

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

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ASSEMBLY OF THE AFRICAN UNION

Fourth Ordinary Session

30 – 31 January, 2005

Abuja, NIGERIA

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Assembly/AU/Decl.1-2 (IV)

DECISIONS AND DECLARATIONS

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**DECISION ON THE INTERIM REPORT ON HIV/AIDS,
TUBERCULOSIS, MALARIA AND POLIO**

The Assembly:

1. **TAKES NOTE** of the Interim Report;
2. **ALSO TAKES NOTE** with satisfaction, of the institutionalization of AIDS Watch Africa (AWA) at the AU Commission;
3. **ENDORSES** the detailed strategies on health systems development, reducing disease burden and promoting child survival considered by Assembly;
4. **COMMENDS** the Global Fund Against HIV/AIDS, Tuberculosis and Malaria for holding its Ninth Board Meeting in Africa from where a decision was taken to launch Round Five funding for projects against these diseases, and; **CALLS UPON** the international community, especially the rich industrialized countries, to fully fund the Global Fund in line with previous commitments made in this regard, and taking into account the magnitude of the health emergency presented by these diseases in Africa;
5. **FURTHER COMMENDS** the sustained national, continental and international efforts to combat these diseases and promote health and development in Africa;
6. **REAFFIRMS** its commitment to invest increased resources in health and to address internal obstacles impeding their utilization;
7. **URGES** Member States to:
 - a) Take the lead in TRIPs negotiations and in implementing measures identified for promoting access to affordable generic drugs;
 - b) Ensure that every child receives polio immunization in 2005;
 - c) Prepare inter-ministerial costed development and deployment plans to address the Human Resources for Health crisis;
 - d) Prepare health literacy strategies to achieve an energized continent-wide health promotion endeavour;

- 8. URGES** Member States to intensify efforts towards more effective and well-coordinated implementation of national programmes to promote health systems development as well as improve access to prevention, treatment, care and support; along the “Three ones initiative”; the “3 by 5 Strategy” and Global “Child Survival Partnership”;
- 9. RESOLVES** to take all the necessary measures to produce with the support of the international community, quality generic drugs in Africa, supporting industrial development and making full use of the flexibility in international trade law and; **REQUESTS** the AU Commission within the framework of NEPAD to lead the development of a Pharmaceutical Manufacturing Plan for Africa;
- 10. CALLS UPON** the International Community to match the US\$19 billion gap in health financing which the WHO has determined that Africa is not in a position to self finance;
- 11. REQUESTS** the AU to foster partnerships with the global community, the UN Agencies and RECs, and to coordinate a review of the MDGs and report to the next Assembly.

**DECISION ON 17TH ANNUAL ACTIVITY REPORT OF THE
AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS (ACHPR)**

The Assembly:

- 1. ADOPTS** the 17th Annual Activity Report of the ACHPR and **TAKES NOTE** of the fact that Member States responses have been attached to the above Report;
- 2. AUTHORIZES** the publication of this Report in accordance with the provisions of Article 59 of the African Charter on Human and Peoples' Rights as well as its attachments;
- 3. COMMENDS** the ACHPR for the work accomplished and **REQUESTS** it to pursue and complete as soon as possible, the brainstorming on the relations with the various organs and institutions of the African Union in accordance with Decision Assembly/AU/Dec.7(II).

**DECISION ON THE CONVENING OF AN EXTRAORDINARY
SESSION OF THE EXECUTIVE COUNCIL**

The Assembly:

- 1. TAKES NOTE** of the Report on the Reform of the United Nations and in particular the Security Council;
- 2. FURTHER TAKES NOTE** of the Report of the Ad-hoc Ministerial Committee on the Scale of Assessment and the proposals contained therein;
- 3. WELCOMES** the establishment of a Committee of fifteen (15) on the Reform of the UN Security Council by the Executive Council;
- 4. ENDORSES** the mandate of the Committee to consider all aspects of the recommendations made in the report of the High Level Panel for the reform of UN System, particularly the reform of the Security Council, with the view to elaborating an African Common Position;
- 5. REQUESTS** Council to convene in an Extraordinary Session before March 2005 to adopt the African Common Position on the Reform of the United Nations;
- 6. FURTHER REQUESTS** Council to consider the proposals relating to the Scale of Assessment and make appropriate recommendations to enable Assembly take a final decision in July 2005.

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

The Assembly:

- 1. TAKES NOTE** of the request submitted by the East African Community for recognition and accreditation of the East African Community as one of the Regional Economic Communities of the African Union;
- 2. ENDORSES** the recommendations of the Executive Council for recognition of the East African Community and its accreditation it as a Regional Economic Community of the African Union.

**DECISION ON THE STATUS OF FOOD SECURITY IN AFRICA
Doc. Assembly/AU/6 (IV)**

The Assembly:

- 1. TAKES NOTE** of the Report;
- 2. FURTHER NOTES WITH GRAVE CONCERN** the serious economic and social impacts of the 2004 desert locust invasion of the Northern, Western and Eastern regions of Africa;
- 3. RECALLS** its Decision taken in Maputo in 2003 adopting the Comprehensive Africa Agricultural Development Programme (CAADP) for the Development of the Agriculture sector in Africa;
- 4. REQUESTS** the Commission and Member States to take all necessary measures to implement the Maputo, Sirte and Ouagadougou Declarations and their relevant Plans of Action;
- 5. FURTHER REQUESTS** the Commission to redraft the report on the Status of Food Security in Africa focusing on the implementation of CAADP and other relevant Declarations and Plans of Action and submit it for consideration of the Assembly in July every year;
- 6. REQUESTS** FAO, IFAD and WFP to collaborate with the Chairperson of the Commission to prepare the report.

**DECISION ON THE STRENGTHENING OF THE CAPACITY OF THE
AU INTER-AFRICAN PHYTOSANITARY COUNCIL (IAPC)
Assembly/AU/6 (IV)**

The Assembly:

- 1. TAKES NOTE** of the Report;
- 2. FURTHER NOTES** with grave concern the serious economic and social impacts of the 2004 desert locust invasion of the northern, western and eastern regions of Africa;
- 3. RECALLS** the Mandate of the Inter-African Phytosanitary Council of the Commission of the African Union;
- 4. REQUESTS** the Commission to strengthen the Inter-African Phytosanitary Council to facilitate capacity building at Regional and Continental levels in matters of phytosanitary surveillance and inspection, early warning systems for desert locust and other migratory pests, pest risk analysis and integrated pest and crop management as well as management and eradication of obsolete pesticides;
- 5. URGES** Member States and development partners to make increased contribution to the African Union's Special Emergency Assistance Fund for Drought and Famine in Africa;
- 6. CALLS UPON** the development partners to assist the AU Commission, through the Inter-African Phytosanitary Council, to implement this Decision;
- 7. REQUESTS** the Chairperson of the Commission to submit a report to the 6th Ordinary Session of the Assembly in 2006.

**DECISION ON ALLOCATION OF 10% OF NATIONAL BUDGETARY
RESOURCES TO AGRICULTURE AND RURAL DEVELOPMENT
OVER THE NEXT 5 YEARS
Assembly/AU/6 (IV)**

The Assembly:

- 1. TAKES NOTE** of the Report;
- 2. REQUESTS** the Chairperson of the Commission to define, in collaboration with Member States and the NEPAD Secretariat, the core areas of agriculture and rural development relevant to the 10% allocation adopted in the Maputo Declarations;
- 3. CALLS UPON** Member States to implement the present Decision in order to improve the financing of agriculture;
- 4. FURTHER REQUESTS** the Chairperson of the Commission to submit a report to the 5th Ordinary Session of the Assembly in July 2005.

DECISION ON THE COMMITTEE OF INTELLIGENCE AND SECURITY SERVICES OF AFRICA AND THE ESTABLISHMENT OF THE SECURITY AND INTELLIGENCE COMMITTEE IN THE OFFICE OF THE AFRICAN UNION COMMISSION CHAIRPERSON

The Assembly:

1. **TAKES NOTE** of the Report of the establishment of the Committee of Intelligence and Security Services of Africa (CISSA) in Abuja, Nigeria on 26 August 2004;
2. **COMMENDS** and **ENDORSES** the establishment of CISSA and its objectives;
3. **CONGRATULATES** Africa's Intelligence and Security Services for this initiative part of whose objectives will address Africa's myriad security, stability and developmental problems;
4. **AGREES** that CISSA should collaborate with the African Union and all its Organs and **DIRECTS** that an Intelligence and Security Committee be created for this purpose;
5. **FURTHER DIRECTS** that the Intelligence and Security Committee be located in the Office of the Chairperson of the African Union Commission who shall be the recipient of reports from the CISSA Secretariat or other CISSA structures;
6. **REQUESTS** the AU Commission Chairperson to take necessary steps to operationalize this Decision and report to the next Assembly the progress thereof.

**DECISION ON THE FRAMEWORK FOR THE ORGANIZATION
OF FUTURE SUMMITS**

The Assembly:

1. **TAKES NOTE** of the presentation on the framework for the Organization of future summits;
2. **RECALLS** its previous decision in July 2004 on the convening of two ordinary sessions of the Assembly every year;
3. **DECIDES** that the January sessions of the Assembly shall henceforth be held in the last week of January at the Headquarters of the Union, during which the Chairperson of the Assembly shall be elected;
4. **FURTHER DECIDES** that the January Session could be convened, on an exceptional basis, outside the Headquarters, by decision of the Assembly upon the recommendation of the Executive Council. However, such hosting shall not be linked to the Chairmanship of the Union;
5. **DECIDES ALSO** to extend the term of office of the Chairperson and the Bureau of the Assembly from July 2005 to January 2006;
6. **APPROVES** the following calendar for hosting of future Summits:

2005	-	July	-	Great Socialist People's Libyan Arab Jamahiriya
2006	-	January	-	The Sudan
		July	-	The Gambia
2007	-	January	-	Headquarters
	-	July	-	Ghana
2008	-	January	-	Headquarters
	-	July	-	Angola
2009	-	January	-	Headquarters
	-	July	-	Madagascar
2010	-	January	-	Headquarters
	-	July	-	Egypt

7. **DECIDES** that the relevant Rules of Procedure of the Assembly shall be amended accordingly;
8. **FURTHER DECIDES** that any proposal to change the Rules of Procedure of the Assembly should first be considered by the Executive Council.

**DECISION ON THE LOCATION OF THE HEADQUARTERS
OF AU INSTITUTIONS IN VARIOUS AU REGIONS OF THE CONTINENT**

The Assembly:

1. **TAKES NOTE** of the presentation on the location of AU institutions;
2. **RECALLS** its previous decision that the Pan African Parliament shall be located in the Southern Region (South Africa);
3. **DECIDES** that the other AU institutions shall be located in the following AU regions:
 - African Central Bank - Western Region
 - African Investment Bank - Northern Region
 - African Monetary Fund - Central Region
 - Court of Justice - Eastern Region
4. **TAKES NOTE** of the decision of the Northern Region that the African Investment Bank shall be located in the Great Socialist People's Libyan Arab Jamahiriya;
5. **REQUESTS** the Chairperson of the Commission to undertake the necessary preparatory activities for the elaboration of the necessary legal instruments and submit progress reports thereon to future Summits.

DECISION ON SOMALIA

The Assembly:

1. **NOTES WITH SATISFACTION** the achievements made in the Somalia peace and reconciliation process under the auspices of the Inter-Governmental Authority on Development (IGAD) and **CONGRATULATES** the people and the Transitional Federal Institutions (TFG) of Somalia for the success so far achieved;
2. **WELCOMES** the decision adopted by the 22nd Meeting of the Peace and Security Council (PSC) held on 5 January 2005, in which the PSC accepted, in principle, the deployment of an AU Peace Support Mission in Somalia, based on its previous decisions and the recommendations of the Nairobi Experts Meeting held on 15-16 December 2004, to support the Somalia Transitional Federal Institutions, and requested the Commission to submit to it recommendations on the mandate, size, structure, tasks and funding requirements for such a Mission;
3. **STRESSES** the need for the AU and the larger international community to provide speedy and sustained support to the Transitional Federal Institutions to prevent the unraveling of the tremendous achievements made in the reconciliation process in Somalia as a result of two years of collaborative endeavour by the countries of the region, the AU and the international community at large;
4. **REQUESTS** the Commission to expedite the preparation of the recommendations requested by the PSC to facilitate the speedy deployment of an AU Peace Support Mission, as part of the efforts to create propitious security conditions and to normalize the situation in order to assist in the effective functioning of the Transitional Federal Institutions, the relocation of which, in Somalia, constitutes an important component of the ongoing efforts to restore lasting peace and stability in that country;
5. **WELCOMES** the Abuja Communiqué of the IGAD Heads of State and Government of 31 January 2005 and **NOTES WITH APPRECIATION** the commitment of Djibouti, Ethiopia, Kenya, Sudan and Uganda to provide troops and/or equipment for the deployment of an IGAD Peace Support Mission to provide security support to the TFG of Somalia in order to ensure its relocation to Somalia and guarantee the sustenance of the outcome of the IGAD peace process. **REQUESTS**

the PSC to mandate IGAD to deploy such Peace Support Mission (PSM) pending the deployment of the envisaged AU PSM and **REQUESTS FURTHER** the Commission to provide support and assistance.

- 6. CALLS** for the convening, as soon as possible, of an International Pledging Conference for the post-conflict reconstruction of Somalia within the context of the already established mechanism. In this respect, the Assembly **REQUESTS** the Commission to take all measures required to contribute to the mobilization of the international community in support of peace-building efforts in Somalia;

- 7. CALLS UPON** AU Member States, particularly the IGAD Member States, to continue to do their utmost to consolidate the process of normalization and stabilization in Somalia.

**DECISION ON THE SITUATION IN THE DEMOCRATIC REPUBLIC
OF CONGO (DRC) AND THE RELATIONS BETWEEN THE
DRC AND RWANDA**

The Assembly,

1. **WELCOMES** the decision taken by the 23rd Session of the Peace and Security Council in Libreville on 10 January 2005;
2. **ENCOURAGES** the Current Chairperson of the AU and the Chairperson of the Commission to speedily implement the above decision.

DECISION ON THE SITUATION IN COTE D'IVOIRE

The Assembly:

1. **WELCOMES** the decision taken by the 23rd Meeting of the Peace and Security Council held in Libreville on 10 January 2005;
2. **COMMENDS** President Thabo Mbeki for the efforts exerted on behalf of the African Union and **ENCOURAGES** him to continue these efforts;
3. **URGES** the Ivorian parties to cooperate fully with President Thabo Mbeki;
4. **REQUESTS** the UN Security Council to coordinate closely its efforts with the African Union to facilitate the speedy resolution of the crisis in Cote d'Ivoire;
5. **EXPRESSES ITS SATISFACTION** at the continued involvement in the effort aimed at resolving the crisis and **ENCOURAGES** the ECOWAS countries to pursue their efforts in cooperation with the African Union.

**DECISION ON THE SITUATION IN THE DARFUR REGION
OF THE SUDAN**

The Assembly:

1. **CONDEMNS** in the strongest possible terms the continuing violations of the Ceasefire Agreement in Darfur by all the Parties and attacks perpetrated on the civilian populations. The Assembly **URGES** the parties to put an immediate end to these acts and to strictly adhere to their commitment to desist from any attacks by land or by air;
2. **EXPRESSES** its determination to take appropriate measures against those responsible for further obstructing the peace efforts in Darfur;
3. **SUPPORTS** the convening in N'djamena, Chad, in February 2005, of a high-level meeting of the Joint Commission, provided for in the Humanitarian Ceasefire Agreement of 8 April 2004, to strengthen the implementation of the Humanitarian Ceasefire Agreement and therefore contribute to the creation of conditions conducive to the vigorous pursuit of the peace process;
4. **STRESSES** the need for urgent and adequate preparation for the resumption of the Inter-Sudanese Peace Talks on Darfur, as directed by the 23rd Meeting of the Peace and Security Council held in Libreville, on 10 January 2005. The Assembly **URGES** the Parties to attend these Talks at the highest level, without preconditions;
5. **SUPPORTS** the proposal of the Chairperson of the AU to be assisted in his efforts to facilitate the attainment of a speedy solution to the conflict in Darfur by a Committee comprising Chad, Egypt, Gabon, Libya, Nigeria and the AU Commission;
6. **ENCOURAGES** all the leaders and other stakeholders who have been supporting the Inter-Sudanese Peace Talks on Darfur to continue their efforts;
7. **REQUESTS** the Peace and Security Council (PSC) to keep the situation in Darfur under constant review and to take all necessary measures to promote an early negotiated solution. The Assembly **FURTHER REQUESTS** the PSC to review the operations of the African Mission in the Sudan (AMIS) and to take all necessary steps to strengthen the Mission.

**DECISION ON THE PROPOSALS OF THE GREAT SOCIALIST PEOPLE'S
LIBYAN ARAB JAMAHIRIYA
Assembly/AU/5 (IV)Add.1-5**

The Assembly:

- 1. TAKES NOTE** of the proposals of the Great Socialist People's Libyan Arab Jamahiriya;
- 2. ACCEPTS** that these proposals are pertinent and forward looking and in line with the vision of the African Union;
- 3. DECIDES** to set up a Committee of Heads of State and Government Chaired by the President of the Republic of Uganda and composed of Botswana, Chad, Ethiopia, Niger, Senegal and Tunisia to consider with the Chairperson of the Commission the said proposals and submit a report to its 5th Ordinary Session in July 2005.

**DECISION ON THE REPORT OF HEADS OF STATE AND GOVERNMENT
IMPLEMENTATION COMMITTEE ON NEPAD
Assembly/AU.3 (IV)**

The Assembly:

- 1. TAKES NOTE WITH APPRECIATION** of the report presented by the Chairperson of the NEPAD Heads of State and Government Implementation Committee, H.E. Olusegun Obasanjo, President of the Federal Republic of Nigeria;
- 2. WELCOMES** the Africa Commission as an important step towards the mobilization of international assistance for the implementation of NEPAD and commends its efforts in this regard;
- 3. CALLS UPON** the international community to support NEPAD and in particular calls on the G8 countries to:
 - a) cancel all debts of African countries and take practical steps to urgently implement such cancellation;
 - b) double development assistance to Africa and improve its quality *inter alia* by channeling such increase through multilateral development institutions and by augmenting the budgetary support component of it;
 - c) take the necessary steps to complete the Doha round of trade negotiations at the earliest possible time so as to provide free and non-reciprocal access to their markets for African countries and eliminate export subsidies for agricultural products.

**DECISION ON THE DRAFT AFRICAN UNION NON-AGGRESSION
AND COMMON DEFENCE PACT**

The Assembly:

1. **EXPRESSES APPRECIATION** to the President of Ghana in his capacity as Chairperson and other members of the Committee of Heads of State and Government, established by the Third Ordinary Session of the Assembly, to consider the issues of Non-Aggression, Common Defence and Common Security;
2. **UNDERScores** the importance of the Pact as an instrument to reinforce cooperation among Member States in the areas of defence and security, and particularly, to strengthen the Mechanism for Conflict Prevention, Management and Resolution;
3. **DECIDES** to adopt the Draft African Union Non-Aggression and Common Defence Pact as amended by the Assembly;
4. **CALLS UPON** Member States to sign, ratify or accede to the Pact, as soon as possible to enable its early entry into force.

DECISION ON THE SIGNING OF THE COMPREHENSIVE PEACE AGREEMENT (CPA) BETWEEN THE GOVERNMENT OF THE SUDAN (GoS) AND THE SUDAN PEOPLES' LIBERATION MOVEMENT/ARMY (SPLM/A)

The Assembly:

1. **WELCOMES AND APPLAUDS** the signing of the Comprehensive Peace Agreement between the GoS and the SPLM/A, in Nairobi, Kenya, on 9 January 2005, and **CONGRATULATES** the Parties for this landmark agreement which brings to an end the longest running conflict in Africa;
2. **EXPRESSES ITS APPRECIATION** for the positive diplomatic and material contributions of the IGAD Member States, and of specially, Kenya, which hosted the long negotiations for the successful conclusion of the Talks;
3. **FURTHER EXPRESSES APPRECIATION** the diplomatic, financial and political contributions of the international community at large, and of the IGAD Partner's Forum, in particular, who tirelessly played pivotal roles throughout the negotiations;
4. **REMAINS COMMITTED** to accompany the Sudanese Parties during the Interim Period as they consolidate their hard-won peace and embark on the difficult tasks of reconciliation and post-conflict reconstruction.

**DECLARATION OF APPRECIATION TO THE UNITED NATIONS SECRETARY
GENERAL**

We, the Heads of State and Government of the African Union, meeting in the Fourth Ordinary Session of our Assembly, warmly congratulate our friend and brother Mr. Kofi Anan, Secretary General of the United Nations for being present at our Summit. We appreciate his leadership of the UN during the last seven years of his tenure and particularly the process of reform of the Organization which he has set in motion.

In that context, we take note, with considerable satisfaction, of his appointment of a High Level Panel to consider and make recommendations on Threats, Challenges and Change, facing the United Nations.

The report of the Panel, which is now the subject of intense focus throughout the world, including Africa, we believe will make a major contribution to the repositioning of the UN to respond more effectively to the demands of the present time. Africa, which expects much of the UN, is in the process of studying the recommendations in their totality and making its views known to the Secretary General.

We renew, yet again, our confidence in the ability of the Secretary General to successfully conclude his tenure of office, and wish him "bon courage".

Done in Abuja, 31 January 2005

MOTION OF APPRECIATION TO H.E. SAM NUJOMA,
PRESIDENT OF THE REPUBLIC OF NAMIBIA

The Assembly:

Conscious of the tremendous efforts made and the historical role played by President Nujoma, initially as Chairman of SWAPO in the liberation of his country, and later as President of Namibia;

- 1. PAYS SPECIAL TRIBUTE** to H.E. President Nujoma, for his dynamic leadership in the service of his country and the continent as well as his contribution to the attainment of the objectives of the African Union;
- 2. WISHES** President Nujoma success in all his future endeavours.

VOTE OF THANKS BY H.E. SAM NUJOMA,
PRESIDENT OF THE REPUBLIC OF NAMIBIA

Your Excellency, Chief Olusegun Obasanjo
Chairperson of the African Union and President
of the Federal Republic of Nigeria

Your Excellencies, Heads of State and Government
And Heads of Delegation,

Your Excellency Mr. Alpha Oumar Konaré,
Chairperson of the Commission of the African Union,

Distinguished Delegates,

Ladies and Gentlemen,

On behalf of my colleagues, Heads of State and Government and Heads of Delegation, and indeed on my own behalf, it is my singular honour and privilege to express our sincere thanks and appreciation, to you Mr. Chairperson, the Government and people of the Federal Republic of Nigeria for the warm welcome and customary Nigerian hospitality extended to us all since our arrival in this beautiful city of Abuja.

The excellent facilities availed to all our delegations have indeed contributed enormously to the successful conclusion of our deliberations.

Mr. Chairperson,

Under your able stewardship, we deliberated and took decisions on a wide range of important issues affecting our continent and the world at large. It is now incumbent upon us all to ensure the full implementation of the decisions that we have made.

May I also take this opportunity to express our appreciation to the Executive Council, the Permanent Representatives' Committee and indeed to the Chairperson of the Commission, the Commissioners and the entire staff of the Commission for their hard work.

Last but not least, our sincere thanks also go to all those who worked from behind the scene to make our work successful.

Let me conclude by expressing, once again, our sincere gratitude to you, Mr. Chairperson, for having directed our deliberations so efficiently to a successful conclusion.

I thank you.
Abuja, Nigeria
31 January, 2005