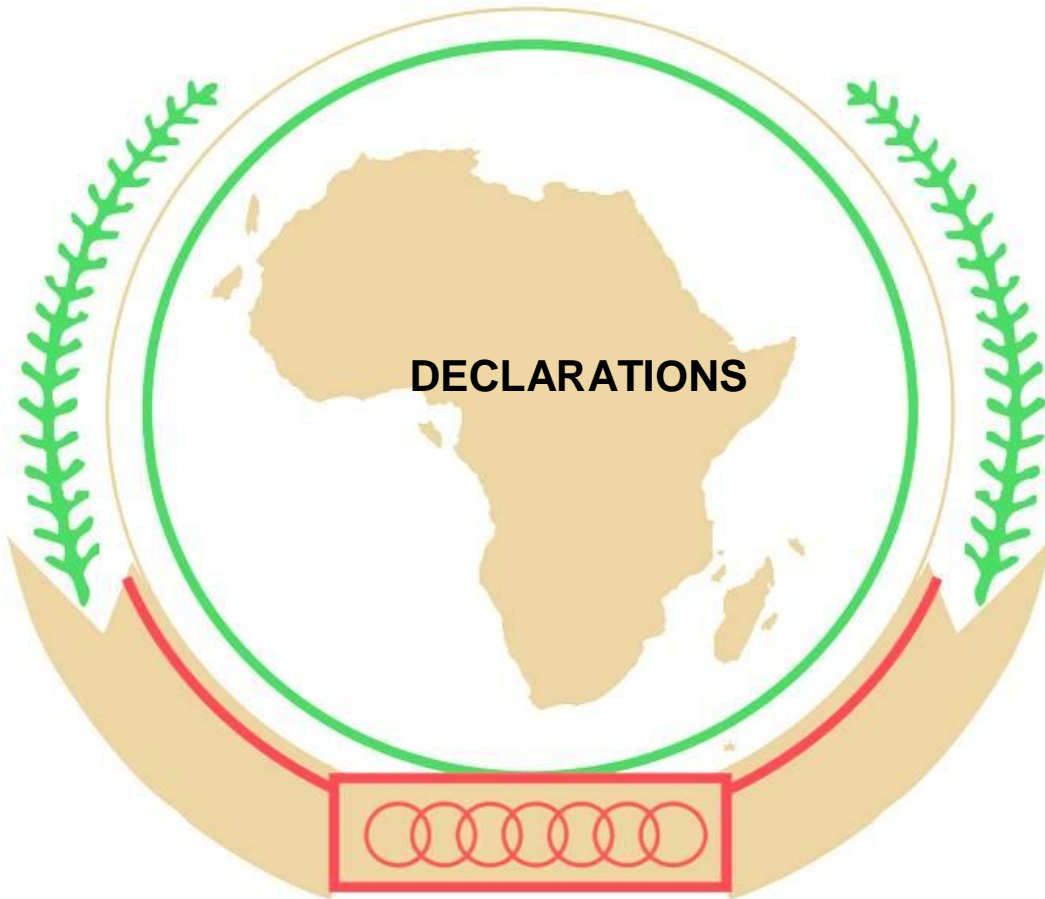
3. **REQUESTS** the Commission to implement the decision to increase Member States' contribution towards the Peace Fund from six percent (6%) to twelve percent (12%) over a period of three (3) years starting from 2011;
4. **FURTHER REQUESTS** the Commission and the Organs to scale down anticipated activities in 2010 including;
 - I. Extraordinary sessions, meetings and seminars of the African Court on Human and Peoples' Rights; and
 - II. The sessions of the African Union Commission on International Law.
5. **DECIDES** to postpone to 2011 the full operationalization and implementation of new Organs and programs;
6. **DECIDES** to remove the budgetary allocation of election monitoring under the Pan African Parliament and any other Organ, following the decision that the Commission should harmonize the organization of joint election observation missions with other Organs;;
7. **DECIDES** to allocate US\$3,020,854 to NEPAD as initial budget for its integration into African Union structures and processes pending:
 - i. The approval of its structure by the Policy Organs;
 - ii. Continued harmonization of its programs with those of the Commission to avoid duplication and ensure coherence.

DECISION ON ZIMBABWE

The Assembly,

1. **RECALLS** Decision EX.CL/Dec.252(XIII) adopted in Sirte, Great Libyan Arab Jamahiriya, in July 2009 on the immediate lifting of sanctions imposed on Zimbabwe;
2. **DEPLORES** the absence of the effective implementation of this Decision by the International Community;
3. **DRAWES THE ATTENTION** of Member States and the International Community on the harmful consequences of the non-application of the said Decision on the economic and social stability of Zimbabwe as well as on the well-being of the populations of that country;
4. **INVITES** all Member States and the International Community to give priority to the immediate and permanent lifting of the international sanctions imposed on Zimbabwe;
5. **REQUESTS** the Chairperson of the Commission to ensure the speedy and immediate implementation of this Decision and to report to the next Ordinary Session of the Assembly in July 2010, on all actions undertaken in this regard.





Adopted by the Fourteenth Ordinary Session of the Assembly in Addis Ababa, Ethiopia on 2 February 2010

**ADDIS ABABA DECLARATION ON INFORMATION AND COMMUNICATION
TECHNOLOGIES IN AFRICA:
CHALLENGES AND PROSPECTS FOR DEVELOPMENT
Doc. Assembly/AU/11(XIV)**

WE, the Heads of State and Government of the African Union, meeting in the Fourteenth Ordinary Session of our Assembly in Addis Ababa, Ethiopia on 31 January 2010 and from 1-2 February 2010:

Considering the Abuja Treaty establishing the African Economic Community;

Reaffirming our commitment to the principles and objectives as enshrined in the Constitutive Act of the African Union and our collective commitment to achieve the development of the Continent through the promotion of research in all fields, particularly in the area of science and technology;

Determined to take all the necessary steps to strengthen our common institutions and provide them with the necessary resources to enable them fulfil their mission efficiently including the implementation of the Action Plan of the World Summit on the Information Society (WSIS);

Recalling our commitment to the Millennium Development Goals (MDGs) to achieve the sustainable development of our Continent;

Reaffirming our determination to eliminate poverty, improve public health and education, increase agricultural production, as well as attain the MDGs;

Aware that the attainment of these goals depends not only on the ability of our States to make use of the enormous potential offered by Information and Communications Technologies but also on their will to provide this sector with increased and sustained investment;

Convinced of the powerful catalyzing role that Information and Communication Technologies can play in the development and integration process in Africa, especially in the establishment of a legal and regulatory framework that is harmonized and attractive for investments, shared telecommunications and ICT infrastructure and the convergence of networks, services and administrations;

Welcoming the various initiatives concerning the implementation of the resolutions and recommendations of the two phases of the World Summit on Information Society as well as the international partnerships, including in particular the Connect Africa Initiative, launched in Kigali, Rwanda during the Connect Africa Summit held from 29 to 30 October 2007, the Infrastructure Consortium for Africa, NEPAD, the Africa-EU Partnership for Science, Information Society and Space, the African Information Society Initiative of the United Nations Economic Commission for Africa and the Global Digital Solidarity Fund;

Recalling the Decision of the Executive Council which adopted the Oliver Tambo Declaration to establish a mechanism to accelerate and monitor the implementation of the African Regional Action Plan on the Knowledge Economy (ARAPKE), the Reference Framework for Harmonization of Policies and Regulations on Telecommunications and ICTs in Africa, the Strategies and Action Plans for the Development of Postal Sector in Africa;

Declaring the ICT sector as a sector of top priority in our development programs and therefore encouraging Member States and development partners to consider telecommunications and ICT infrastructure and services, as a basic public utility infrastructure.

1. UNDERTAKE TO:

- i) **INTENSIFY** the activities to implement the Reference Framework for Harmonisation of Telecommunication and ICT Policies and Regulations in Africa, the action for the development of postal sector as well as the African Regional Action Plan on the Knowledge Economy;
- ii) **STRENGTHEN** national programmes and regional cooperation for the development and interconnection of broadband infrastructures, the deployment of Regional Internet Exchange Points, and the improvement of rural area connectivity based on the principles of technological neutrality, non discrimination and open access, in support of the PIDA and through the use of synergies with the transport and energy sectors;
- iii) **ACCORD**, in our Telecommunications/ICT development policies and strategies, particular attention to the postal sector, a vital vehicle for

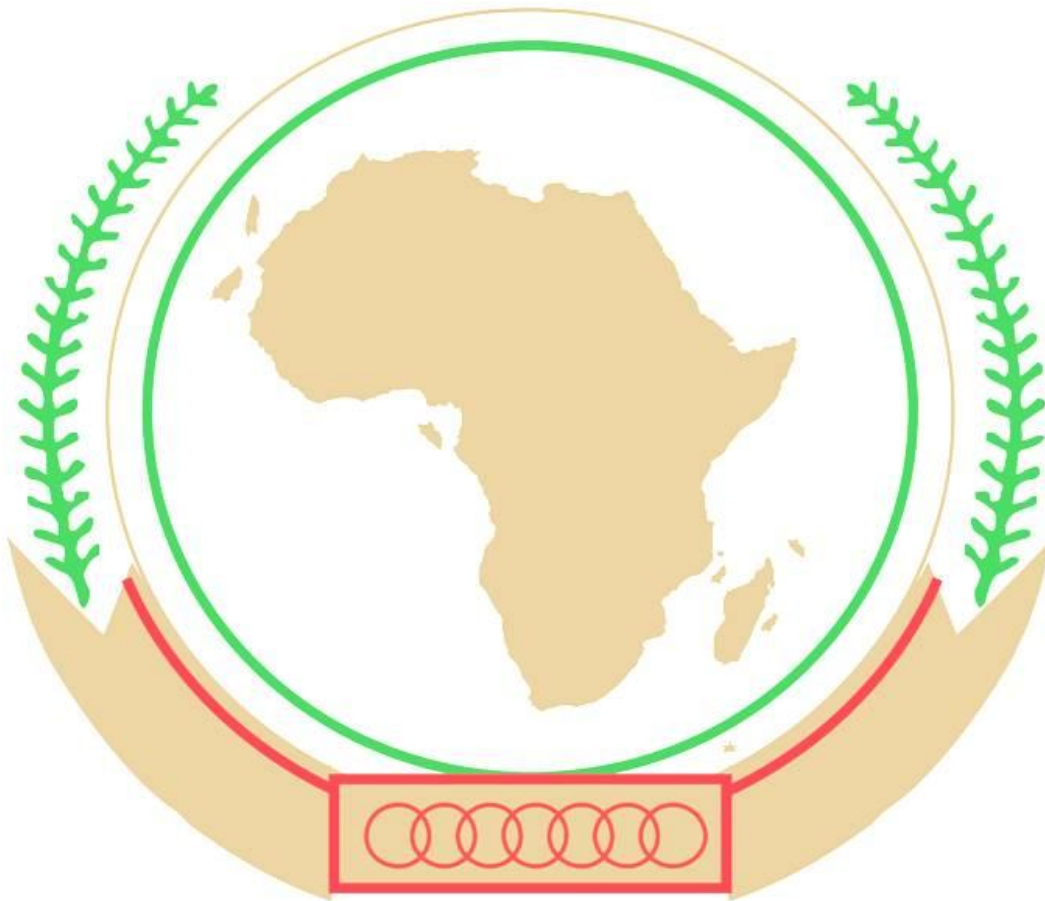
reaching out to our populations in rural areas and the digitalisation of the broadcasting technology in Africa;

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- iv) **DEVELOP** programmes and actions on training, acquisition of basic competences in Communication and Information Technologies and on capacity building, particularly for national and regional regulatory organs;
 - v) **PROMOTE** research and development actions as well as an environment favourable to innovation and entrepreneurship in the sector with a view to finding solutions and services suited to the conditions and needs of African users;
 - vi) **SUPPORT** the effective operationalization of the Forum of Telecommunications Regulators' Assembly as a non-binding Body, and the activities to create local content and socio-economic services adapted to Africa's development imperatives and implement cyber-strategies that guarantee security, freedom, confidentiality and the development of each and everyone;
 - vii) **ENCOURAGE** harmonization and efficient management of radio frequency spectrum, at both the national and the regional levels, of the scarce resources of the sector (radiofrequency spectrum, numbering plans, etc) and promote a coordinated approach for the efficient development of broad band services;
 - viii) **PROMOTE** favourable regulatory environment for the implementation of innovative public-private partnership and financing models, the sharing of infrastructure, favourable taxation on ICT equipment as well as all the measures needed at national and regional levels to lower the tariffs and provide better quality of service in the sector.

2. REQUEST the Commission to:

- i) set, in collaboration with the Regional Economic Communities, the United Nations Economic Commission for Africa, the International Telecommunication Union, higher education and research institutions and the ICT-sector specialised institutions in Africa, an African digital agenda identifying the main stages towards the establishment of an harmonized African ICT market by 2020.

- ii) develop a coherent and integrated approach as well as a coordination mechanism involving the key African stakeholders and development partners for the implementation and follow up of this Declaration.
3. **APPEAL** to the development partners, especially the financing institutions, to support the implementation of this Declaration and integrate Telecommunications and ICT into their priorities by granting them financing conditions similar to those of other basic public utility infrastructures.



DECLARATION OF THE ASSEMBLY OF THE AFRICAN UNION ON THE SITUATION IN THE REPUBLIC OF HAITI

WE, the Heads of State and Government of the African Union, meeting in the Fourteenth Ordinary Session of our Assembly in Addis Ababa, Ethiopia on 31 January 2010 and from 1-2 February 2010:

Deeply Touched by the tragedy that has struck the people of Haiti since the earthquake on 12 January 2010 with particularly devastating consequences;

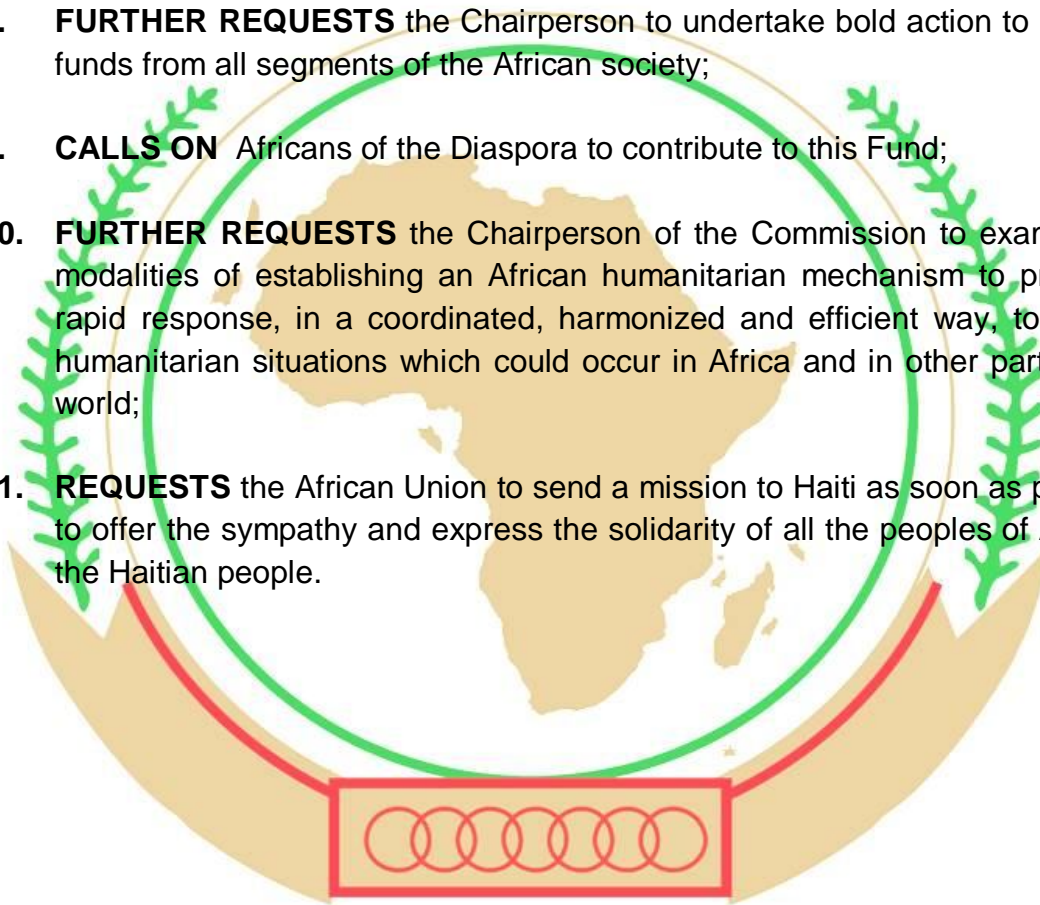
Considering the manifold and great hardships that the people of Haiti have suffered over so many years;

Concerned by the seriousness of the humanitarian situation currently existing in the country;

Conscious of the strong ties and age-old bonds that unite Africa and Haiti as well as their common heritage;

1. **EXPRESSES** its solidarity with the Government and people of Haiti, offers its deepest sympathy to the populations who have been affected and its condolences to those families that have been afflicted;
2. **PAYS TRIBUTE** to the memory of Mr. HEDI ANNABI, Special Representative of the Secretary General of the United Nations and to the memory of all the Representatives of the international community who died during this horrifying tragedy;
3. **COMMENDS** all efforts made by the international community to provide the victims of the earthquake of 12 January 2010 with generous assistance and contribute to the reconstruction of Haiti;
4. **EXPRESSES** its gratitude to those African States which have been supporting these efforts by making financial and material contributions;
5. **URGES** all Member States to show active solidarity towards Haiti and take action to provide a collective response to the challenge brought about by the earthquake;

6. **ENCOURAGES** Member States to provide scholarships to Haitian students affected by the disaster;
7. **REQUESTS** the Chairperson of the Commission to set up, as quickly as possible, in collaboration with the African Development Bank, an African Humanitarian Fund for Haiti to which all Member States are requested to make a contribution;
8. **FURTHER REQUESTS** the Chairperson to undertake bold action to mobilize funds from all segments of the African society;
9. **CALLS ON** Africans of the Diaspora to contribute to this Fund;
10. **FURTHER REQUESTS** the Chairperson of the Commission to examine the modalities of establishing an African humanitarian mechanism to provide a rapid response, in a coordinated, harmonized and efficient way, to serious humanitarian situations which could occur in Africa and in other parts of the world;
11. **REQUESTS** the African Union to send a mission to Haiti as soon as possible, to offer the sympathy and express the solidarity of all the peoples of Africa to the Haitian people.

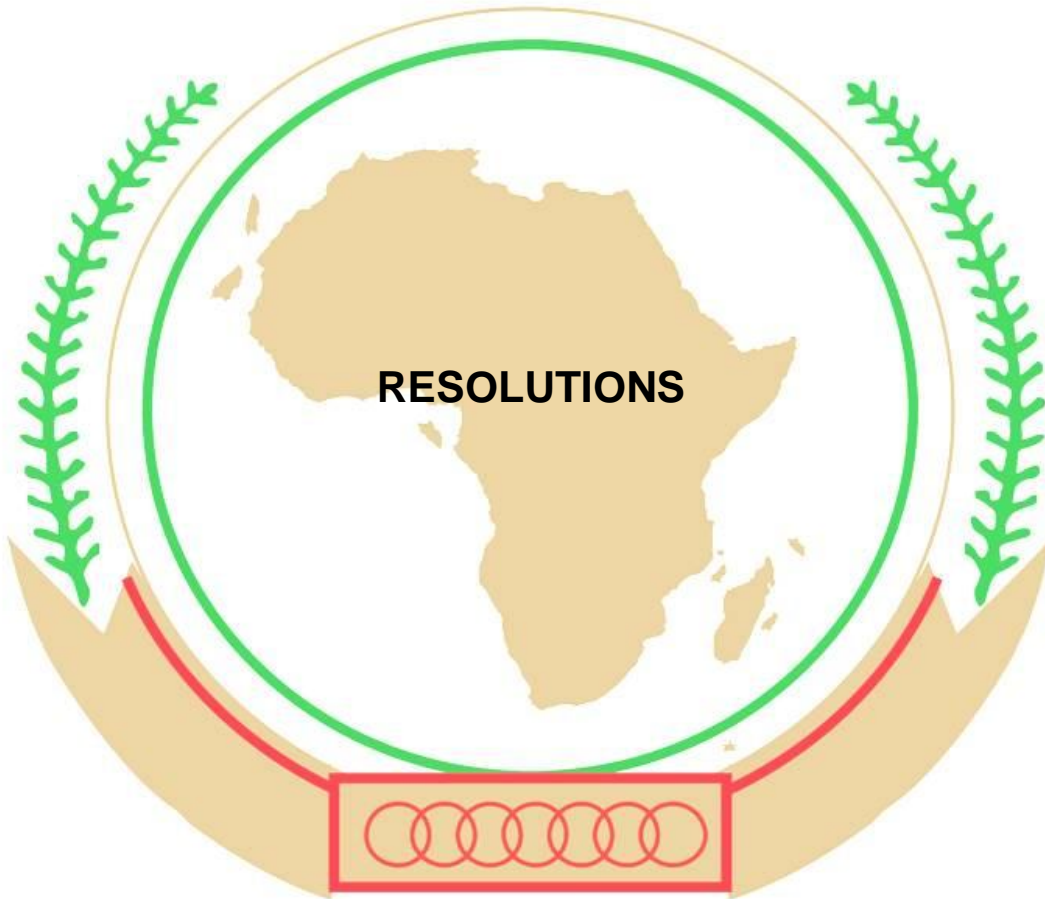


**DECLARATION OF THE ASSEMBLY OF THE AFRICAN UNION ON THE
ETHIOPIAN AIRLINES PLANE CRASH ON 25 JANUARY 2010**

WE, the Heads of State and Government of the African Union, meeting in the Fourteenth Ordinary Session of our Assembly in Addis Ababa, Ethiopia, from 31 January to 2 February 2010;

1. **EXPRESS** our deep sorrow and regret for the loss of life caused by the tragic air crash on 25 January 2010 involving an Ethiopian Airlines aircraft Flight 409 flying from Beirut, Lebanon to Addis Ababa, Ethiopia;
2. **CONVEY** our heart-felt condolences and sympathy to the Government and people of the Federal Democratic Republic of Ethiopia, Ethiopian Airlines and the families of all the victims of that tragic air crash.



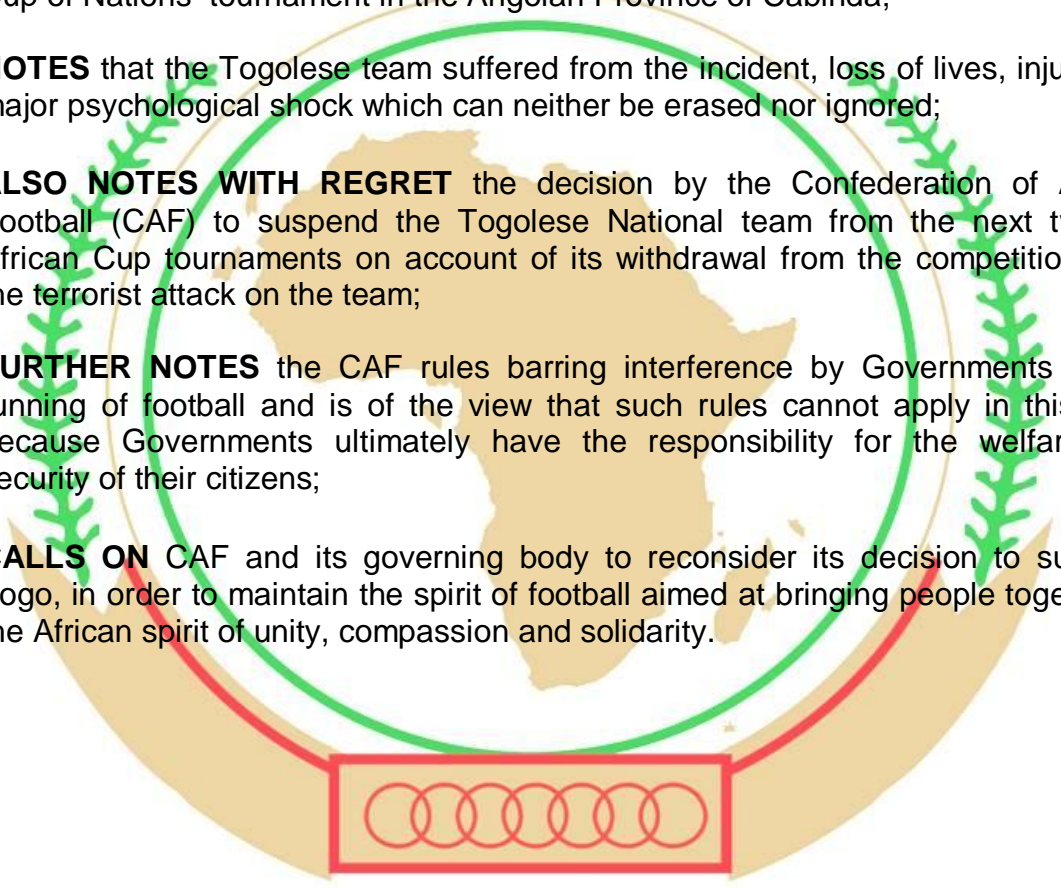


Adopted by the Fourteenth Ordinary Session of the Assembly in Addis Ababa, Ethiopia on 2 February 2010

RESOLUTION ON THE DECISION OF THE CONFEDERATION OF AFRICAN FOOTBALL (CAF) TO SUSPEND TOGO FROM THE NEXT TWO AFRICAN CUP OF NATIONS TOURNAMENTS

The Assembly,

1. **CONVEYS** its heart-felt condolences and sympathy to the Government and people of the Republic of Togo and the families of the victims of the terrorist attack of 8 January 2010 against the Togolese National Football Team attending the African Cup of Nations tournament in the Angolan Province of Cabinda;
2. **NOTES** that the Togolese team suffered from the incident, loss of lives, injury and major psychological shock which can neither be erased nor ignored;
3. **ALSO NOTES WITH REGRET** the decision by the Confederation of African Football (CAF) to suspend the Togolese National team from the next two (2) African Cup tournaments on account of its withdrawal from the competition after the terrorist attack on the team;
4. **FURTHER NOTES** the CAF rules barring interference by Governments in the running of football and is of the view that such rules cannot apply in this case because Governments ultimately have the responsibility for the welfare and security of their citizens;
5. **CALLS ON** CAF and its governing body to reconsider its decision to suspend Togo, in order to maintain the spirit of football aimed at bringing people together in the African spirit of unity, compassion and solidarity.



RESOLUTION ON SOLAR ENERGY IN THE SAHARA³

The Assembly,

Considering the development of solar energy which tends to be a substitute for thermal energy, the sources of which will dwindle;

Considering the many inconveniences related to atomic energy;

Considering that the Sahara is an inexhaustible source of solar energy;

Considering that developed countries are in the process of establishing increasingly powerful solar stations in the Sahara as an alternative source of energy;

Considering the fact that Africa's tardiness in the competition for access to solar energy will result in lack of competitiveness on the part of Continent with a negative impact on its economy;

DECIDES to:

- i. **REQUEST** all countries which have part of the Sahara within their territories to consider that the solar energy potential in this part of our Continent is a precious asset which should be managed for the benefit of our Continent;
- ii. **REQUEST** the Commission to conduct a study on the solar energy issue at technical experts' level to backstop efforts to harness solar energy and to report to the Assembly at its Ordinary Session in January 2011 through the Executive Council and the Permanent Representatives Committee on the financial implications for the implementation of this Resolution.

³ Reservation entered by Algeria