

7-1-2009

African Union Documents - Decision on Meeting of African States Parties to Rome Statute of the ICC

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AFRICAN UNION
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ASSEMBLY OF THE AFRICAN UNION

Thirteenth Ordinary Session

1 – 3 July 2009

Sirte, Great Socialist People's

Libyan Arab Jamahiriya

Assembly/AU/Dec. 243-267 (XIII) Rev.1

Assembly/AU/Decl.1- 5(XIII)



Adopted by the Thirteenth Ordinary Session of the Assembly in Sirte, Great Socialist People's
Libyan Arab Jamahiriya on 3 July 2009

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**DECISION ON THE ABUSE OF THE PRINCIPLE OF
UNIVERSAL JURISDICTION
Doc. Assembly/AU/11(XIII)**

The Assembly,

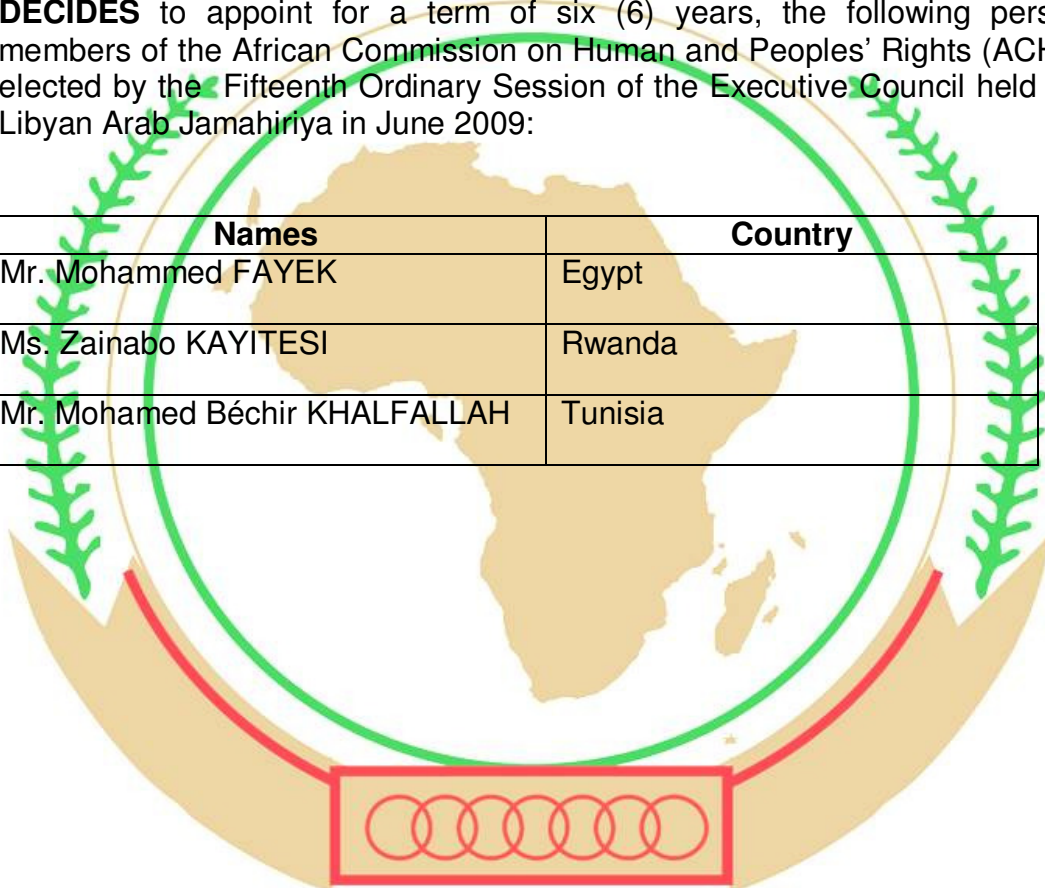
1. **TAKES NOTE** of the Progress Report of the Commission on the Implementation of Decision Assembly/AU/Dec.199(XI) adopted by the Assembly in Sharm El-Sheikh, Egypt in July 2008 as well as Decision Assembly/AU/Dec.213 (XII) on the Abuse of the Principle of Universal Jurisdiction adopted in Addis Ababa, Ethiopia in February 2009;
2. **ENDORSES** the recommendations of the Executive Council;
3. **REITERATES** its appeal to the Chairperson of the African Union to follow-up on this matter with a view to ensuring that it is exhaustively discussed at the level of the United Nations Security Council and the General Assembly, as well as the European Union;
4. **REITERATES** its previous positions articulated in Decisions Assembly/Dec.199(XI) and Assembly/Dec.213(XII) adopted in Sharm El Sheikh and Addis Ababa in July 2008 and February 2009 respectively to the effect that there has been blatant abuse of the Principle of Universal Jurisdiction particularly by some non-African States and **EXPRESSES** its deep concern that indictments have continued to be issued in some European States against African leaders and personalities. To this end, it **CALLS FOR** immediate termination of all pending indictments;
5. **FURTHER REITERATES** its conviction on 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;
6. **CALLS UPON** all concerned States to respect International Law and particularly the immunity of state officials when applying the Principle of Universal Jurisdiction;
7. **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 General Assembly and with the European Union, respectively;
8. **REQUESTS** the Commission to follow up on this matter and to report to the Assembly on progress made in the implementation of this Decision, in January/February 2010.

**DECISION ON THE APPOINTMENT OF MEMBERS OF THE AFRICAN
COMMISSION ON HUMAN AND PEOPLES' RIGHTS (ACHPR)
Doc. EX.CL/533 (XV)**

The Assembly,

1. **TAKES NOTE** of the election of Members of the African Commission on Human and Peoples' Rights (ACHPR) conducted by the Executive Council;
2. **DECIDES** to appoint for a term of six (6) years, the following persons as members of the African Commission on Human and Peoples' Rights (ACHPR) as elected by the Fifteenth Ordinary Session of the Executive Council held in Sirte, Libyan Arab Jamahiriya in June 2009:

Names	Country
Mr. Mohammed FAYEK	Egypt
Ms. Zainabo KAYITESI	Rwanda
Mr. Mohamed Béchir KHALFALLAH	Tunisia

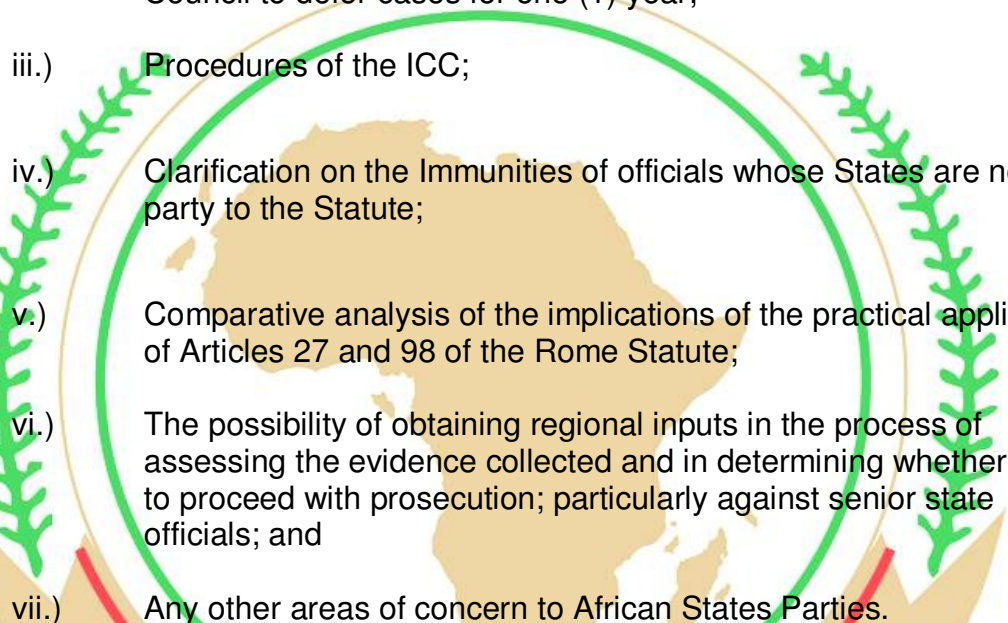


**DECISION ON THE MEETING OF AFRICAN STATES PARTIES TO THE ROME
STATUTE OF THE INTERNATIONAL CRIMINAL COURT (ICC)
Doc. Assembly/AU/13(XIII)**

The Assembly,

1. **TAKES NOTE** of the recommendations of the Executive Council on the Meeting of the African States Parties to the Rome Statute of the International Criminal Court (ICC);
2. **EXPRESSES ITS DEEP CONCERN** at the indictment issued by the Pre-Trial Chamber of the ICC against President Omar Hassan Ahmed El Bashir of the Republic of The Sudan;
3. **NOTES WITH GRAVE CONCERN** the unfortunate consequences that the indictment has had on the delicate peace processes underway in The Sudan and the fact that it continues to undermine the ongoing efforts aimed at facilitating the early resolution of the conflict in Darfur;
4. **REITERATES** the unflinching commitment of Member States to combating impunity and promoting democracy, rule of law and good governance throughout the continent, in conformity with the Constitutive Act of the African Union;
5. **REQUESTS** the Commission to ensure the early implementation of Decision Assembly/Dec.213(XII), adopted in February 2009 mandating the Commission, in consultation with the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights to examine the implications of the Court being empowered to try serious crimes of international concern such as genocide, crimes against humanity and war crimes, which would be complementary to national jurisdiction and processes for fighting impunity;
6. **ENCOURAGES** Member States to initiate programmes of cooperation and capacity building to enhance the capacity of legal personnel in their respective countries regarding the drafting and safety of model legislation dealing with serious crimes of international concern, training of members of the police and the judiciary, and the strengthening of cooperation amongst judicial and investigative agencies;
7. **FURTHER TAKES NOTE** that any party affected by the indictment has the right of legal recourse to the processes provided for in the Rome Statute regarding the appeal process and the issue of immunity;

8. **REQUESTS** the Commission to convene a preparatory meeting of African States Parties at expert and ministerial levels (Foreign Affairs and Justice) but open to other Member States at the end of 2009 to prepare fully for the Review Conference of States Parties scheduled for Kampala, Uganda in May 2010, to address among others, the following issues:

- 
- i.) Article 13 of the Rome Statute granting power to the UN Security Council to refer cases to the ICC;
 - ii.) Article 16 of the Rome Statute granting power to the UN Security Council to defer cases for one (1) year;
 - iii.) Procedures of the ICC;
 - iv.) Clarification on the Immunities of officials whose States are not party to the Statute;
 - v.) Comparative analysis of the implications of the practical application of Articles 27 and 98 of the Rome Statute;
 - vi.) The possibility of obtaining regional inputs in the process of assessing the evidence collected and in determining whether or not to proceed with prosecution; particularly against senior state officials; and
 - vii.) Any other areas of concern to African States Parties.

9. **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 the ICC, has neither been heard nor acted upon, and in this regard, **REITERATES ITS REQUEST** to the UN Security Council;

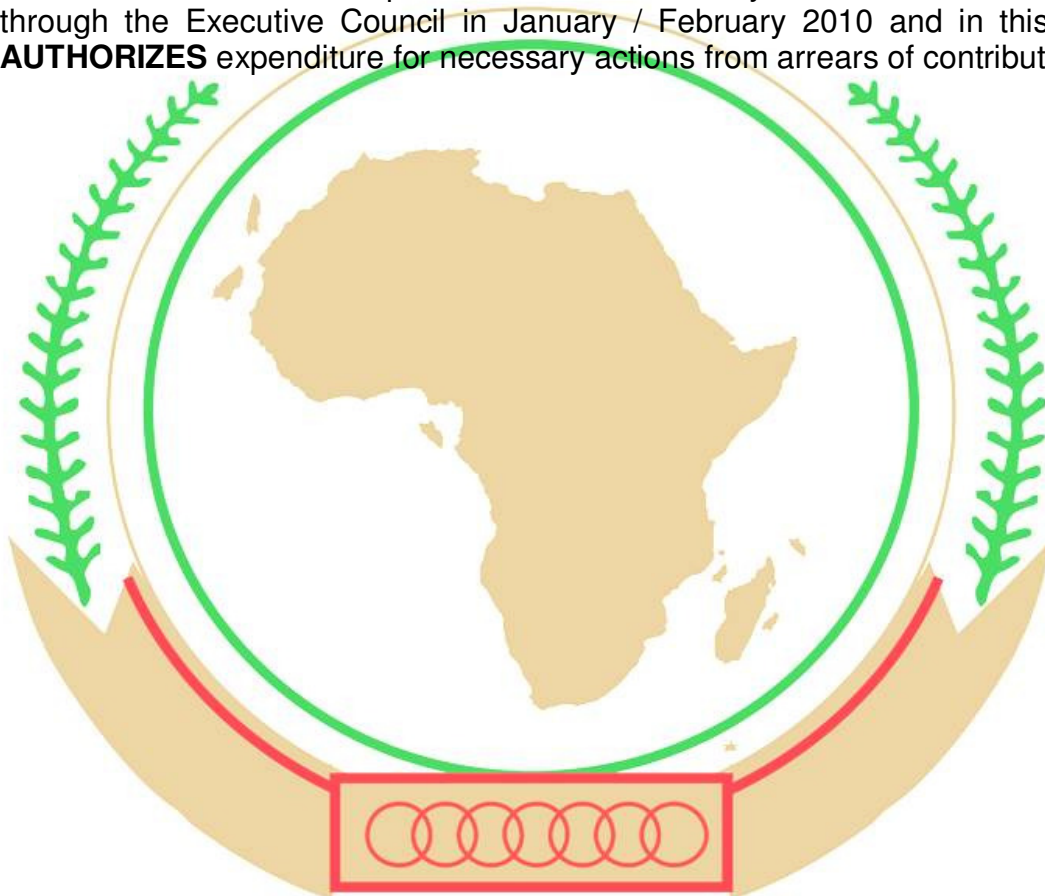
10. **DECIDES** that in view of the fact that the request by the African Union has never been acted upon, the AU Member States shall not cooperate pursuant to the provisions of Article 98 of the Rome Statute of the ICC relating to immunities, for the arrest and surrender of President Omar El Bashir of The Sudan ;*

11. **EXPRESSES CONCERN OVER** the conduct of the ICC Prosecutor and **FURTHER DECIDES** that the preparatory meeting of African States Parties to the Rome Statute of the ICC scheduled for late 2009 should prepare, *inter alia*,

* Reservation entered by Chad

guidelines and a code of conduct for exercise of discretionary powers by the ICC Prosecutor relating particularly to the powers of the prosecutor to initiate cases at his own discretion under Article 15 of the Rome Statute;

12. **UNDERScores** that the African Union and its Member States reserve the right to take any further decisions or measures that may be deemed necessary in order to preserve and safeguard the dignity, sovereignty and integrity of the continent;
13. **FINALLY REQUESTS** the Commission to follow-up on the implementation of this Decision and submit a report to the next Ordinary Session of the Assembly through the Executive Council in January / February 2010 and in this regard **AUTHORIZES** expenditure for necessary actions from arrears of contributions.



DECISION ON THE HISSENE HABRE CASE
Doc. Assembly/AU/12 (XIII) Rev.1

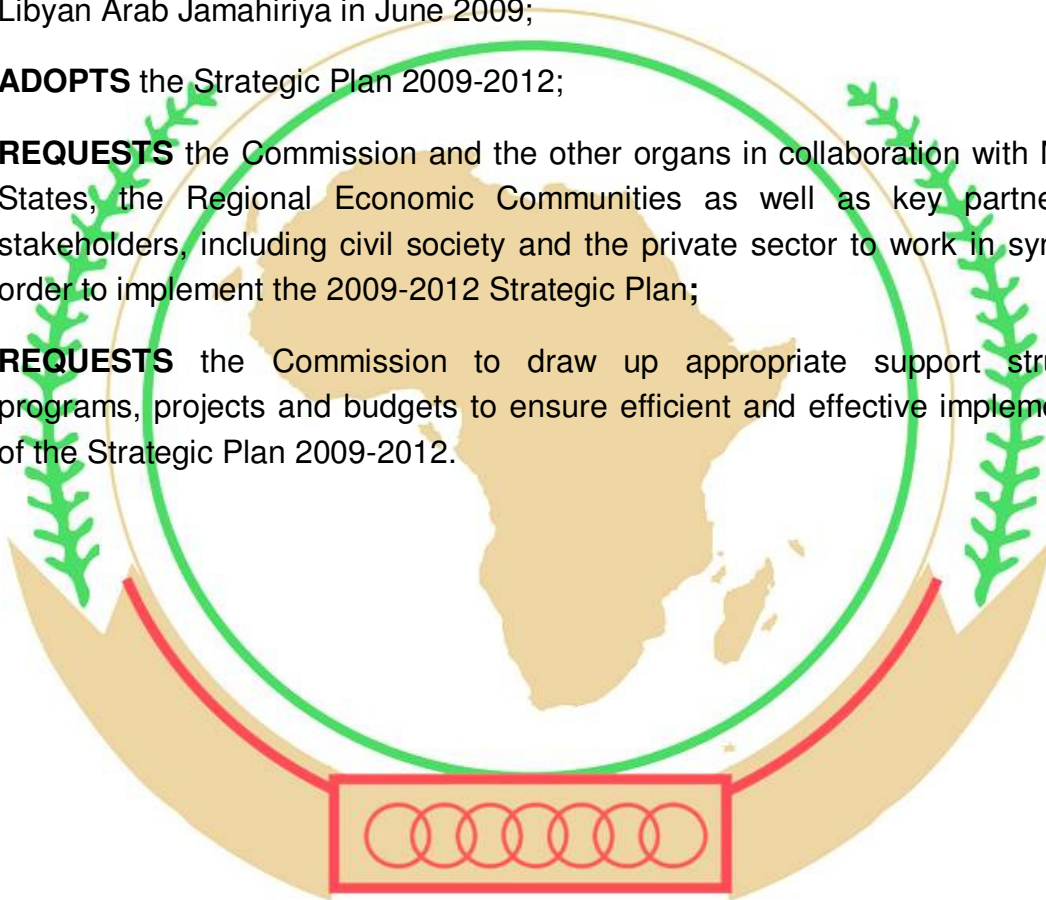
The Assembly,

1. **TAKES NOTE** of the Progress Report of the Commission on the Implementation of Assembly Decision Assembly/AU/Dec.240(XII) adopted by the Assembly in Addis Ababa, Ethiopia, in February 2009 on the Hissene Habre Case;
2. **ALSO TAKES NOTE** of the final estimated budget for the trial;
3. **EXPRESSES** its regret that in spite of its previous Assembly decision calling on all Member States of the African Union (AU) to make voluntary contributions to the budget of the Hissene Habre case, there has been no positive reactions from 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 AU mandate to prosecute and try Hissene Habre;
5. **DECIDES** that the AU should 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 (PRC);
6. **REQUESTS** the Government of Senegal and the Commission in collaboration with the Partners, particularly the European Union to consider the possibility of organizing a donors' conference as soon as possible;
7. **INVITES** all partner countries and institutions to support this process and participate in the Donors Round Table that will be organized in this regard in Dakar, Senegal during the last quarter of 2009;
8. **REQUESTS** the Commission to closely monitor the implementation of this Decision and to report to the next ordinary session of the Assembly in February 2010; and in this regard, **AUTHORIZES** expenditure for necessary actions from arrears of contributions.

**DECISION ON THE AFRICAN UNION COMMISSION
STRATEGIC PLAN 2009-2012
Doc. Assembly /AU/3(XIII)**

The Assembly,

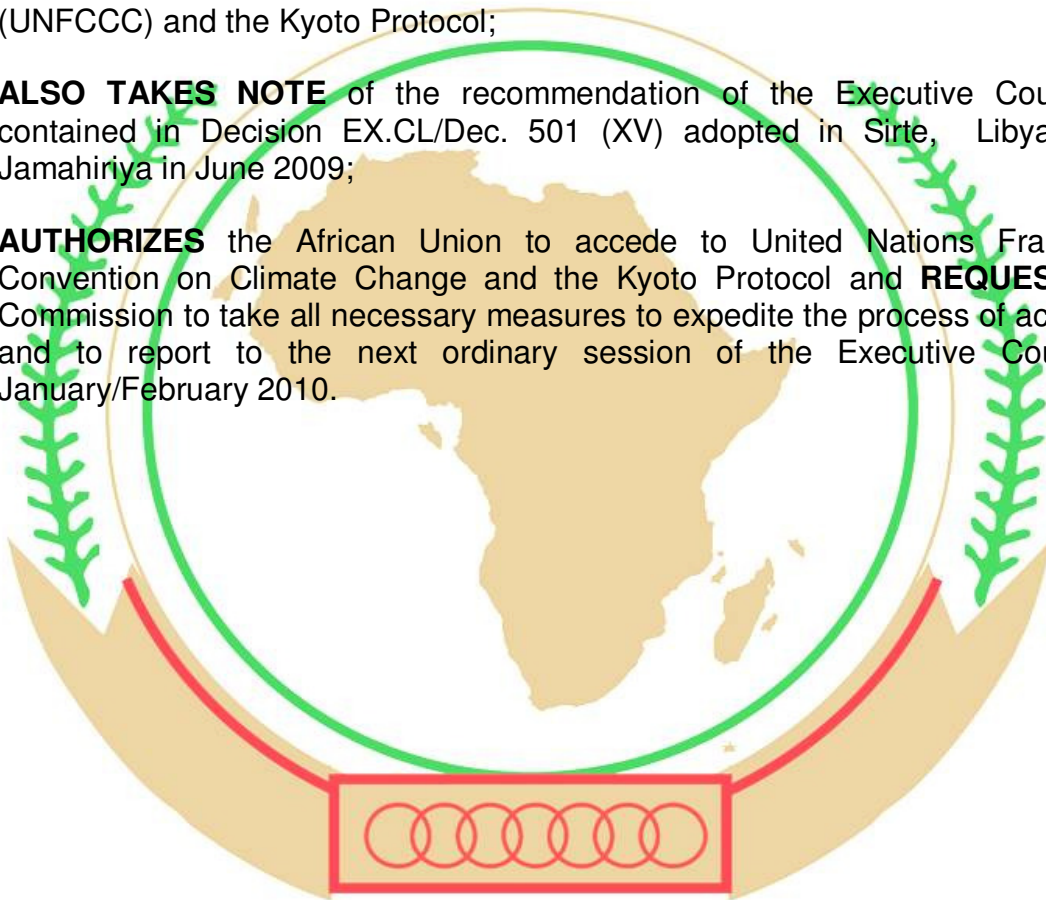
1. **ENDORSES** the recommendations of the Executive Council as contained in its Decision EX.CL./Dec. 481(XIV) adopted at its Fifteenth Ordinary Session in Sirte, Libyan Arab Jamahiriya in June 2009;
2. **ADOPTS** the Strategic Plan 2009-2012;
3. **REQUESTS** the Commission and the other organs in collaboration with Member States, the Regional Economic Communities as well as key partners and stakeholders, including civil society and the private sector to work in synergy in order to implement the 2009-2012 Strategic Plan;
4. **REQUESTS** the Commission to draw up appropriate support structures, programs, projects and budgets to ensure efficient and effective implementation of the Strategic Plan 2009-2012.



DECISION ON THE ACCESSION OF THE AFRICAN UNION TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC) AND THE KYOTO PROTOCOL

The Assembly,

1. **TAKES NOTE** of the Concept Note on the justifications for the African Union Accession to the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol;
2. **ALSO TAKES NOTE** of the recommendation of the Executive Council as contained in Decision EX.CL/Dec. 501 (XV) adopted in Sirte, Libyan Arab Jamahiriya in June 2009;
3. **AUTHORIZES** the African Union to accede to United Nations Framework Convention on Climate Change and the Kyoto Protocol and **REQUESTS** the Commission to take all necessary measures to expedite the process of accession and to report to the next ordinary session of the Executive Council in January/February 2010.



**REPORT ON THE ELECTION OF MEMBERS OF THE AFRICAN UNION
COMMISSION ON INTERNATIONAL LAW
Doc.EX.CL/534(XV)**

The Assembly,

1. **TAKES NOTE** of the results of the elections conducted by the Executive Council;
2. **DECIDES** to appoint the persons listed hereunder as members of the African Union Commission on International Law as elected by the Fifteenth Ordinary Session of the Executive Council in Sirte, Libyan Arab Jamahiriya:

Names	Country	Term of Office
Mr. Rafea Ben ACHOUR	Tunisia	3 years
Mr. Ebenezer APPREKU	Ghana	5 years
Mr. Nkurunziza DONATIEN	Burundi	3 years
Mr. Minelik Alemu GETAHUN	Ethiopia	5 years
Mr. Filali KAMEL	Algeria	5 years
Ms. Lilian Bokeeye MAHIRI-ZAJA	Kenya	3 years
Mr. Adelarthus KILANGI	Tanzania	5 years
Mr. Kholisani SOLO	Botswana	3 years
Mr. Blaise TCHIKAYA	Congo	5 years
Mr. Atanzio Kayafa TEMBO	Malawi	3 years
Mr. Cheikh Tidiane THIAM	Senegal	5 years

**DECISION ON THE PROCLAMATION OF 2010
“INTERNATIONAL YOUTH YEAR”
Doc. Assembly/AUI15 (XIII) Add.1**

The Assembly,

1. **RECOGNISES** the primordial role of the youth and the need for their participation in forging the future of humankind;
2. **RECALLS** the African Youth Charter adopted on 20 June 2006 by the Seventh Ordinary Session of the Assembly held in Banjul, The Gambia;
3. **ALSO RECALLS** the Strategic Framework of Action of the 2004 New Partnership for Africa's Development (NEPAD) Youth Programme which aims at youth capacity building and development;
4. **COMMENDS** Member States and the Commission for the activities undertaken as part of the celebration of the African Youth Year, and the efforts deployed towards the entry into force of the African Youth Charter;
5. **ALSO COMMENDS** His Excellency Zine El Abidine BEN ALI, President of the Republic of Tunisia, for his proposal to proclaim 2010 “International Youth Year” and to hold during the said year, under the auspices of the United Nations and with the assistance of the relevant international organizations, a World Youth Congress to be attended by youth from across the world to discuss issues of interest to the youth, and which should lead to the adoption of an International Pact that would establish the unequivocal attachment of the youth of the world to common universal values;
6. **REQUESTS** all Member States and the African Group in New York to give their firm support to efforts geared towards the adoption of a draft resolution proclaiming 2010 “International Youth Year” to be submitted to the Sixty-Fourth Session of the United Nations (UN) General Assembly in September 2009;
7. **APPEALS** to all Member States of the UN and other international organizations to support this initiative and contribute to its adoption when it is tabled before the UN General Assembly;
8. **REQUESTS** that the Commission follows up on the implementation of this decision and report to the Ordinary Session of the Assembly in 2011.

**DECISION ON THE AFRICAN
INVESTMENT BANK
Doc. EX.CL./514 (XV)**

The Assembly,

1. **TAKES NOTE** of the recommendations of the Second African Union (AU) Commission – United Nations Economic Commission for Africa (UNECA) Joint Conference of African Ministers of Economy, Finance and Planning on the Draft Statutes of the African Investment Bank (AIB), held in Cairo, Egypt in June 2009;
2. **ALSO TAKES NOTE** of the recommendations of the Executive Council on the draft Statutes of AIB, as contained in its decision EX.CL/Dec. 504 (XV) adopted in Sirte, Libyan Arab Jamahiriya, on 1 July 2009;
3. **REQUESTS** the Commission, in consultation with Member States' experts and other stakeholders, to elaborate the planned annexes to the Statutes and present same for consideration and validation at a meeting of legal and financial experts to be organized before October 2009, prior to submission for adoption by the Extraordinary Conference of African Ministers of Economy, Finance and Planning due to take place in November 2009 and thereafter to the next Ordinary Session of the Assembly in January/February 2010 through the Executive Council;
4. **ADOPTS** the Statutes of the African Investment Bank and **CALLS ON** Member States to ratify the Protocol of the African Investment Bank and the Statutes annexed to it.

**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/6(XIII)**

The Assembly,

1. **TAKES NOTE** of the Report of the Peace and Security Council (PSC) on its activities and the state of peace and security in Africa, including the report of the Panel of the Wise;
2. **WELCOMES** the efforts deployed by the current Chairperson of the Union, Brother Leader Muammar Qaddafi, PSC, the Panel of the Wise and other concerned actors to promote peace, security and stability in Africa, as well as the progress achieved in the establishment of the African Peace and Security Architecture, and **EXTENDS ITS FULL SUPPORT** to these efforts. The Assembly **ENCOURAGES** all the concerned parties to intensify their efforts to resolve the crisis and conflict situations in the continent and to consolidate peace where it has been made. The Assembly **ALSO REQUESTS** the Commission to continue to support the on-going processes and mobilize international community assistance to this end;
3. **ALSO WELCOMES** the progress achieved in the implementation of the Agreements concluded in 2006 between the Government of Burundi and Palipehutu-FNL. In this regard, the Assembly **CONGRATULATES** the Burundian parties for their political will, as well as the Regional Initiative and the South African Facilitation, for their unwavering support to the peace process. The Assembly **EXPRESSES GRATITUDE** to the international community for its support and **URGES** all concerned actors to invest all efforts to ensure that the 2010 elections are conducted in a peaceful, fair and transparent atmosphere, thus resulting in definitive end to the crisis in Burundi;
4. **WELCOMES** the conclusion, on 23 March 2009, of the Goma Agreements between the Government of the Democratic Republic of Congo (DRC), on the one hand, and the National Congress for the Defence of the People (CNDP) and the armed Congolese groups operating in North and South Kivu, on the other. The Assembly **INVITES** the parties to these Agreements to implement them without delay, and **EXPRESSES SATISFACTION** at the restoration of trust and confidence amongst the countries of the region in general, and between the DRC and Rwanda, in particular;

5. **NOTES WITH SATISFACTION** the successful conduct and the outcomes of the Inclusive Political Dialogue (DPI), which took place in Bangui, Central African Republic, from 8 to 20 December 2008, as well as the measures taken to implement the recommendations thereof. At the same time, the Assembly **EXPRESSES ITS SERIOUS CONCERN** at the resurgence of armed attacks and highway banditry, as well as the proliferation of political/military groups in the country. The Assembly **STRONGLY CONDEMNS** these attacks and **CALLS UPON** the concerned armed groups to put an immediate end to their attacks and join the political process, and thus consolidate peace and stability in CAR. The Assembly **APPEALS** to Member States and the international community to provide the financial and technical assistance required to facilitate the effective implementation of the recommendations of the DPI and the socio-economic recovery of CAR;
6. **WELCOMES** the signing of the Agreement of Good Will and Confidence Building for the Settlement of the Problem of Darfur between the Government of The Sudan and the Justice and Equality Movement, and **ENCOURAGES** them to continue the current talks aimed at finding practical ways and means to implement this important instrument for the Darfur peace process, in order to pave the way for discussions on the framework agreement and the cessation of hostilities and, ultimately, discussions on substantive issues. The Assembly **CALLS ON** all the parties to recommit themselves to dialogue and to refrain from any action likely to further complicate the situation;
7. **REITERATES** its strong support for the on-going work of the AU High-Level Panel on Darfur led by Thabo Mbeki, former President of South Africa, aimed at finding a balanced way to address concomitantly the questions of peace, justice and reconciliation, and **URGES** all the Sudanese stakeholders to assume an active role in the proceedings of the Panel. The Assembly **LOOKS FORWARD** to the recommendations of the Panel and is confident that they will greatly assist the on-going efforts to bring about lasting peace and reconciliation in Darfur;
8. **UNDERSCORES** the need for renewed efforts in promoting relations of good neighbourliness and trust between The Sudan and Chad and **CALLS FOR** the scrupulous implementation of the Agreements concluded between the two countries. The Assembly **ENCOURAGES** the efforts deployed to facilitate the normalisation of the relations between Chad and The Sudan, and **URGES** the co-Chairs of the Contact Group to resume its functioning, and thereby conclude

the excellent work that it set in motion within the context of the Dakar Agreement;

9. **SUPPORTS** the decisions of the PSC on the unconstitutional changes of Government that occurred in Mauritania, Guinea and Madagascar. The Assembly **WELCOMES** the signing, on 4 June 2009, of a Framework Agreement for a way out of the crisis in Mauritania, **PAYS TRIBUTE** to President Sidi Ould Cheikh Abdallahi for his high sense of the general interest, particularly his voluntary decision to hand over his presidential mandate to the people of Mauritania, thus making a historic contribution to the crisis exit process in the country, **CALLS UPON** the concerned parties to implement their commitments in good faith and in strict compliance with African Union principles on unconstitutional changes of Government and **URGES** AU partners to lend their full support to AU's decisions on this issue. The Assembly **LOOKS FORWARD** to the holding of free, fair and transparent presidential elections, in accordance with the Dakar Framework Agreement;
10. **EXPRESSES SATISFACTION** at the efforts deployed by the Economic Community of West African States (ECOWAS) and the AU Commission, as well as by the Chair of the Union, and at the invaluable role being played by the International Contact Group on Guinea, **INVITES** the authorities emanating from the coup d'état to respect their commitments and to bring the transition process to a successful conclusion in keeping with the roadmap agreed by the Guinean parties, and **REQUESTS** AU Member States and the international community to provide the financial and technical assistance needed to prepare and organize the legislative and presidential elections that should conclude the transition;
11. **EXPRESSES ITS SERIOUS CONCERN** at the lack of progress in restoring constitutional legality in Madagascar, **SUPPORTS** the elements for a way out of the crisis, as articulated by the International Contact Group on Madagascar at its meeting held in Addis Ababa on 30 April 2009, and **ENCOURAGES** the Chairperson of the Commission to pursue and redouble his efforts to achieve a speedy return to constitutional order, in close consultation with the Southern Africa Development Community (SADC), as well as the United Nations, the Organisation of Francophonie (OIF) and the EU. The Assembly **WELCOMES** the appointment by SADC of former President Joaquim Chissano as its Special Envoy for Madagascar and **LOOKS FORWARD** to the outcome of the planned meeting of the Contact Group on Madagascar before the end of July 2009 to review the situation and mobilize further support for the efforts aimed at ensuring a speedy return to constitutional order;

12. **CONDEMNS** in the strongest possible terms the spiral of violence which resulted in the assassination of the President of Guinea Bissau João Bernardo “Nino” Vieira, and his Chief of Army Staff, General Batista Tagme Na Wai, in March 2009, and more recently on 5 June 2009, the assassination of Baciro Dabo, candidate for the presidential election scheduled for 28 June 2009, and of Helder Proença, former Defence Minister. The Assembly **URGES** the armed and security forces to refrain from all interference in political issues, **SUPPORTS** the efforts deployed by the Chairperson of the Commission, including through his Special Envoy for Guinea Bissau, Mr. João Bernardo de Miranda, to backstop the process of stabilization in the country, and **ENCOURAGES** him to pursue these efforts and intensify coordination with ECOWAS and the United Nations so as to achieve a speedy resolution of the crisis in Guinea Bissau;
13. **WELCOMES** the progress achieved in Côte d’Ivoire in the implementation of the Ouagadougou Political Agreement (APO) and the Agreements Supplementary to APO, including the presidential decree of 14 May 2009 on the convening of the Electoral College and setting the date for the first round of the presidential election on 29 November 2009. The Assembly **URGES** the Ivorian parties to continue to demonstrate the political will required to create a climate propitious for the presidential elections and to deploy all efforts to honour their commitments. The Assembly **ENCOURAGES** Member States of the African Union and the international community at large to pursue and intensify their support for Côte d’Ivoire;
14. **WELCOMES** the significant progress made by President Sheikh Sharif Ahmed in the political process in Somalia, and **URGES** all Somali stakeholders yet to commit to the dialogue, to do so and join the peace process. The Assembly **STRONGLY CONDEMNS** the recent spate of attacks on the Transitional Federal Government of Somalia (TFG) and the civilian population by armed groups and foreign elements bent on undermining the reconciliation process and regional stability, **DEMANDS** that they put an end to such attacks which are tantamount to attempts at unconstitutional change of Government, **EXPRESSES ITS FULL SUPPORT** for the TFG as the legitimate authority in Somalia, and **URGES** the countries of the region, other Member States and the international community as a whole to provide all the necessary support to the TFG to enable it face up to the situation. In particular, the Assembly **EXPRESSES SUPPORT** to the efforts being deployed by IGAD to ensure the viability of the TFG;

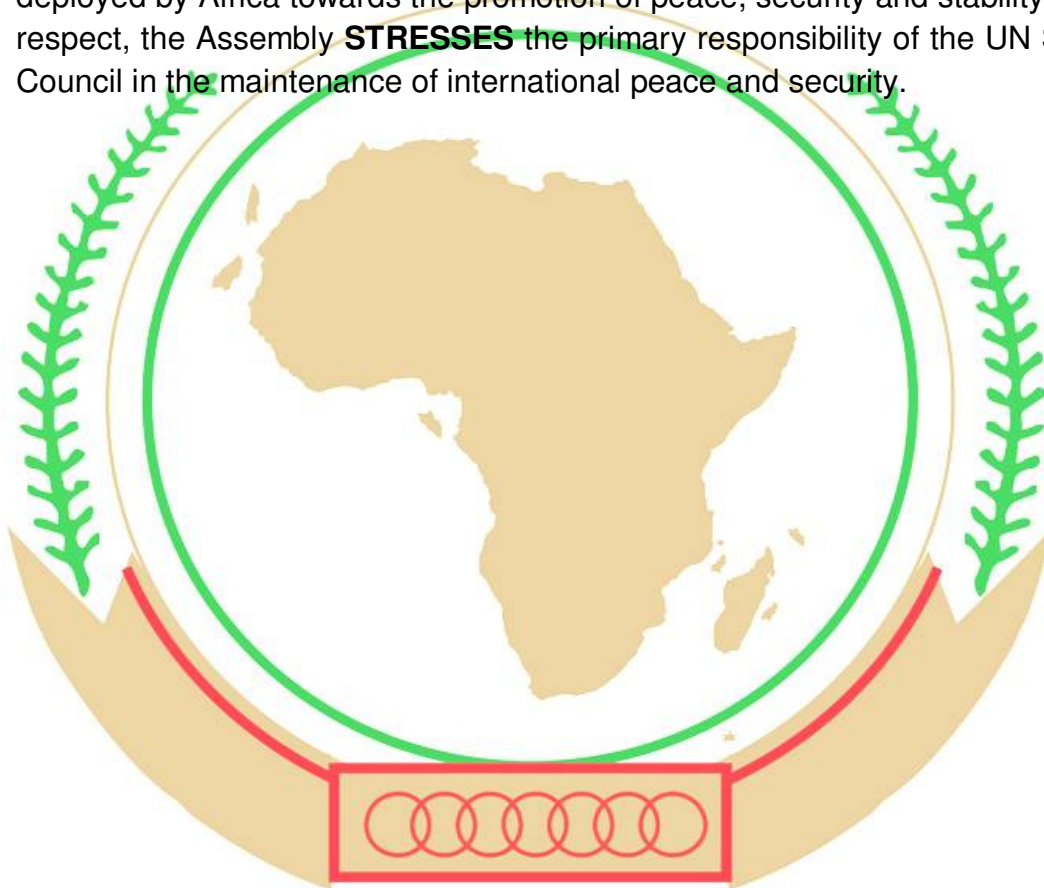
15. **URGES** AU Member States to provide the necessary military and police personnel to enable AMISOM to reach its authorized strength, **PAYS TRIBUTE** to AMISOM and the Troop Contributing Countries, namely: Burundi and Uganda; **REQUESTS** Member States which have promised to provide troops for AMISOM to honour these promises as soon as possible and **EXPRESSES GRATITUDE** to all the Member States and partners providing support to AMISOM;

16. **CALLS ON** the United Nations Security Council, in line with the AU PSC and IGAD communiqués, to take immediate measures, including the imposition of a no-fly zone and blockade of sea ports, to prevent the entry of foreign elements into Somalia, as well as flights and shipments carrying weapons and ammunitions to armed groups inside Somalia which are carrying out attacks against the TFG, the civilian population and AMISOM, and also to impose sanctions against all those foreign actors, both within and outside the region, especially Eritrea, providing support to the armed groups engaged in destabilization activities in Somalia, attacks against the TFG, the civilian population and AMISOM, as well as against the Somali individuals and entities working towards undermining the peace and reconciliation efforts and regional stability;*

17. **TAKES NOTE** of the Report of the Commission on the border crisis between Djibouti and Eritrea, as well as the negative evolution of the crisis, as described to the Assembly, **EXPRESSES GRAVE CONCERN** at the total absence of progress regarding the implementation by Eritrea of the successive decisions taken at the 11th and 12th Ordinary Sessions of the Assembly, held respectively in July 2008 and February 2009, as well as resolution 1862 of the UN Security Council regarding the border dispute between Djibouti and Eritrea. The Assembly, once again, **RE-AFFIRMS** its different decisions and resolutions mentioned above and **URGES** Eritrea to urgently and fully comply with the repeated demands of the AU and the international community on the border crisis between Eritrea and Djibouti;

18. **EXPRESSES ITS SERIOUS CONCERN** at the mounting insecurity in the maritime spaces around Africa, and Somalia in particular, and **STRONGLY CONDEMNS** all illegal activities in these regions, including piracy, illegal fishing and dumping of toxic waste. The Assembly **WELCOMES** the initiatives undertaken by the Commission to develop a comprehensive and coherent strategy to combat these scourges and **REQUESTS** it to submit reports thereon to the competent organs of the African Union, on a regular basis;

19. **WELCOMES** the Report of the Panel established by the AU and the UN to make concrete recommendations on how the UN could support AU-led peace support operations, **UNDERLINES** the need for continued efforts to ensure predictable, sustainable and flexible funding for AU-led peace support operations and **ENCOURAGES** the Commission to continue working closely with the UN Secretariat to follow up on the issue;
20. **REITERATES** the need for continued support by the UN to the efforts being deployed by Africa towards the promotion of peace, security and stability. In this respect, the Assembly **STRESSES** the primary responsibility of the UN Security Council in the maintenance of international peace and security.



 *Reservation Entered by Eritrea

**DECISION ON THE PREVENTION OF UNCONSTITUTIONAL CHANGES
OF GOVERNMENT AND STRENGTHENING THE CAPACITY OF THE
AFRICAN UNION TO MANAGE SUCH SITUATIONS**

Doc. Assembly/AU/7(XIII)

The Assembly,

1. **TAKES NOTE** of the Interim Report the Chairperson of the Commission on the Prevention of Unconstitutional Changes of Government and Strengthening the Capacity of the African Union (AU) to manage such situations, submitted pursuant to Decision Assembly/AU/Dec.220(XII) on the Resurgence of the Scourge of Coups d'état, adopted during the Twelfth Ordinary Session of the Assembly held in Addis Ababa, Ethiopia from 1 to 4 February 2009;
2. **REQUESTS** the Chairperson of the Commission to initiate consultations with the Regional Economic Communities (RECs), the Pan-African Parliament (PAP), the Economic, Social and Cultural Council (ECOSOCC) and other relevant AU organs and institutions on the ways and means of strengthening the capacity of the AU to deal with the scourge of unconstitutional changes of Government and submit, in light of these consultations, as well as relevant international experiences, a final report together with comprehensive recommendations on the matter, to its next Ordinary Session in January/February 2010;
3. **REITERATES**, in the meantime, AU's strong commitment to the provisions of Articles 4(p) and 30 of the Constitutive Act of the African Union, the Protocol Relating to the Establishment of the Peace and Security Council (PSC), the July 1999 Algiers Decision and the July 2000 Lomé Declaration on Unconstitutional Changes of Government. In this respect, the Assembly **URGES** all Member States that have not yet done so to take the necessary steps to sign/ratify the African Charter on Democracy, Elections and Governance adopted by the Eighth Ordinary Session of the Assembly held in Addis Ababa, Ethiopia on 30 January 2007 in order to strengthen the capacity of the AU to deal with the scourge of unconstitutional changes of Government.

**DECISION ON THE REPORT OF THE PANEL OF THE WISE ON STRENGTHENING
THE ROLE OF THE AFRICAN UNION IN THE PREVENTION, MANAGEMENT AND
RESOLUTION OF ELECTION-RELATED DISPUTES AND VIOLENT
CONFLICTS IN AFRICA**

Doc. Assembly/AU/6(XIII) Annex II

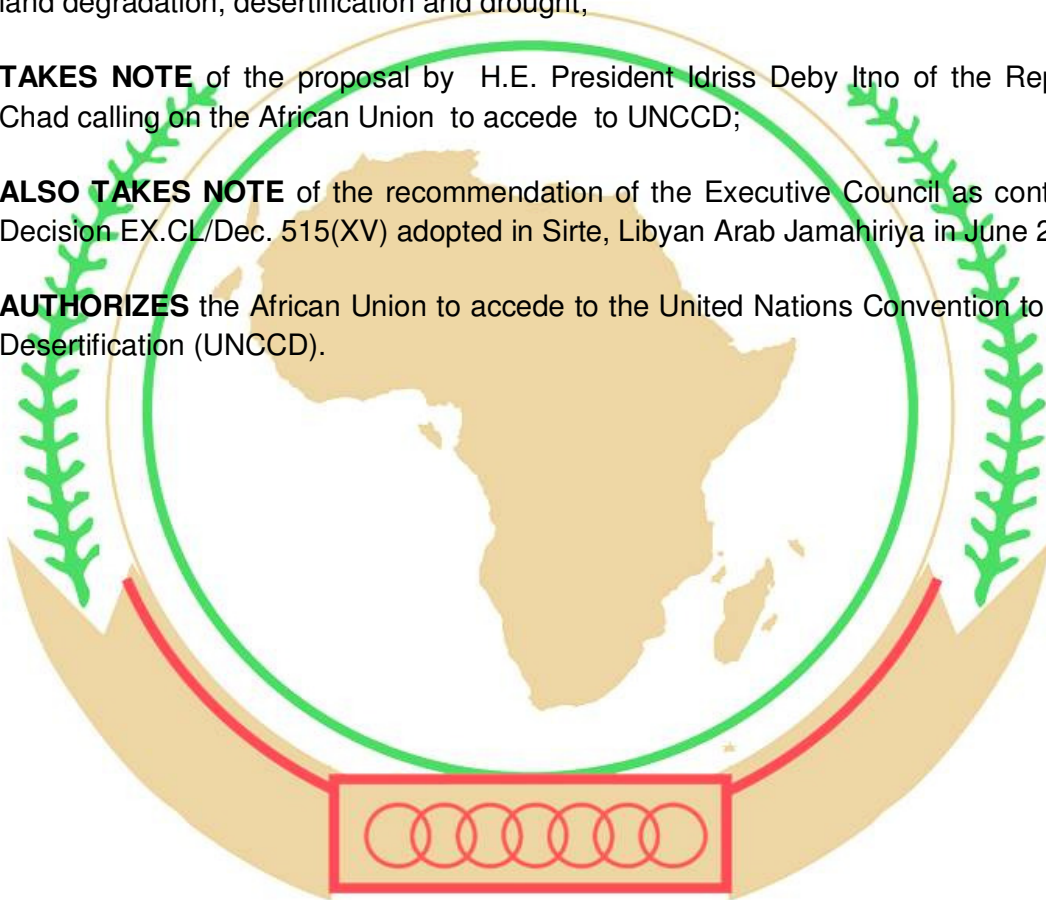
The Assembly,

1. **TAKES NOTE** of the Report of the Panel of the Wise on Strengthening the Role of the African Union in the Prevention, Management and Resolution of Election-related Disputes and Violent Conflicts in Africa;
2. **COMMENDS** the Panel of the Wise for having chosen, as part of its thematic reflection for the year 2008 an issue relevant to conflict prevention and peace building in Africa, the problem of election-related disputes and conflicts. The Assembly **CONSIDERS** the report of the Panel as a significant contribution to the implementation of Decision Assembly/AU/Dec.187(X), in which the Tenth Ordinary Session of the Assembly, held in Addis Ababa from 31 January to 2 February 2008, stressed the need to initiate a collective reflection on the challenges linked to the disputes and tensions that often characterize electoral processes in Africa, including the strengthening of African capacity at the national, regional and continental levels to observe and monitor elections;
3. **REQUESTS** the Commission to take all necessary steps to implement the recommendations of the Panel and to report to it regularly on the progress made in this respect.

**DECISION ON THE AFRICAN UNION ACCESSION TO THE UNITED NATIONS
CONVENTION TO COMBAT DESERTIFICATION (UNCCD)
Doc.EX.CL/512(XV) Add.3**

The Assembly,

1. **RECOGNIZES** the importance of the United Nations Convention to Combat Desertification (UNCCD) in those countries experiencing serious drought and/or desertification, particularly in Africa for the livelihoods of millions of Africans affected by land degradation, desertification and drought;
2. **TAKES NOTE** of the proposal by H.E. President Idriss Deby Itno of the Republic of Chad calling on the African Union to accede to UNCCD;
3. **ALSO TAKES NOTE** of the recommendation of the Executive Council as contained in Decision EX.CL/Dec. 515(XV) adopted in Sirte, Libyan Arab Jamahiriya in June 2009;
4. **AUTHORIZES** the African Union to accede to the United Nations Convention to Combat Desertification (UNCCD).

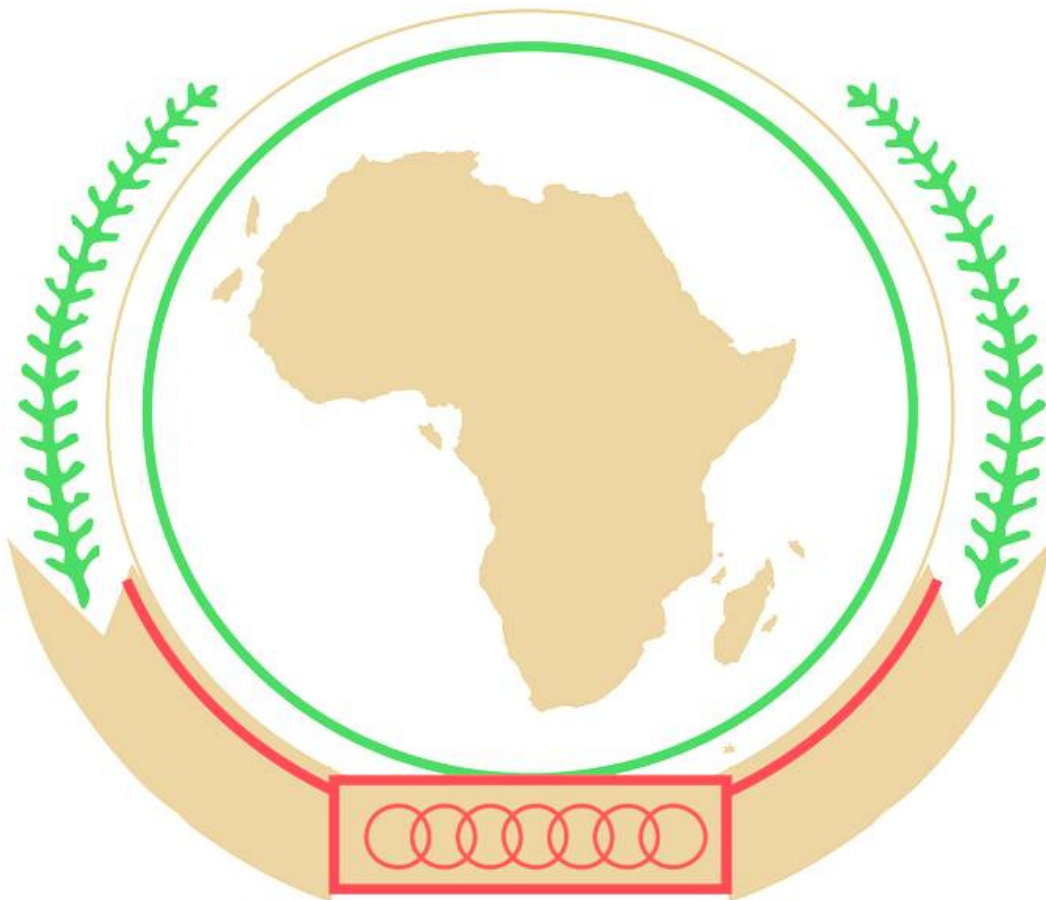


**DECISION TO COMBAT THE PAYMENT OF RANSOM TO
TERRORIST GROUPS**

The Assembly,

1. **EXPRESSES GRAVE CONCERN** over the growing phenomenon of piracy, hostage taking and the resultant demands for ransom;
2. **CONSIDERS** that the payment of ransom constitutes one of the main methods of financing international terrorism;
3. **RECALLS** Resolution 1373 of the United Nations (UN) Security Council on the Financing of Terrorists and Combating Terrorism, as well as Resolution 1267 on the Financing of the Activities of Terrorist Groups;
4. **ALSO RECALLS** the International Convention for the Suppression of the Financing of Terrorism, the International Convention against the Taking of Hostages, the OAU Convention and its Protocol on the Prevention and Combating of Terrorism, and the Algiers Plan of Action for the Prevention and Combating of Terrorism;
5. **REAFFIRMS** its determination to combat terrorism as a threat to international peace and security, and to strive to curb all sources of financing this phenomenon;
6. **ALSO REAFFIRMS** the urgent necessity to consolidate the existing legal arsenal to combat terrorism and to adopt restrictive legal measures to combat the payment of ransom to terrorist groups;
7. **STRONGLY CONDEMNNS** the payment of ransom to terrorist groups for hostages to be freed;
8. **REQUESTS** the international community to consider the payment of ransom to terrorist groups a crime;
9. **REQUESTS** the Security Council to adopt a restrictive resolution against the payment of ransom in order to consolidate legal provisions put in place, particularly by resolutions 1373 and 1267, as well as international and African conventions;
10. **FURTHER REQUESTS** the United Nations General Assembly to include this issue in its agenda and to initiate negotiations with a view to elaborating a supplementary protocol to the International Convention for the Suppression of the Financing of Terrorism or to the International Convention against the Taking of Hostages which prohibits the payment of ransom to terrorist groups;

11. **ALSO REQUESTS** the Commission to follow up on the implementation of this Decision and to report to the Assembly in June/July 2010.



**DECISION ON THE AFRICAN COMMON POSITION ON CLIMATE CHANGE
INCLUDING THE MODALITIES OF THE REPRESENTATION OF AFRICA TO THE
WORLD SUMMIT ON CLIMATE CHANGE**

DOC. EX.CL/ 525(XV)

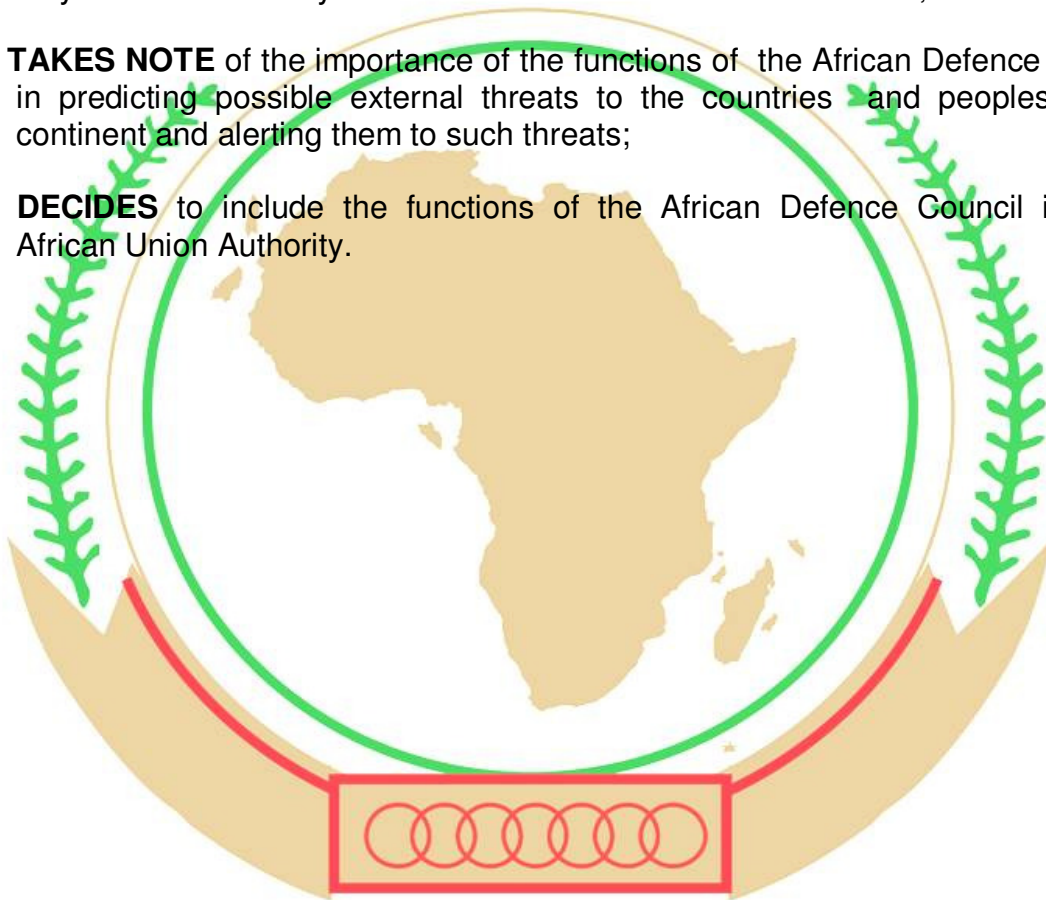
The Assembly,

1. **TAKES NOTE** of the Progress Report of the Commission on the Implementation of Decision Assembly/AU/Dec. 236(XII) adopted by the Twelfth Ordinary Session of the Assembly in Addis Ababa, Ethiopia in February 2009;
2. **APPROVES** the recommendations of the Executive Council on the African common position on climate change including the modalities of the representation of Africa at the World Summit on climate change scheduled for Copenhagen, Denmark, in December 2009, as contained in its Decision EX.CL/500(XV) adopted in Sirte, Libyan Arab Jamahiriya;
3. **URGES** Member States to vigorously champion the African Common Position on Climate Change;
4. **CALLS UPON** Member States to take note of the schedule of the United Nations Framework Convention on Climate Change (UNFCCC) negotiations and other important meetings towards the Conference of Parties (COP 15) and ensure active participation of the delegated African Negotiators and Experts and that the African common position on climate change is taken into account;
5. **WELCOMES** the offer by H.E President Blaise Compaoré of Burkina Faso to host a World Forum on sustainable development under the theme “Climate Change: Opportunities for Sustainable Development?” scheduled for Ouagadougou Burkina Faso, from 19 to 22 October 2009 as an important step towards preparations for the Copenhagen Summit;
6. **CALLS ON** Africa’s development partners to support Africa in its efforts towards implementation of this Decision;
7. **REQUESTS** the Commission to take all the necessary measures to implement this Decision and to report to the Assembly, on a regular basis;

**DECISION ON THE ESTABLISHMENT OF AN
AFRICAN DEFENCE COUNCIL
Doc. Assembly/AU/15(XIII) Add.2**

The Assembly,

1. **EXPRESSES** its appreciation for the proposal of the Great Socialist People's Libyan Arab Jamahiriya to establish an African Defence Council;
2. **TAKES NOTE** of the importance of the functions of the African Defence Council in predicting possible external threats to the countries and peoples of the continent and alerting them to such threats;
3. **DECIDES** to include the functions of the African Defence Council into the African Union Authority.

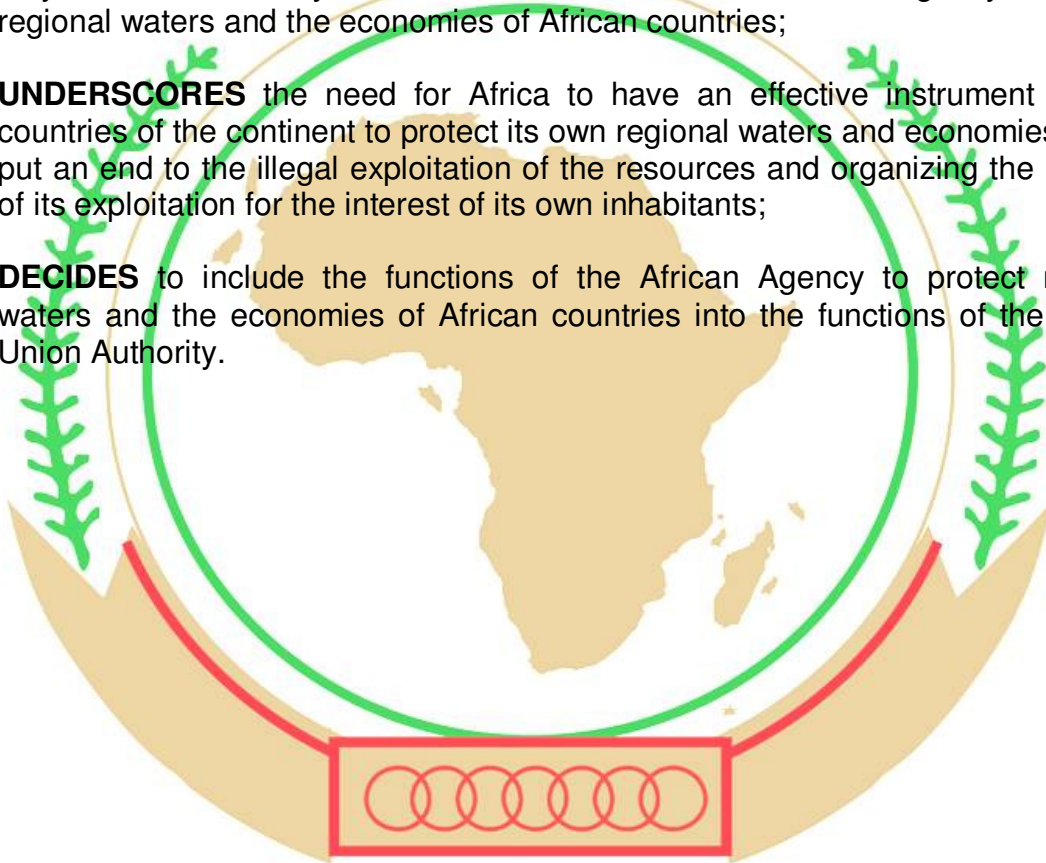


DECISION ON THE ESTABLISHMENT OF THE AFRICAN AGENCY FOR THE PROTECTION OF TERRITORIAL AND ECONOMIC WATERS OF AFRICAN COUNTRIES

Doc. Assembly/AU/15(XIII) Add.4

The Assembly,

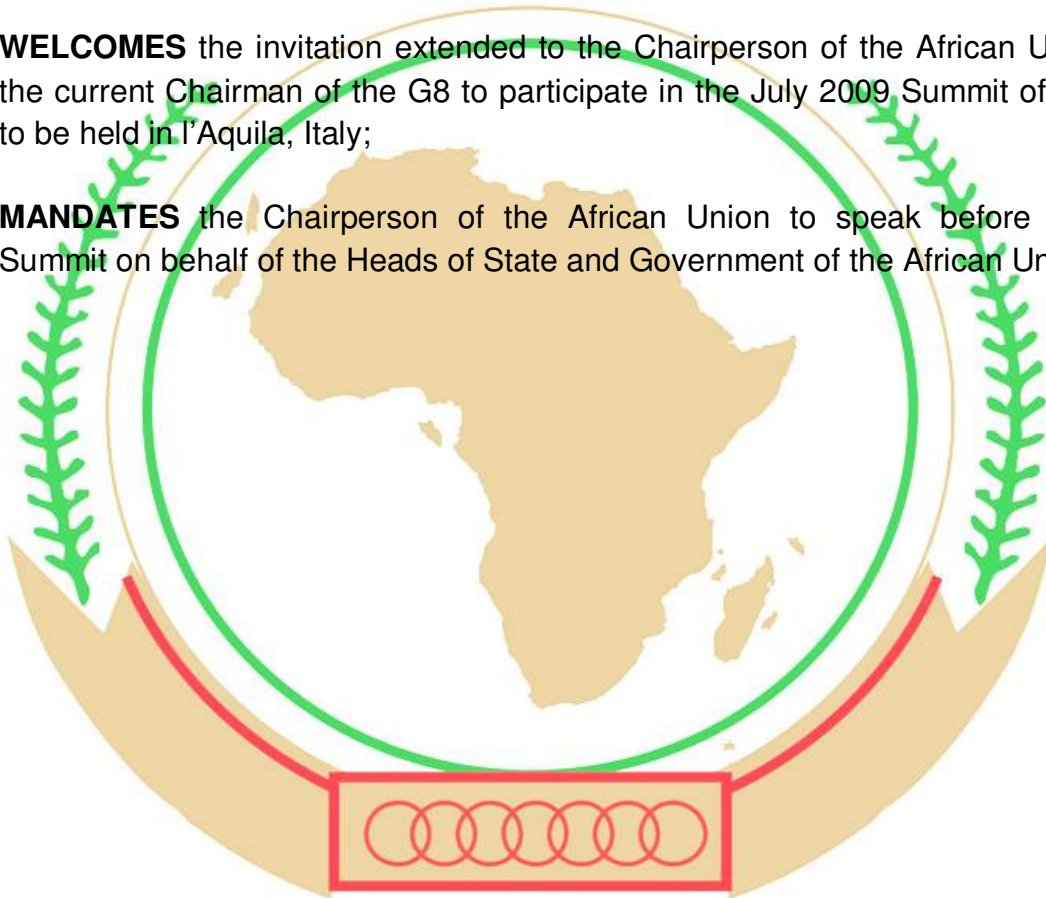
1. **EXPRESSES** its appreciation for the proposal by the Great Socialist People's Libyan Arab Jamahiriya on the establishment of an African Agency to protect regional waters and the economies of African countries;
2. **UNDERScores** the need for Africa to have an effective instrument to help countries of the continent to protect its own regional waters and economies and to put an end to the illegal exploitation of the resources and organizing the process of its exploitation for the interest of its own inhabitants;
3. **DECIDES** to include the functions of the African Agency to protect regional waters and the economies of African countries into the functions of the African Union Authority.



DECISION ON THE PREPARATION OF THE G8 SUMMIT
Doc.EX.CL/508(XV)

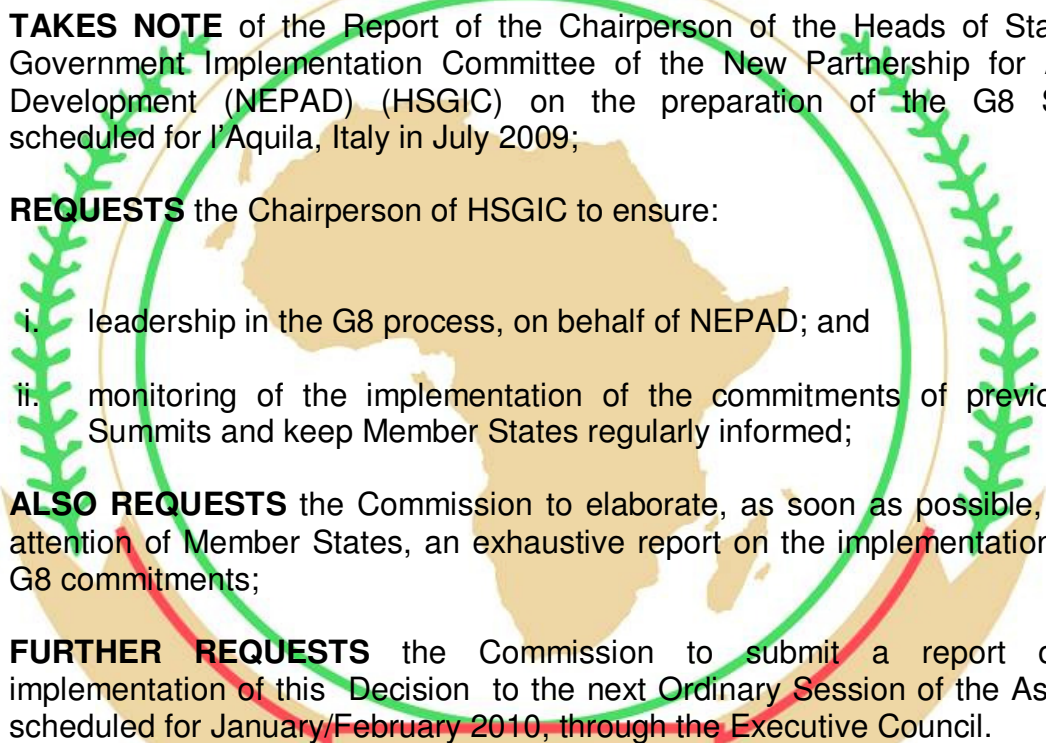
The Assembly,

1. **WELCOMES** the invitation extended to the Chairperson of the African Union by the current Chairman of the G8 to participate in the July 2009 Summit of the G8 to be held in l'Aquila, Italy;
2. **MANDATES** the Chairperson of the African Union to speak before the G8 Summit on behalf of the Heads of State and Government of the African Union.



DECISION ON THE PREPARATION OF THE G8 SUMMIT
Doc.EX.CL/508(XV)

The Assembly,

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1. **TAKES NOTE** of the Report of the Chairperson of the Heads of State and Government Implementation Committee of the New Partnership for Africa's Development (NEPAD) (HSGIC) on the preparation of the G8 Summit scheduled for l'Aquila, Italy in July 2009;
 2. **REQUESTS** the Chairperson of HSGIC to ensure:
 - i. leadership in the G8 process, on behalf of NEPAD; and
 - ii. monitoring of the implementation of the commitments of previous G8 Summits and keep Member States regularly informed;
 3. **ALSO REQUESTS** the Commission to elaborate, as soon as possible, for the attention of Member States, an exhaustive report on the implementation of the G8 commitments;
 4. **FURTHER REQUESTS** the Commission to submit a report on the implementation of this Decision to the next Ordinary Session of the Assembly scheduled for January/February 2010, through the Executive Council.

DECISION ON THE SITUATION IN ZIMBABWE

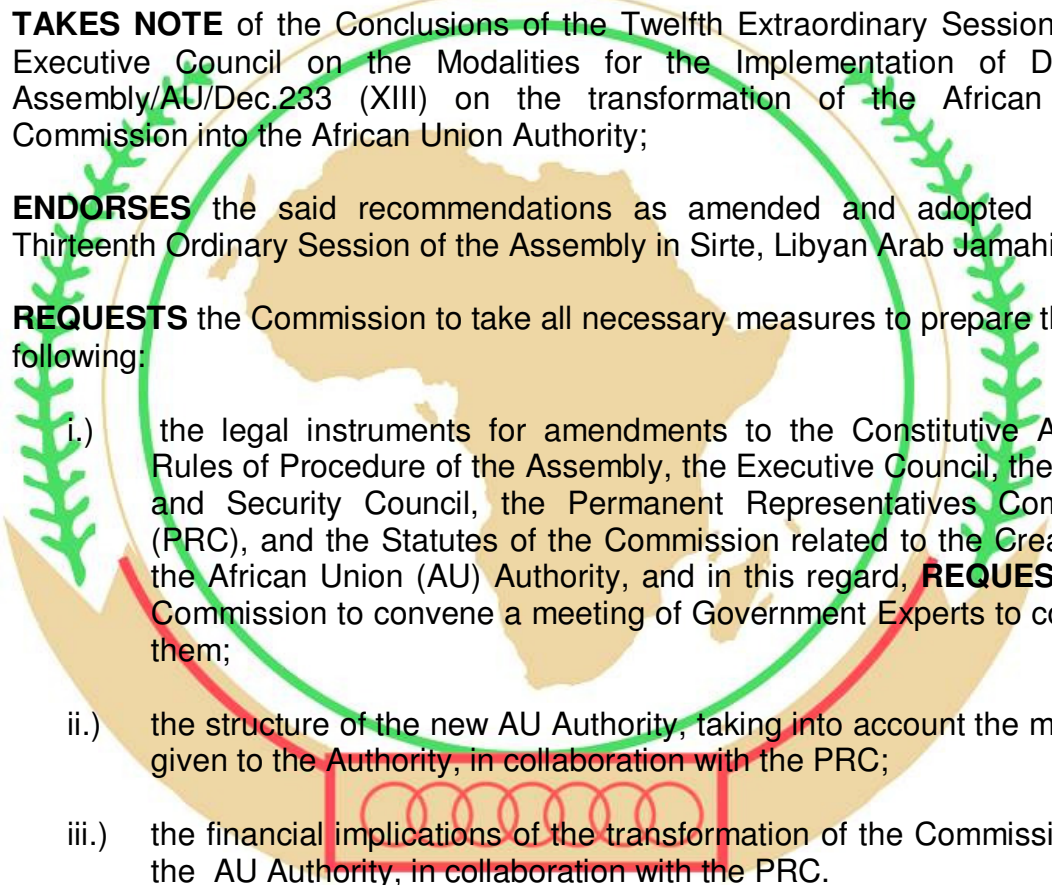
The Assembly,

1. **WELCOMES** the Report presented by President Jacob Zuma of South Africa, in his capacity as Chairperson of the Southern Africa Development Community (SADC), on efforts being deployed to support the implementation of the Global Political Agreement (GPA) signed by the Zimbabwean parties in Harare in September 2008;
2. **FURTHER WELCOMES** progress made in the implementation of the GPA and **URGES** the Zimbabwean parties to continue to display the necessary political will and determination to ensure the successful conclusion of the on-going efforts;
3. **MAKES ONCE AGAIN AN URGENT APPEAL** to all the concerned members of the international community for the immediate lifting of the sanctions imposed on Zimbabwe in order to facilitate the implementation of the GPA, as well as the socio-economic recovery of the country, and alleviate the suffering of the population;
4. **APPEALS** to Member States and the larger international community to provide the necessary assistance to the Zimbabwean Government, and **REQUESTS** the Commission, working closely with SADC, to pursue the efforts being deployed to that end, as well as those aimed at the immediate lifting of the sanctions imposed on Zimbabwe. In this respect, the Assembly **COMMENDS** SADC and its Member States for the steps taken in support of the implementation of the GPA and the socio-economic recovery of Zimbabwe.

**DECISION ON THE TRANSFORMATION OF THE AFRICAN UNION COMMISSION
INTO THE AFRICAN UNION AUTHORITY**

DOC. ASSEMBLY/ AU/4(XIII)

The Assembly,

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1. **TAKES NOTE** of the Conclusions of the Twelfth Extraordinary Session of the Executive Council on the Modalities for the Implementation of Decision Assembly/AU/Dec.233 (XIII) on the transformation of the African Union Commission into the African Union Authority;
 2. **ENDORSES** the said recommendations as amended and adopted by the Thirteenth Ordinary Session of the Assembly in Sirte, Libyan Arab Jamahiriya;
 3. **REQUESTS** the Commission to take all necessary measures to prepare the following:
 - i.) the legal instruments for amendments to the Constitutive Act, the Rules of Procedure of the Assembly, the Executive Council, the Peace and Security Council, the Permanent Representatives Committee (PRC), and the Statutes of the Commission related to the Creation of the African Union (AU) Authority, and in this regard, **REQUESTS** the Commission to convene a meeting of Government Experts to consider them;
 - ii.) the structure of the new AU Authority, taking into account the mandate given to the Authority, in collaboration with the PRC;
 - iii.) the financial implications of the transformation of the Commission into the AU Authority, in collaboration with the PRC.
 4. **FURTHER REQUESTS** the Commission to report on the implementation of this Decision and to submit the necessary legal instruments to the Assembly through the Executive Council at its Ordinary Session in June/July 2010 for consideration, adoption and subsequent ratification by Member States, and in this regard **AUTHORIZES** the expenditures for the necessary actions from arrears of contributions.

**DECISION ON THE REPORT OF HEADS OF STATE AND GOVERNMENT
IMPLEMENTATION COMMITTEE ON NEPAD
Doc. ASSEMBLY/AU/13 (XIII)**

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. **ENDORSES** the conclusions of the Twenty-First NEPAD HSGIC Summit;
3. **COMMENDS** the review of the African Union (AU)/NEPAD Action plan 2010-2015 undertaken jointly by the Commission, NEPAD Secretariat, the African Development Bank and the United Nations (UN) Economic Commission for Africa and **ENDORSES** the flagship programmes and projects outlined in the Plan as a means of advancing regional and continental integration;
4. **TAKES NOTE** of Africa's preparations and engagement with G8 Partners towards the G8/Africa Outreach scheduled for L'Aquila, Italy on 9 and 10 July 2009 including the programme for the L'Aquila Summit provided to guide the participation of African Leaders and the four thematic areas for discussion;
5. **WELCOMES** progress made in the dialogue between the G8 African representatives and the African side towards ensuring appropriate follow up and implementation of G8 Summit decisions on Africa and **URGES** the continuation of this dialogue for future G8 Summits, along with concrete concerns identified by Africa, through such systematic approach;
6. **TAKES NOTE** of the efforts to reform the Africa Partnership Forum (APF) and **URGES** stronger commitment by Development Partners to making APF more effective and responsive to African concerns and interests.

DECISION ON MEMBER STATES CONTRIBUTIONS

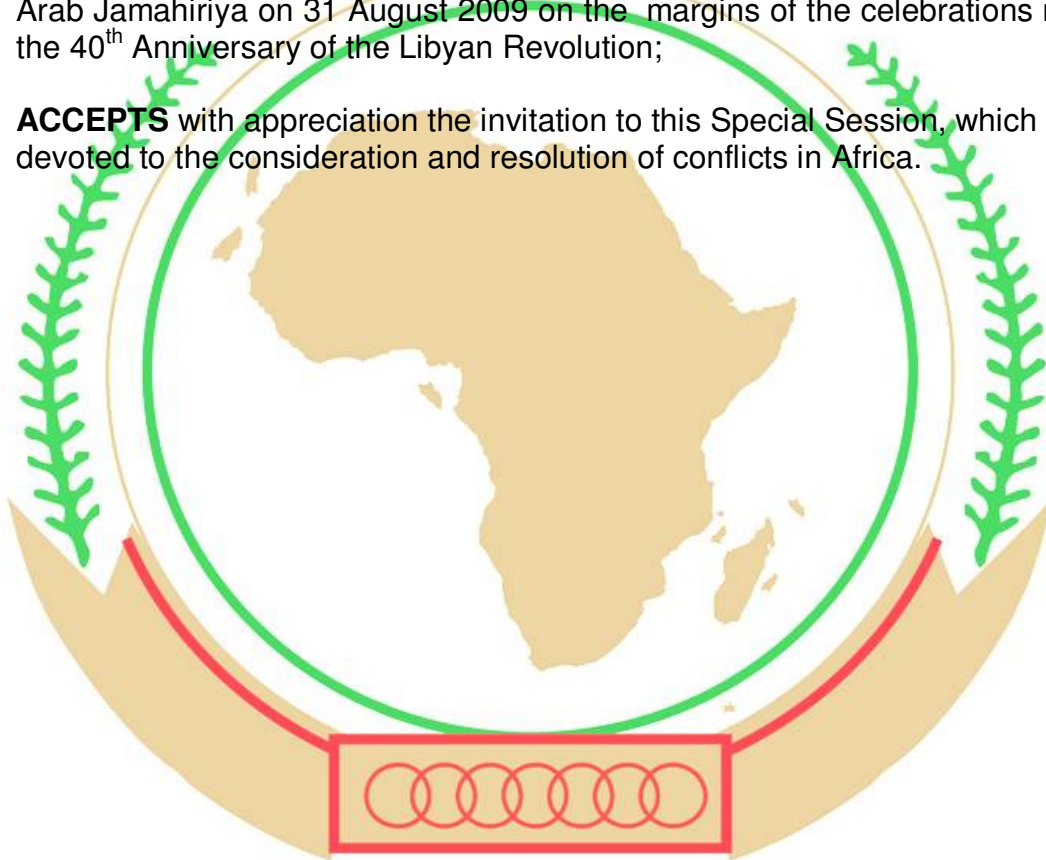
The Assembly,

1. **TAKES NOTE** of the recommendations of the Executive Council on Member States' contributions;
2. **CALLS ON** Member States to pay their contributions in a timely manner;
3. **REQUESTS** the Commission to reduce the number of missions it undertakes in light of the global financial crisis;
4. **ALSO REQUESTS** the Commission to hold discussions with the Republic of Seychelles to work out a plan for the rescheduling of its arrears of contribution;
5. **FURTHER REQUESTS** the Commission to undertake consultations with all Member States affected by sanctions so as to find an acceptable solution with regard to payment of their arrears;
6. **DECIDES** that the temporary exemptions granted to Burundi and Sierra Leone from sanctions be maintained so long as they honour their agreed payment schedule and **URGES** these Member States to continue to comply with the agreed rescheduling plan;
7. **REQUESTS** the Commission to draw up an exhaustive inventory on the status of partners' contributions to enable Member States to be appraised of the exact status of such contributions, the programmes financed and the amounts thereof;
8. **ALSO REQUESTS** the Executive Council to review the scale of the assessment of contributions by Member States in conformity with its Decision Ex/CL/Dec.223(VII) adopted by the Seventh Ordinary Session of the Executive Council in Sirte, Libyan Arab Jamahiriya in July 2005;
9. **DECIDES** to impose sanctions on the following Member States in accordance with Article 126 (a) of the Financial Rules and Regulations of the African Union:
 - i.) Eritrea
 - ii.) Democratic Republic of Congo
 - iii.) Seychelles

**DECISION ON THE HOLDING OF A SPECIAL SESSION
ON CONSIDERATION AND RESOLUTION OF CONFLICTS IN AFRICA**

The Assembly,

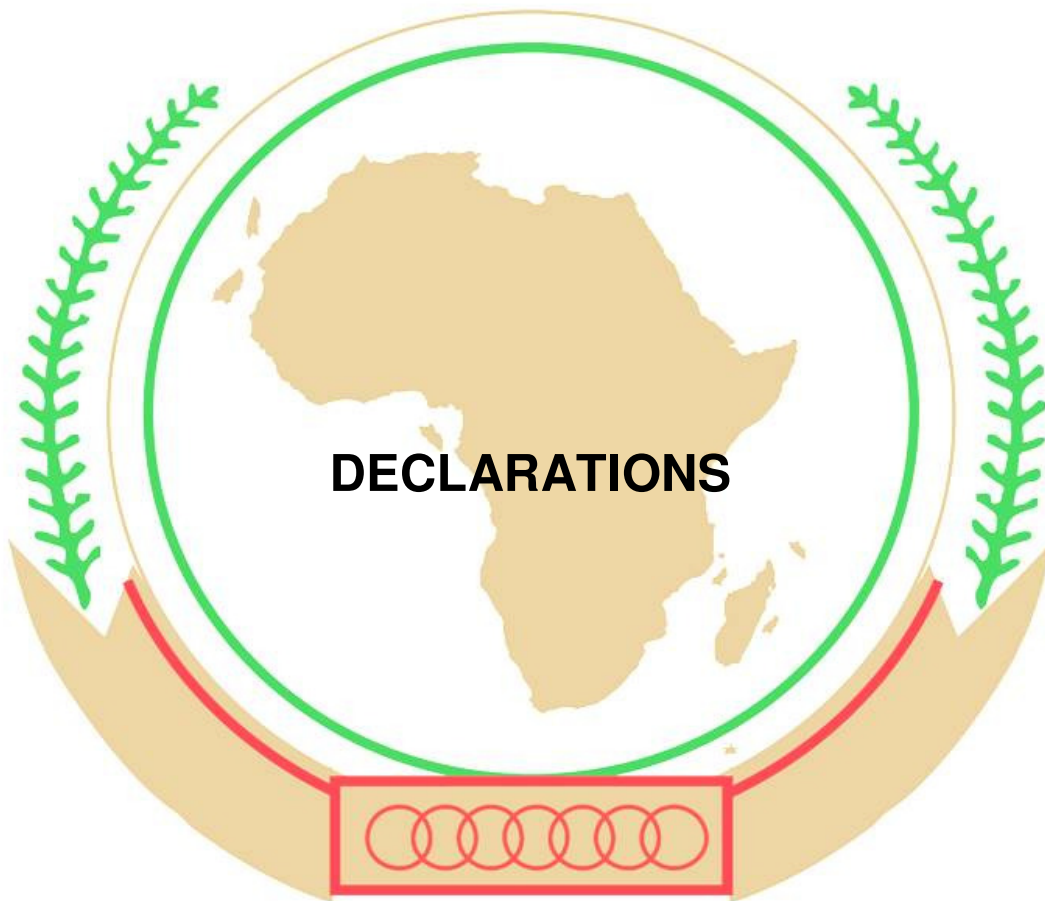
1. **TAKES NOTE** of the invitation by Brother Leader Muammar El-Gaddafi on the holding of a Special Session of the Assembly of the Union in Tripoli, Libyan Arab Jamahiriya on 31 August 2009 on the margins of the celebrations marking the 40th Anniversary of the Libyan Revolution;
2. **ACCEPTS** with appreciation the invitation to this Special Session, which will be devoted to the consideration and resolution of conflicts in Africa.



**DECISION ON THE NEW AFRICAN UNION FLAG
DOC/ ASSEMBLY/AU/10(XII)**

The Assembly,

1. **TAKES NOTE** of the Report of the Commission on the new African Union Flag;
2. **EXPRESSES** its appreciation to the Panel of Experts that conducted the selection process, as well as all the participants in the competition;
3. **DECIDES** to adopt proposal No. **3B** by Ato Yadessa Zewge Bojia of Ethiopia as the new flag of the African Union and warmly congratulates him, and **DECIDES** to award him the cash prize of United States Dollars ten thousand (US\$ 10,000);
4. **REQUESTS** the Commission to take all necessary measures to reproduce the new flag with all the islands represented, distribute it to all Member States and popularise it among partner countries and other parts of the world;
5. **FURTHER REQUEST** the Commission to take the necessary measures for the registration of the new flag with the World Intellectual Property Organization (WIPO) and **DIRECTS** that all the financial implications for the above activities be met from arrears of contributions;
6. **DECIDES** that the new flag will be launched officially during the next Ordinary Session of the Assembly in January/February 2010.



Adopted by the Thirteenth Ordinary Session of the Assembly in Sirte, Great Socialist People's Libyan Arab Jamahiriya on 3 July 2009

DECLARATION ON LAND ISSUES AND CHALLENGES IN AFRICA

WE, the Heads of States and Government of the African Union, meeting at our Thirteenth Ordinary Session in Sirte, Libyan Arab Jamahiriya, from 1 to 3 July 2009;

REAFFIRMING the commitments we have made to poverty eradication with the view to raising the living standards of our peoples and the wellbeing of our future generations;

RECOGNISING the centrality of land to sustainable socio-economic growth, development and the security of the social, economic and cultural livelihoods of our people;

AWARE of the rich heritage of Africa's land and related resources especially its unique natural eco-systems;

FURTHER AWARE of the diversity and complexity of the systems under which land and related resources are held, managed and used;

NOTING the diversity of issues and challenges facing access to, use and management of land resources; and the threat relating to land and related resources including those arising from changes in the global, political and economic environment;

CONSCIOUS of the need for strong systems of land governance rooted in principles of sustainability in an effort to ensure preservation, protection and renewability of Africa's land and related resources;

FURTHER NOTING the steady progress which our countries have made in the initiation, review, revision or comprehensive development of land policies and their implementation in order to ensure that their various land sectors play an important role in development;

WELCOMING the joint initiative taken by the African Union Commission, the United Nations Economic Commission for Africa (UNECA) and the African Development Bank (AfDB) with support from development partner organisations, in drafting a continental framework and guidelines on land policy development and implementation for use as a resource by AU Member States in their efforts to improve the performance of their various land sectors;

ACKNOWLEDGING the comprehensive consultations and discussions that have been conducted and the experts inputs made in the course of the preparation of the continental Framework and Guidelines on Land Policy in the five regions of Africa;

CONSIDERING the Report of the African Union Joint Conference of Ministers responsible for Agriculture, Land and Livestock held in Addis Ababa, Ethiopia from 22 to 24 April 2009, and the recommendations therein endorsed by the Executive Council;

UNDERTAKE TO:

1. prioritise, initiate and lead land policy development and implementation processes in our countries, notwithstanding the extent of multi-stakeholder contribution to such processes involving also civil society, private sector;
2. support the emergence of the institutional framework required for the effective development and implementation of land policy and implementation;
3. allocate adequate budgetary resources for land policy development and implementation processes, including the monitoring of progress.

RESOLVE TO:

1. ensure that land laws provide for equitable access to land and related resources among all land users including the youth and other landless and vulnerable groups such as displaced persons;
2. strengthen security of land tenure for women which require special attention.

REQUESTS the Commission in collaboration with the Regional Economic Communities, UNECA, AfDB and other partners to:

1. to work towards the establishment of an appropriate institutional framework to provide coordination of follow up activities and facilitate mutual learning by Member States as they develop/review their land policies in accordance with the Framework and Guidelines;
2. take measures for the establishment of a fund to support follow up activities to promote land policy development and implementation;
3. undertake measures for the establishment of mechanisms for progress tracking and periodic reporting by Member States on progress achieved.

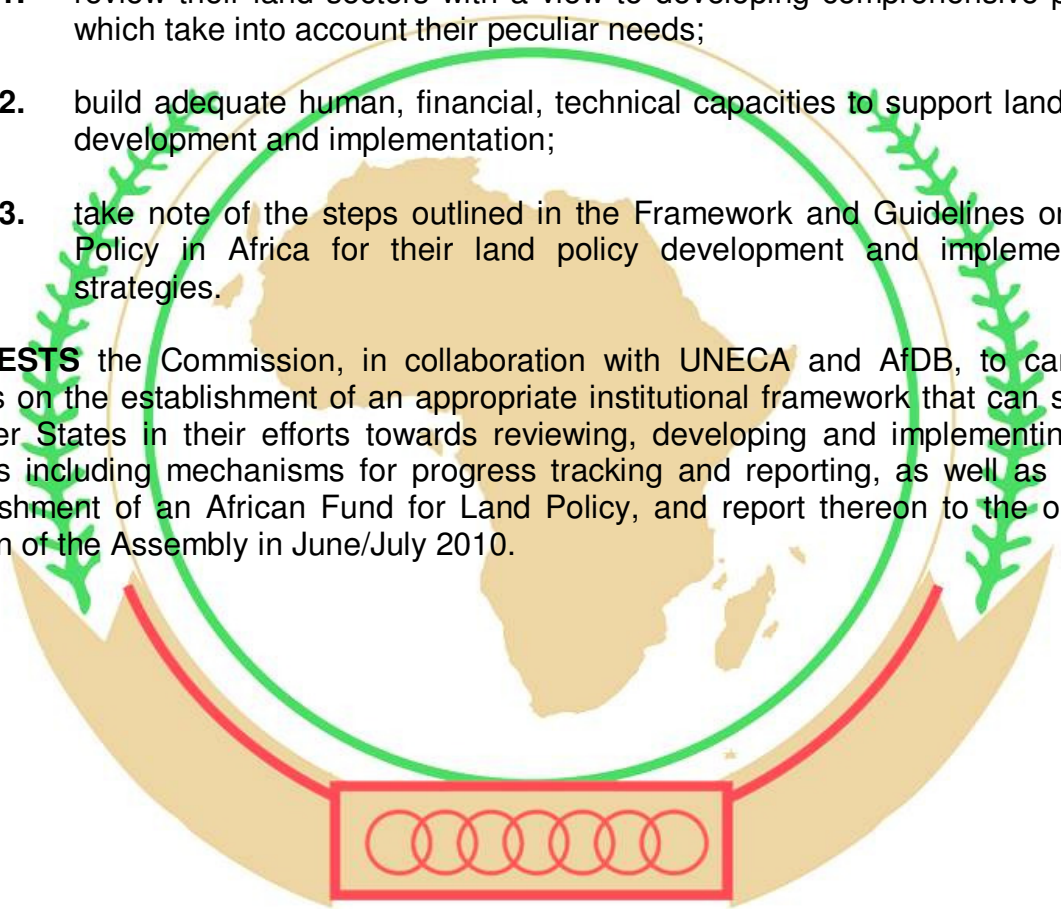
INVITES the Regional Economic Communities to:

1. convene periodic regional platforms to facilitate experience sharing, lessons learnt and dissemination of best practices in land policy formulation, implementation and monitoring based on members states experiences;
2. appropriately capture and address issues of land policies within their respective common agricultural policy framework.

URGES Member States to:

1. review their land sectors with a view to developing comprehensive policies which take into account their peculiar needs;
2. build adequate human, financial, technical capacities to support land policy development and implementation;
3. take note of the steps outlined in the Framework and Guidelines on Land Policy in Africa for their land policy development and implementation strategies.

REQUESTS the Commission, in collaboration with UNECA and AfDB, to carry out studies on the establishment of an appropriate institutional framework that can support Member States in their efforts towards reviewing, developing and implementing land policies including mechanisms for progress tracking and reporting, as well as for the establishment of an African Fund for Land Policy, and report thereon to the ordinary session of the Assembly in June/July 2010.



**SIRTE DECLARATION ON INVESTING IN AGRICULTURE
FOR ECONOMIC GROWTH AND FOOD SECURITY
Doc. ASSEMBLY/AU/12 (VIII)**

WE, the Heads of State and Government of the African Union, meeting at our Thirteenth Ordinary Session in Sirte, Libyan Arab Jamahiriya from 1 to 3 July 2009,

RECALLING within the context of the theme of the Thirteenth AU Summit, Africa's collective responsibility and commitment to advance Africa's Agriculture with the Comprehensive Africa Agriculture Development Programme (CAADP) as its framework for bringing about the required institutional and policy reforms, capacity development and increased investments thereby enhanced agricultural performance with direct impact on food security and socio-economic growth;

COMMENDING Member States advancing in embracing CAADP implementation and the facilitating support being provided by the Commission, the NEPAD Secretariat, Regional Economic Communities and development partners;

WELCOMING the strong support to and alignment with the CAADP agenda by a growing number of bilateral and multilateral development agencies;

AWARE and **CONCERNED** that hunger is a drain on economic development; a threat to global security; a barrier to human dignity and to the improvement of the standard of living of the people, and therefore every effort at national, regional, continental including at global levels should be made as a matter of urgency to achieve the Millennium Development Goal (MDG) target on reducing hunger in Africa;

ACKNOWLEDGING the importance of proactive measures and interventions to increase financing for Africa's Agriculture and continue to improve sector policies for accelerated economic growth and the attainment of the continent's food security targets;

AWARE that smallholder friendly value-chain development and access to markets and to financial services should be key elements to enhancing financial sustainability and growth of the agriculture sectors and related wealth creation;

MINDFUL of the fact that climate variability and climate change is and will be key factor to the agricultural development agenda and that it is imperative for Africa at all levels to raise productivity and improve resilience in agricultural systems;

NOTING that land degradation undermines food-security; increases the vulnerability of African economies to climate variability and change while, on the other hand sustainable

agricultural land management approaches can raise productivity and improve Africa's resilience to climate hazards;

ACKNOWLEDGING the potential contribution to investment financing through remittances (estimated at US\$17 billion/year and which could raise to US\$45 billion/year), knowledge, skills and related networks that could be realized by facilitating and harnessing increased participation of Africa's diaspora in Africa's development agenda;

NOTING the importance to identify most vulnerable sections of society including women, children and the physically challenged and ensure that their special needs to participate in economic activities are embraced and supported in agricultural development strategies and investment programmes;

WELCOMING the commitment of the United Nations High Level Task Force (UN-HLTF) to join other bilateral and multilateral agencies to strengthen CAADP and to operationalise the Global Plan of Action on Food Security (GPAFS) through CAADP in Africa;

CONSIDERING the Report of the African Union Joint Conference of Ministers responsible for Agriculture, Land and Livestock held in Addis Ababa, Ethiopia, from 22 to 24 April, 2009, and the recommendations therein endorsed by the Executive Council;

RECALLING and **RELATING** to past rural economy and agricultural development AU Summit decisions and declarations,

UNDERTAKE TO:

1. Meet our individual and collective responsibilities and commitments to provide necessary leadership on comprehensive and Africa-wide approaches to address the root causes of poverty and hunger, and accelerate progress towards achieving the growth and budgetary targets set out in the CAADP Agenda and Framework;
2. Support relevant policy and institutional reforms that will stimulate and facilitate accelerated expansion of agriculture related market opportunities by modernizing domestic and regional trading systems, removing obstacles to trans-border trades, and increasing access by smallholder farmers to inputs and the necessary commercial infrastructure and technical skills to fully integrate them into the growing value chains;

3. Develop and implement continental and regional level strategies that embrace climate change mitigation and adaptation measures as integral components in our agriculture development agendas and ensure that Africa's positions and interests are recognized in the global dialogue on climate change, starting with the forthcoming Post-Kyoto protocol negotiations;
4. Expand investments in specially targeted social protection policies and measures through predictable public support best suited for the local circumstances with special focus on most vulnerable and poor sections of society including gender programmes;

REQUEST the Commission, the NEPAD Secretariat and the Regional Economic Communities (RECs) to:

5. Continue to mobilise the necessary technical expertise and financial resources to support capacity development and related policy reforms to accelerate CAADP implementation in all Member States, including the signing country CAADP Compacts indicating the policy measures, investment programs, and required funding to achieve the six percent (6%) growth and ten percent (10%) budget share targets for the agricultural sector;
6. Create the tools and instruments to mobilize expertise and build capacity to support, within the CAADP Framework, agricultural and other national planning entities to:
 - i. Support countries build capacity in project preparation;
 - ii. Integrate and strengthen the use of tools to improve transparency of spending through Periodic Public Expenditure Reviews, Public Expenditure Tracking Surveys, and output/results-based budgeting;
 - iii. reform and strengthen spending patterns, service delivery modalities, and budget execution in general to improve efficiency and effectiveness of spending in the agricultural sector.
7. Undertake major initiatives within the context of CAADP to modernize regional trading systems and promote regional integration by:
 - i. Establishing regional commodity exchanges to facilitate trade;
 - ii. Setting up mechanisms to monitor and enforce the application of regional trade arrangements and policies;

- iii. Building regional and country level capacities for quality management and certification services;
 - iv. Strengthening capacity in international trade advocacy and negotiations skills.
- 8.** Facilitate the creation of Agricultural investment and enterprise development platforms in member states and the organization of Agribusiness joint venture fairs to:
- i. promote the required public-private partnerships and business to business alliances to accelerate the development of competitive value chains and raise market shares in domestic, regional, and foreign export markets;
 - ii. foster commercial bank financing for all segments of the agribusiness value chain, in particular support the expansion of financial services to the rural areas.
- 9.** Accelerate the emergence of cost competitive input procurement and delivery systems by:
- i. fast tracking the implementation of the African Fertiliser Financing Mechanism, in particular making the required contributions to bridge the US\$ 2.5 million gap for its immediate operationalisation;
 - ii. scaling up ongoing regional seeds alliances to ensure broad access by smallholder farmers.
- 10.** Facilitate increased investment in Agriculture Research and Development (ARD) and support to strengthening Africa's scientific and technical information and knowledge base, including:
- i. the creation of centres of excellence for Agricultural Research and Development along the value chain of strategic agricultural commodities and animal resource products;
 - ii. the establishment, in rural areas, of vocational training and workforce development systems to upgrade smallholder farming skills, raise long

term competitiveness, and encourage the youth to participate in the agriculture sector.

11. Establish a “South to South Forum for Agricultural Development in Africa” and expand engagement with the Diaspora through Commission’s Citizens and Diaspora Directorate (CIDO) to unlock additional sources of technology and investment financing in African agriculture;
12. Develop an African Agricultural-based climate change mitigation and adaptation framework providing strategic guidance and tools to national and regional level initiatives along programmatic approaches on technology transfer, knowledge management and financing to scale up adoption of sustainable land and agricultural water management;
13. Rally expert input and scientific knowledge to advance the recognition and integration of carbon sequestration on agricultural landscapes and carbon financing in global climate change mitigation and adaptation measures through the Post-Kyoto negotiations and other global and regional dialogue;
14. Establish an inter-Ministerial mechanism bringing together Ministries of Agriculture, Environment, and Water to advance inter-sectoral approach in addressing the climate change agenda;
15. Facilitate analytical support to member states on integration of gender in agriculture development agenda.

URGE Member States to:

16. Recommit to the Maputo Declaration of allocating at least ten (10) percent of their annual national budgets to the agriculture sector by 2015 to articulate the important role of agriculture in national development strategies for adequate resource allocation;
17. Scale up efforts to accelerate the implementation of the CAADP agenda at the country level, in particular the organization of country roundtables and the signing of CAADP compacts.

CALL UPON International Development Partners, and regional and non-regional stakeholders to:

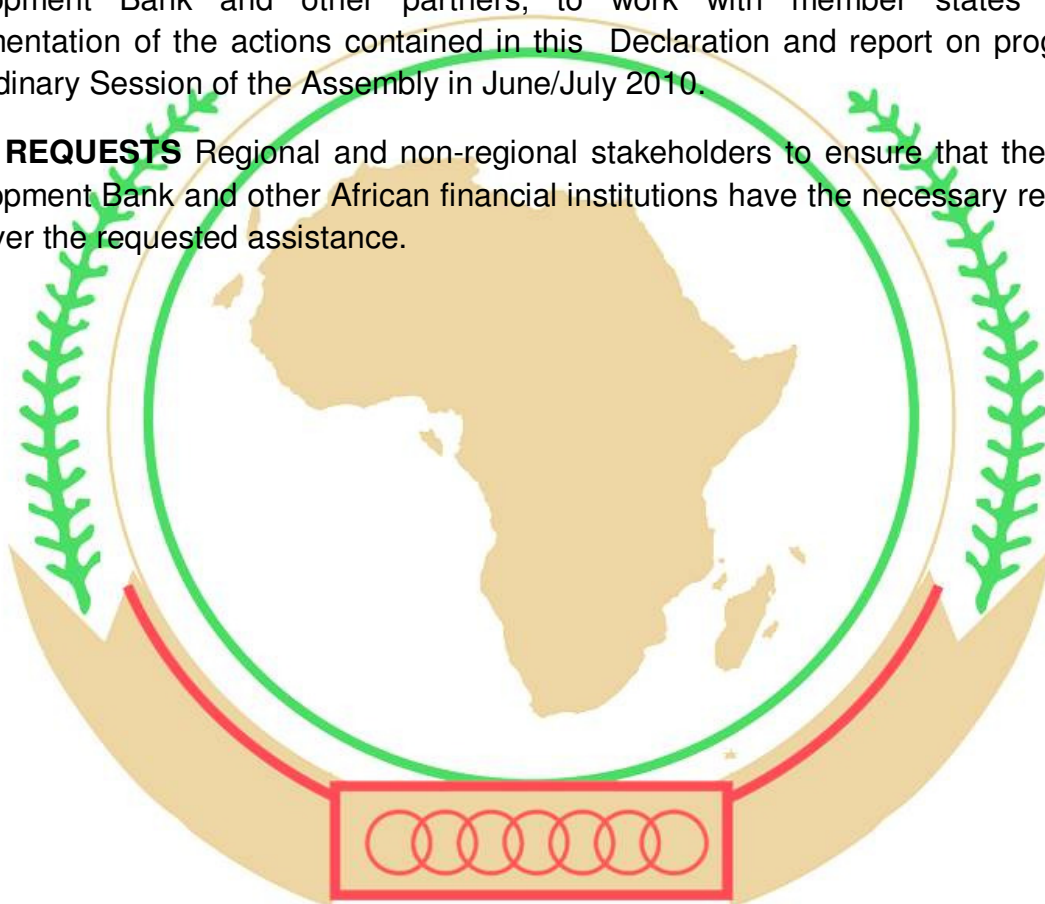
18. Harmonise and align their investment support to African Agriculture through and along national and regional CAADP priorities, and in particular, join member

governments in mobilizing the necessary funding to meet the resource requirements of the priority investment programs identified in the regional and country CAADP compacts,

19. Ensure that agriculture financing initiatives are enhanced through African institutions and made accessible at country level.

REQUEST the Commission and the NEPAD Secretariat, in collaboration with the African Development Bank and other partners, to work with member states on the implementation of the actions contained in this Declaration and report on progress to the Ordinary Session of the Assembly in June/July 2010.

ALSO REQUESTS Regional and non-regional stakeholders to ensure that the African Development Bank and other African financial institutions have the necessary resources to deliver the requested assistance.



**DECLARATION ON THE CONFEDERATIONS CUP AND THE PREPARATIONS
TOWARDS THE 2010 FIFA WORLD CUP**

WE, the Heads of State and Government at the Meeting of our Thirteenth Ordinary Session in Sirte, Great Libyan Arab Jamahiriya, from 1 to 3 July 2009;

RECALLING the declaration we made at our January 2007 Summit, in Addis Ababa, Ethiopia to declare the ushering of the 2010 FIFA world Cup as an African Event;

APPRECIATING the briefing by South Africa on its excellent hosting of a safe and secure 2009 FIFA Confederations Cup whose participation included South Africa as the host, Italy as the 2006 World Cup Champions, Spain as the Euro 2008 Champions, USA as the 2007 COCACAF Gold Cup Champions, Brazil as the 2007 Copa America Champions, Iraq as the 2007 AFC Asian Cup Champions, Egypt as the 2008 African Cup of Nations Champions and New Zealand as the 2008 OFC Nation Cup Champions;

FURTHER APPRECIATING AND AFFIRMING South Africa's state of readiness to host a memorable 2010 FIFA World Cup, for the first time in the history of the African Continent, which is a legitimate recognition of Africa's contribution to the advancement of world sports;

PURSUANT to our commitment to ensuring the success of the 2010 World Cup tournament on our Continent;

RECOGNIZING the role of sport in the promotion of peace, solidarity, social cohesion and sustainable socio-economic development;

FURTHER RECOGNIZING the supportive role of sports in Africa's effort to achieve the Millennium Development Goals;

We therefore:

CONGRATULATE South Africa for its successful hosting of the Confederations Cup;

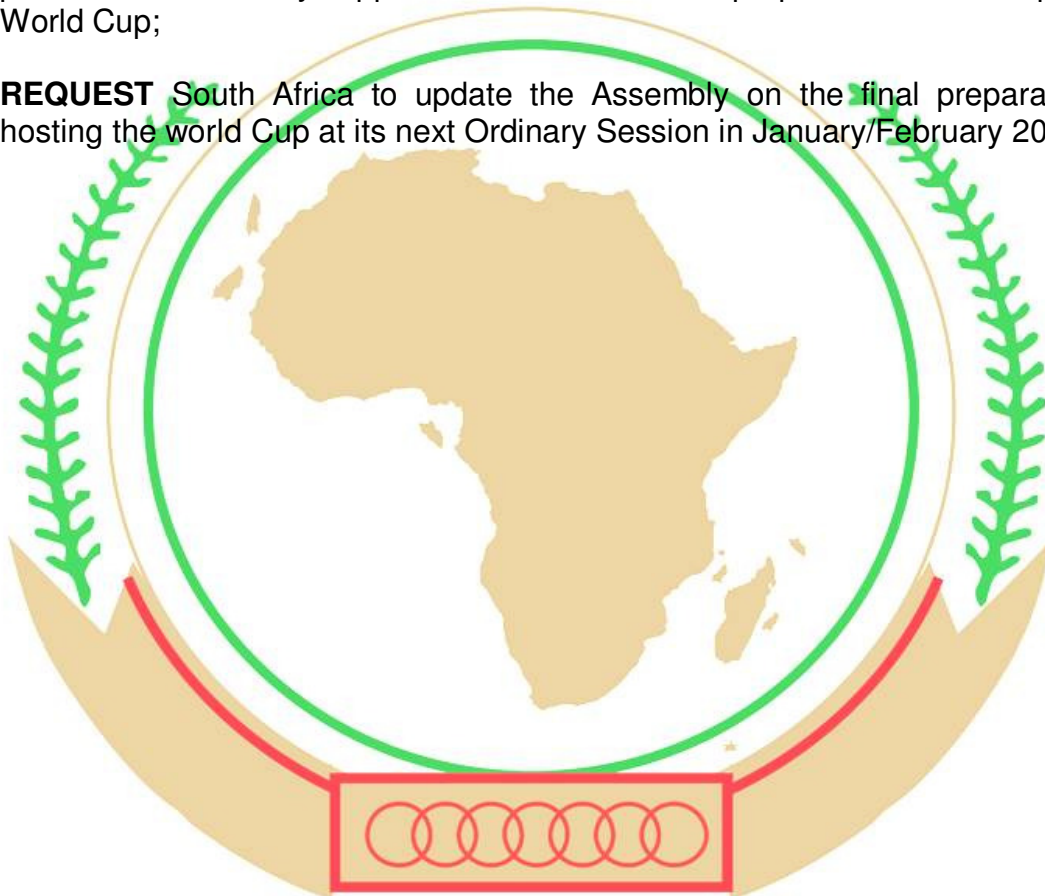
REQUEST the Commission to cooperate with South Africa's Local Organizing Committee of the World Cup to ensure the effective implementation and follow up of the Africa Legacy programme including the establishment of a web link and to report on the progress of the preparations to the next Ordinary Session of the Assembly in January/February 2010;

REAFFIRM our commitment to make 2010 World Cup a truly Africa World Cup, by committing our countries to the full and substantive involvement in the preparations leading to the 2010 World cup;

COMMIT ourselves to provide all round support to the Government and people of South Africa in their efforts to organize the 2010 World Cup tournament successfully and efficiently;

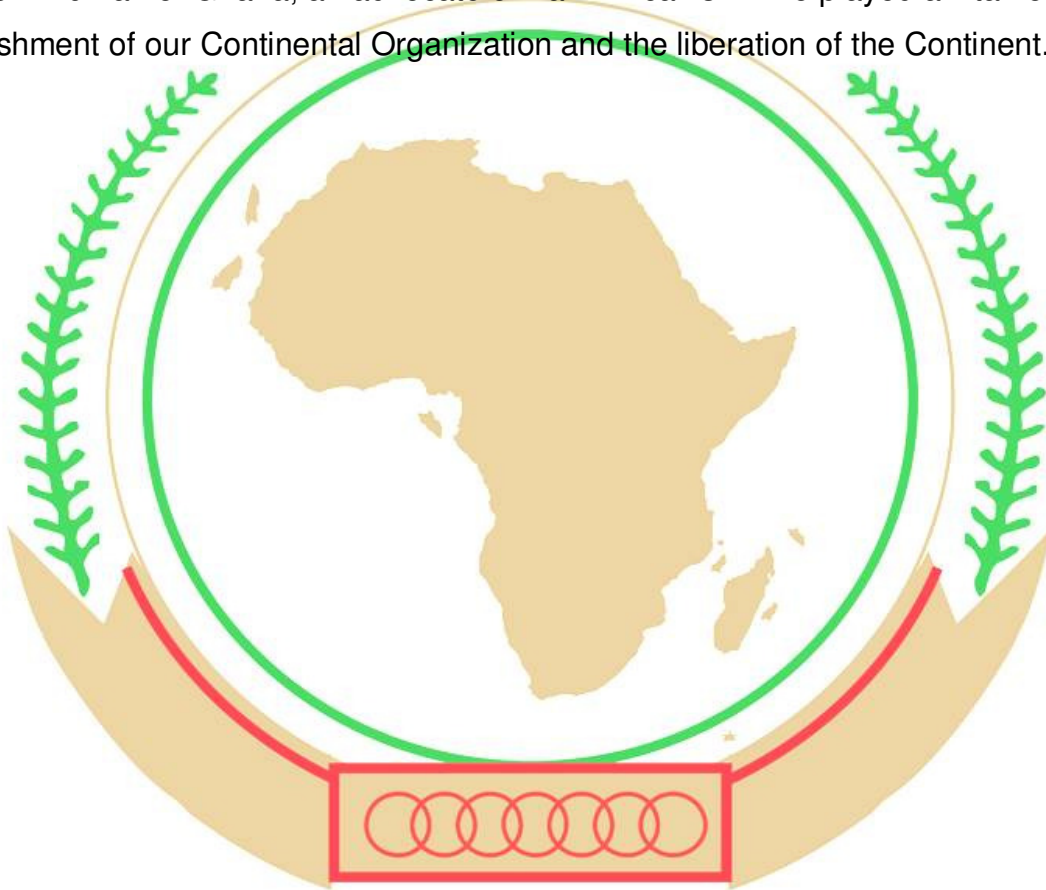
URGE FIFA, CAF and the rest of the FIFA Regional Associations, the International Sporting Community, the African Diaspora and friends of Africa to provide the necessary support to South Africa in its preparations for the epic 2010 World Cup;

REQUEST South Africa to update the Assembly on the final preparations of hosting the world Cup at its next Ordinary Session in January/February 2010.



**DECLARATION ON THE CELEBRATION OF THE 100TH BIRTHDAY ANNIVERSARY
OF KWAME NKRUMAH**

WE, the Heads of State and Government meeting at our Thirteenth Ordinary Session in Sirte, Libyan Arab Jamahiriya from 1 to 3 July 2009, hereby **CALL ON** all Member States to celebrate on 21 September 2009, the 100th Birthday Anniversary of President Kwame Nkrumah of Ghana, an advocate of Pan-Africanism who played a vital role in the establishment of our Continental Organization and the liberation of the Continent.



**DECLARATION OF THE ASSEMBLY OF THE
UNION ON THE COUP D'ÉTAT IN HONDURAS**

WE the Heads of State and Government of the Assembly of the Union meeting at our Thirteenth Ordinary Session, held in Sirte, Great Libyan Arab Jamahiriya, from 1 to 3 July 2009 were briefed on the situation in Honduras.

STRESSING that Africa, which continues to suffer from the scourge of unconstitutional changes of government and maintains a strong partnership, based on shared values, with Latin America and the Caribbean, has a keen interest in the early resolution of the crisis, as well as on the respect of legality and democratic principles.

NOTING that the coup d'état that took place in that country on 28 June 2009 was a clear violation of the provisions of the Inter-American Democratic Charter, **STRESSES** the need to ensure the restoration of constitutional order and the respect for legality and democratic norms.

WELCOMES the unanimous rejection by the region of this unconstitutional change of government and **EXPRESSES** its full support to the efforts being undertaken by the Organization of American States (OAS).

CONDEMNS the coup d'état that took place and that led to the overthrow of the democratically-elected President Jose Manuel Zelaya.

CALLS ON all the political and social actors of Honduras to embark on a constructive dialogue to peacefully resolve the problems facing their country, with the view to strengthening democracy and the rule of law in the country.