

COMPENDIUM OF KEY DOCUMENTS RELATING TO PEACE AND SECURITY IN AFRICA

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SaferAfrica
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Compendium of Key Documents Relating to Peace and Security in Africa

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Foreword

Very few areas in the world have witnessed the diversity and intensity of conflicts that Africa has undergone in recent years. Africa has suffered both interstate wars (Ethiopia-Eritrea) and intrastate conflicts (eg, Central Africa's Great Lakes Region and the 'conflict-domino-effect' throughout West Africa). Many of the most commonly recognised sources of violent engagements are present in Africa: underdevelopment, extreme poverty, human rights violations, bad governance, identity-based divisions and small arms proliferation, to mention but a few.

Nevertheless, dramatic changes are taking place in the international security arena. The concept of peace is being reconsidered, no longer taken only as the absence of war (negative peace) but also as being conditioned upon justice and social equity (positive peace). Today practitioners and academicians alike recognise that peace and development are, to a large extent, but two sides of the same coin.

Numerous initiatives have taken place at the political and diplomatic level, as well as on the regional, continental and international stage, in order to create appropriate mechanisms that will not only prevent, manage and resolve conflict situations, but also, and perhaps most importantly, ensure that a comprehensive strategy which links peace, security, good governance, economic growth and education is put in place. This *Compendium* bears witness to how African governments are committing themselves to conflict prevention, and hence the future of their people.

The African Union (AU) has adapted, and where needed created, institutions in order to improve its ability to deal with conflicts. Examples include the Peace and Security Council (PSC), the African Peer Review Mechanism (APRM) and the Pan African Parliament (PAP), among others. Subregional organisations such as the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC) have also developed key capacities to manage and prevent conflict situations.

Strategies for international partnerships have also undergone change. Cooperation between the AU and its partners, particularly the European Union (EU), and the G8 have developed and intensified, in an attempt to address directly the subject of peace and security in Africa. Meanwhile, the involvement of civil society and non-governmental organisations has also gained greater prominence, as their participation within the APRM demonstrates.

The United Nations-affiliated University for Peace (UPEACE) and its partners should be congratulated for their contribution in support of these efforts through peace education.

The current *Compendium* is an invaluable resource for everyone engaged with the practice and theory of conflict and peace in Africa. It brings together between its covers the main documents outlining the mandates and responsibilities of the primary actors, including institutions that are involved in this field on the continent, and makes the adopted programmes of action in this regard accessible to a broader audience. In this way, the *Compendium* provides a basis and a springboard for a vigorous engagement with peace and security issues by intellectuals, students and decision makers of Africa. Hopefully, it will find its way into the research and teaching programmes of the universities of the continent.

It has often been said that peace is a group effort, involving entire societies. The *Compendium* is a valuable contribution towards involving a broader cross-section of people from Africa in the continent's all-important peace efforts.

Ambassador Said Djinnit
Commissioner for Peace and Security,
African Union Commission

Preface

The *Compendium of Key Documents Relating to Peace and Security in Africa* is part of the evolving Series on Peace and Conflict in Africa published by the Africa Programme of the United Nations-affiliated University for Peace (UPEACE), aimed at making the basic material on issues related to conflict and peace in Africa more accessible. The *Compendium* introduces and reproduces some of the main international documents dealing with this topic. It may be used on its own by peace practitioners and scholars, but could also be used in conjunction with the *Conflict Prevention, Management and Resolution in Africa: A Reader*, as a collection of study materials for courses dealing with conflict and peace in Africa. The *Reader* contains reprints and extracts of seminal writings on the topic, and as such complements the texts in the *Compendium*.

UPEACE is also in the process of publishing other specialised compendium and reader packages as part of the Series on Peace and Conflict in Africa. A *Compendium of Key Human Rights Documents of the African Union and Human Rights, Peace and Justice in Africa: A Reader* have already been published. Publications on the following themes are also envisaged:

- Peace and development;
- Gender and peacebuilding;
- Media and peace;
- Non-violent transformation of conflicts;
- Regional integration and peace; and
- Endogenous methods of mediation and peacebuilding.

The current *Compendium*, with its general focus, should also serve as a source of reference for all the other publications.

It is hoped that through these publications UPEACE will provide those working in any field related to conflict and peace in Africa – and especially lecturers and students of the universities of Africa – with an opportunity to engage with the important texts on the different aspects of this critical topic.

We wish to thank the donors that are supporting the Africa Programme of UPEACE: The government of the Netherlands, the Canadian International Development Agency (CIDA), the Swedish International Development Co-operation Agency (SIDA) and the Swiss Agency for Development and Co-operation (SDC).

We thank Monica Juma and the members of the editorial team who have prepared the *Compendium*.

Dr Jean Bosco Butera
Director,
UPEACE Africa Programme

Prof Christof Heyns
Academic Coordinator,
UPEACE Africa Programme and
Director of the Centre for Human
Rights, University of Pretoria

Introduction

This *Compendium* contains key documents on peace and security in Africa covering the period between 1963 and December 2005. Reflecting the historical evolution of the peace and security agenda in Africa, the *Compendium* is organised in five sections.

Section One comprises documents generated between the launching of the Organization of African Unity (OAU) in 1963 and the collapse of the Berlin wall in 1989, signifying the end of the Cold War era.

Section Two looks at the period of transition on the continent – characterised by an upsurge of conflicts and wars – conceived by some analysts as the pangs of rebirth or the wave of the second liberation, identified with the expansion of democratic space.

Section Three turns to the new African vision embodied in the spirit of African renaissance, the creation of the New Partnership for Africa's Development (NEPAD) and the transformation of the OAU into the African Union (AU).

Section Four focuses on Africa's Regional Economic Communities (RECs), conceived as the building blocks of the African peace and security agenda.

Finally, Section Five lays out key documents resulting from various international partnerships, such as Africa's relationship with the United Nations and the G8.

Each of these sections begins with an introduction that contextualises the documents and events of the period. The basic documents are reproduced but in most cases, only relevant sections of documents have been extracted. In addition we provide website citations where further references and texts may be found, especially decisions of the various African peace and security organs. Some documents reprinted here are also available in the *Compendium of Key Human Rights Documents of the African Union* (2005), published by UPEACE.

The objective of the *Compendium* is to make available the main documents on, and act as a reference for, issues relating to peace and security in Africa. The *Compendium* will be of use to practitioners, academics and policy makers in the field of conflict prevention, management and resolution in Africa.

The *Compendium* is a joint publication of the United Nations-affiliated University for Peace, in particular its Africa Programme (www.upeace.org) and the Peace and Security Programme at SaferAfrica (www.saferfrica.org). Profiles of these institutions are provided at the end of the publication.

I had the privilege of working with an excellent team in assembling the *Compendium*, namely Rafael Velasquez and Karen Stefiszyn, both from the UN-affiliated University for Peace, and Brittany Kesselman and Siggie Nduvane (now deceased), from SaferAfrica. Yolanda Booyzen, Elwina Daniels and Lizette Besaans, from the Centre for Human Rights, provided IT assistance, formatted documents and supervised the production process respectively working under intense pressure. I am also grateful to individuals and research centres who have facilitated and encouraged the development of this publication. Frans Viljoen, Magnus Killander, Susan Precious, and Isabeau de Meyer (all from the Centre for Human Rights) provided great insight when they reviewed draft versions of this publication. The 26 participants (from 16 different African countries) of the UPEACE Africa Programme Short Course on

Conflict Prevention, Management and Resolution (Pretoria, April 3-7, 2006) provided invaluable feedback on the suitability of the material in the *Compendium* as a source for teaching and research at African universities. The African Centre for the Constructive Resolution of Disputes (ACCORD) and Annelize Nienaber from the Pretoria University Law Press (PULP) assisted with particular aspects of the *Compendium*.

Thanks also go to Jean-Bosco Butera, Director of the Africa Programme at UPEACE, Christof Heyns, Academic Coordinator of the UPEACE Africa Programme, Ameena Payne, Executive Director of the Africa Programme at UPEACE and Pal Martins, Director of the Peace and Security Programme at SaferAfrica, for their support, encouragement and direction during the assembling and production of this document.

While every care has been taken in the preparation of this compilation, any errors of omission or commission are mine. Statements and opinions expressed directly or implied do not necessarily reflect the views of UPEACE.

Dr Monica Kathina Juma
Editor

Section 1

The Organization of African Unity during the Cold War (1963 - 1989)

The Organization of African Unity (OAU) was the premier African multilateral organisation of independent African states. Formed in 1963 by 37 independent African states, the OAU was mandated to promote unity and development; defend the sovereignty and territorial integrity of members; eradicate all forms of colonialism; promote international co-operation; and co-ordinate members' economic, diplomatic, educational, health, welfare, scientific, and defense policies. Expansive as this mandate reads, the clarion call and focus of the OAU became the decolonisation of the entire continent and independence from colonial domination and oppression, including white minority rule in the South.

The OAU was established at the height of the Cold War period and this reality became a major factor in shaping and driving the activities of this organisation and its membership. At the time, Africa assumed a central position in the geo-strategic interests and calculus of both the Western and Eastern blocs. In an effort to expand their spheres of influence, each superpower courted and lured newly independent African states to adopt their political ideology. For this reason, superpowers made huge investments, in the form of economic and military support, to ensure the survival of 'friendly' regimes. This resulted in instability as accountability to domestic populations diminished and as governments engaged in arms races across the continent to the neglect of the socio-economic needs of their people. Today's insecurity in most of Africa is partly linked to the proliferation of arms that characterised this era. In an effort to exercise some measure of autonomy, African states joined the Non-Aligned Movement (NAM). However, this did not insulate them from superpower influences, instead it generated a range of dilemmas owing to their entrenched dependency on such countries. Nonetheless, the OAU forged a strong collaboration with the NAM, and the two organisations usually supported each other in international fora, particularly in the United Nations.

From its inception, and as stated in article II of the Charter, the OAU was guided by two main principles: 'The sovereign equality of all member states' and 'Non-interference in the internal affairs of states.' Further, the member states agreed to maintain and respect inherited colonial borders. While these principles served to deter any imperialist agenda, particularly with the

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superpower adventurism, they also had a negative impact on the continent. Originally promulgated to prevent outside interference in the era of decolonisation and Cold War rivalry, these principles were exploited by African leaders and their allies to bolster the position of incumbent elites, often against international or domestic sanction, and to defend despots, usually against their own people. Even when it became apparent that the OAU needed to address insecurity, it was guided in its actions by the principle of 'non-interference'. It thus adopted mechanisms that privileged the use of soft power such as mediation and persuasion, such as the OAU's Commission of Mediation, Conciliation and Arbitration (1964) and subsequently the Conflict Prevention, Management and Resolution Mechanism (1993). These structures remained largely ineffective in quelling conflicts in Africa and earned the OAU some of its most severe critics.

Throughout its life, the OAU was faced with the challenge of border disputes, aggression or subversion by states against each other, separatist movements, and in extreme cases, collapse of order in member states. The OAU's Commission of Mediation, Conciliation and Arbitration, provided for by article 7 of the OAU Charter and enforced by the Cairo Protocol of July 21, 1964, lacked the capacity and commitment to manage and resolve conflict in most cases. Nonetheless, there were cases where the organisation succeeded in defending member states' sovereignty and territorial integrity.

When the 1967-70 Civil War broke out in Nigeria, with Biafra seeking secession, the OAU threw its weight on the side of unity and provided for an *ad hoc* Consultative Committee that helped to prevent secession while maintaining the cohesion of its membership. When Israeli forces occupied parts of Egypt in 1967, the OAU strongly condemned this aggression and demanded the withdrawal of Israeli troops from all occupied Arab territories. When Portugal attempted the re-conquest of Guinea in 1970, the OAU rendered financial and military aid to Guinea, declared war on mercenaries in Africa and waged a successful information campaign that galvanised international opinion against the aggression. In Equatorial Guinea, the OAU support enabled the young republic in 1977 to reinforce its newly won independence.

Another success for the OAU was its unrelenting support for the total liberation of the continent. The OAU Coordinating Committee for the Liberation of Africa, whose task was the liberation or decolonisation of African colonised states, succeeded in organising diplomatic support, channelling financial and military support and in providing logistical aid to the liberation movements across the continent. The Committee was also critical in mobilising and maintaining international pressure, and together with the UN managed to secure the isolation of many colonial regimes and to accelerate the decolonisation of such countries as Angola, Mozambique and Zimbabwe. Some analysts have argued that this Committee was the seed that later germinated into the current Peace and Security Council of the African Union.

However, these few good examples were overshadowed by the magnitude of crises and conflicts that characterised the continent after the end of the Cold War, forcing a re-evaluation of the mechanisms for conflict prevention, management and resolution, and ultimately leading to the establishment of the African Union.

Charter of the Organization of African Unity (1963/1963)

Adopted in Addis Ababa, Ethiopia, on 25 May 1963 and entered into force on 13 September 1963. Replaced in 2001 by the Constitutive Act of the African Union (see below), when the OAU was succeeded by the AU. All 53 states of Africa were members of the OAU, Morocco withdrew in 1984. Available online at http://www.africa-union.org/root/au/Documents/Treaties/text/OAU_Charter_1963.pdf

We, the Heads of African States and Governments assembled in the city of Addis Ababa, Ethiopia,

Convinced that it is the inalienable right of all people to control their own destiny,

Conscious of the fact that freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples,

Conscious of our responsibility to harness the natural and human resources of our continent for the total advancement of our peoples in all spheres of human endeavour,

Inspired by a common determination to promote understanding among our peoples and co-operation among our states in response to the aspirations of our peoples for brotherhood and solidarity, in a larger unity transcending ethnic and national differences,

Convinced that, in order to translate this determination into a dynamic force in the cause of human progress, conditions for peace and security must be established and maintained,

Determined to safeguard and consolidate the hard-won independence as well as the sovereignty and territorial integrity of our states, and to fight against neocolonialism in all its forms,

Dedicated to the general progress of Africa,

Persuaded that the Charter of the United Nations and the Universal Declaration of Human Rights, to the principles of which we reaffirm our adherence, provide a solid foundation for peaceful and positive co-operation among states,

Desirous that all African states should henceforth unite so that the welfare and wellbeing of their peoples can be assured,

Resolved to reinforce the links between our states by establishing and strengthening common institutions,

HAVE AGREED to the present Charter.

Establishment

Article I

1. The High Contracting Parties do by the present Charter establish an Organisation to be known as the Organization of African Unity.

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2. The Organization shall include the continental African states, Madagascar and other Islands surrounding Africa.

Purposes

Article 2

1. The Organization shall have the following purposes:
 - (a) To promote the unity and solidarity of the African states;
 - (b) To co-ordinate and intensify their co-operation and efforts to achieve a better life for the peoples of Africa;
 - (c) To defend their sovereignty, their territorial integrity and independence;
 - (d) To eradicate all forms of colonialism from Africa; and
 - (e) To promote international co-operation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.
2. To these ends, the member states shall co-ordinate and harmonise their general policies, especially in the following fields:
 - (a) Political and diplomatic co-operation;
 - (b) Economic co-operation, including transport and communications;
 - (c) Educational and cultural co-operation;
 - (d) Health, sanitation and nutritional co-operation;
 - (e) Scientific and technical co-operation; and
 - (f) co-operation for defence and security.

Principles

Article 3

The member states, in pursuit of the purposes stated in article 2 solemnly affirm and declare their adherence to the following principles:

1. The sovereign equality of all member states.
 2. Non-interference in the internal affairs of states.
 3. Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence.
 4. Peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration.
 5. Unreserved condemnation, in all its forms, of political assassination as well as of subversive activities on the part of neighbouring states or any other states.
 6. Absolute dedication to the total emancipation of the African territories which are still dependent.
 7. Affirmation of a policy of non-alignment with regard to all blocs.
- ...

Resolution on Apartheid and Racial Discrimination (1964)

Adopted by the First Ordinary Session of the Assembly of Heads of State and Government held in Cairo, UAR (Egypt) from 17 to 21 July 1964. Available online at: <http://www.africa-union.org/root/au/Documents/Decisions/hog/bHoGAssembly1964.pdf>

...

Commission of Jurists

...
Having considered resolution 27 (II) of the Council of Ministers,
Decides to establish, in accordance with article XX of the Charter of the Organization of African Unity, a Commission of Jurists as a Specialised Commission of the Organization of African Unity.

Apartheid in South Africa

The Assembly of Heads of State and Government meeting in its First Ordinary Session in Cairo, UAR, from 17 to 21 July 1964,
Recalling the resolution on apartheid and racial discrimination adopted by the Conference of Heads of State and Government in Addis Ababa in May 1963,
Having examined the Report of the Liberation Committee,
Having heard the Report on the activities of the delegation of Ministers for Foreign Affairs instructed by the Conference of Heads of State and Government to explain and uphold the African position before the United Nations Security Council,
Noting with grave concern the consistent refusal of the South African Government to give consideration to appeals made by every sector of world opinion and in particular the resolutions of the United Nations Security Council and General Assembly,
Noting in particular that, in view of the South African Government's apparent decision to disregard all peaceful intervention attempting to bring about discontinuation of their policy of apartheid, sanctions of every nature being the only means available of achieving a peaceful solution to the explosive situation which prevails in South Africa:

1. *Reaffirms* that the position in South Africa represents a serious threat to peace and international security;
2. *Condemns* the South African Government whose policy, being incompatible with its political and moral obligations as a Member State of the United Nations, constitutes a grave danger to stability and peace in Africa and the world;
3. *Approves and encourages* the action of representatives of the Organization of African Unity within the various international bodies with a view to bringing about abolition of the policy apartheid and notes with pleasure the increasing support of a number of countries and institutions in favour of African demands in this respect;
4. *Reiterates* its appeal to all countries to apply in the strictest manner the economic, diplomatic, political and military sanctions already decided by the United Nations General Assembly and Security Council;

5. *Appeals* to the major commercial partners of the South African Government to discontinue the encouragement they are giving to the maintenance of apartheid by their investments and commercial relations with the Pretoria Government;

6. *Decides* to take the necessary steps to refuse any aeroplane or ship or any other means of communication going to or coming from South Africa the right to fly over the territories of Member States or utilise their ports or any other facilities.

Apartheid and Racial Discrimination

...

Recalling the resolution on apartheid and Racial Discrimination adopted by the Conference of Heads of State and Government in Addis Ababa in May 1963; *Recalling* further the resolutions on apartheid and Racial Discrimination, CM/Res. 6(I) and CM/Res. 13(II) of the council of Ministers;

Reaffirming in particular resolution CM/Res. 13(II) adopted by the Council of Ministers at its Second Session in Lagos;

Having examined the Report of the Administrative Provisional Secretary-General of the Organization of African Unity, (document CM/33), the Proceedings and Resolutions of the International Conference of Economic Sanctions against South Africa contained in the Provisional Secretary-General's Report (document CM/27), the Report of the Foreign Ministers of Liberia, Madagascar, Sierra Leone and Tunisia, appointed by the Conference of Heads of State and Government in Addis Ababa in 1963 to represent OAU Member States at the Security Council, and the Report of the African Group at the United Nations;

Noting with great concern the consistent refusal of the Government of South Africa to give consideration to appeals made by every sector of world opinion as well as its non-compliance with the resolutions of the Security Council and the General Assembly of the United Nations;

Noting in particular that the attitude of certain States towards the Government of South Africa and their continued close relations with that Government only encourages it to persist in its policies of apartheid and contempt for the United Nations;

Convinced of the necessity of intensifying as a matter of urgency the action of the African States in regard to further the application of sanctions against the Government of South Africa;

Expressing its deep concern over the trials conducted according to the arbitrary and inhuman laws of the Government of South Africa to convict the opponents of apartheid,

Deeply distressed at the recent convictions of and sentences passed on African nationalists, particularly on Nelson Mandela and Walter Sisulu,

Decides:

1. To call for the release of Nelson Mandela, Walter Sisulu, Mangaliso Sobukwe and all other Nationalists, imprisoned or detained under the arbitrary laws of South Africa;

2. To extend the mandate of the Foreign Ministers of Liberia, Madagascar, Sierra Leone and Tunisia, Commissioned by the Conference of Heads of State and Government in Addis Ababa, in May 1963, to continue their representation on behalf of all OAU Member States at the deliberations of the Security Council;

3. To appeal to all oil producing countries to cease as a matter of urgency their supply of oil and petroleum products to South Africa;
4. To call on all African States to implement forthwith the decision taken in Addis Ababa, in May 1963, to boycott South African goods and to cease the supply of minerals and other raw materials to South Africa;
5. To request the co-operation of all countries and in particular that of the major trading partners of South Africa in the boycott of South African goods;
6. To establish a machinery within the OAU General Secretariat, which will be entrusted inter alia, with the following functions:
 - (a) to plan co-ordination of sanctions against South Africa among the Member States, and to ensure the strictest implementation of all relevant resolutions of the OAU;
 - (b) to harmonise co-operation with friendly States with a view to implementing an effective boycott of South Africa;
 - (c) to collect and disseminate information about governmental and private financial, economic and commercial institutions, which trade with South Africa;
 - (d) to promote, in co-operation with other international bodies, the campaign for international economic sanctions against South Africa by all appropriate means, in particular by countering the propaganda and pressures of the South Africa Government.

Report of the Liberation Committee

...

Recalling the resolution on Decolonisation adopted by Conference of Heads of State and Government in Addis Ababa, in May 1963, and resolution CM/Res.15(II) adopted by the Council at its Second Session in Lagos,

Having examined the Report of the Co-ordinated Committee for the Liberation of Africa,

Noting with satisfaction the work so far accomplished by the Liberation Committee,

Noting further with satisfaction that the membership of OAU has increased, *Noting* that some progress has been made by some nationalist liberation movements with the assistance of the Liberation Committee to establish common action fronts with a view to strengthening the effectiveness of their movements,

Regretting the continued existence of multiple rival liberation movements in the territories under foreign domination, in spite of the efforts of the Liberation Committee to reconcile them,

Considering that certain Member States have not yet paid their voluntary contributions for 1963 to the Special Liberation Fund,

Reaffirming the determination of Member States to continue by all means the struggle for the independence of the territories under foreign domination,

Decides that:

1. The Committee be maintained with the present membership;
2. The Administrative Secretary-General be given supervisory power over the Secretariat of the Committee;
3. Each Member State pay for 1964 an obligatory minimum of Sterling pounds to the Special Liberation Fund in Dar es Salaam, pending the establishment of a scale of assessment.

Southern Rhodesia

...

Recalling the resolution on Decolonisation adopted by the Conference of Heads of State and Government in Addis Ababa, in May 1963, and Resolution CM/Res.14(II) adopted by the Council at its Second Session in Lagos;

Recalling further the Resolutions adopted by the General Assembly of the United Nations ...

Having examined the Report of the African Group at the United Nations, submitted in response to resolution CM/Res.14(II) of the Council of Ministers to take appropriate diplomatic measures to ensure that the British Government implement, without delay, the resolutions of the United Nations on Southern Rhodesia,

Requests:

1. African States to take a vigorous stand against a Declaration of Independence of Southern Rhodesia by a European minority government and to pledge themselves to take appropriate measures, including the recognition and support of an African nationalist government-in-exile should such an eventuality arise;
2. The African Group at the United Nations to examine further measures to be taken in the event of declaration of independence by the European minority government and to submit a report to the Council;
3. The United Kingdom to convene immediately a constitutional conference in which representatives of all political groups in Southern Rhodesia would participate with a view to preparing a new and democratic constitution ensuring majority rule on the basis of 'one man, one vote';
4. The immediate release of Joshua N'Komo, the Rev. Ndabininge Sithole and all other political prisoners and detainees;
5. The Foreign Ministers of Algeria and Senegal assisted by the African Group at the United Nations to undertake the task of presenting the problem of Southern Rhodesia at the appropriate time before the Security Council;
6. The Government of Malawi and the United Republic of Tanganyika and Zanzibar to offer their good offices to the nationalist parties in Southern Rhodesia so as to bring about a united front of all the liberation movements for the rapid attainment of their common objective of independence;
7. The African nationalist movements in Southern Rhodesia to intensify their struggle for immediate independence.

Territories under Portuguese Domination

...

Having considered the situation in the African territories under Portuguese domination;

Noting with deep concern the adamant refusal of Portugal to recognise the inalienable right of the African peoples under its domination to self-determination and independence;

Recalling the Resolution in Decolonisation adopted by the Conference of Heads of State and Government, in Addis Ababa in May 1963, in particular its operative paragraphs 7, 8, 9 and 10;

Convinced that only concerted positive action by all Independent African States and the nationalist movements in these territories will secure their liberation:

1. *Condemns* Portugal for its persistent refusal to recognise the right of the peoples under its domination to self-determination and independence and for its non-compliance with the resolutions of the General Assembly and the Security Council of the United Nations;
2. *Calls* on African nationalist movements in the territories under Portuguese domination to intensify their struggle for their immediate liberation;
3. *Reiterates its belief* that it is indispensable to implement in all its aspects the decision taken in Addis Ababa in May 1963 to boycott Portugal;
4. *Decides* to establish a machinery within the OAU General Secretariat, which would be entrusted *inter alia*, with the following functions;
 - (a) to co-ordinate among the Member States the strictest implementation of all relevant resolutions of the OAU,
 - (b) to harmonise co-operation with friendly States with a view to implementing an effective boycott of Portugal,
5. *Decides Further* to extend the mandate of the Foreign Ministers of Liberia, Madagascar, Sierra Leone and Tunisia commissioned by the Conference of Heads of State and Government to represent OAU Member States at the deliberations of the Security Council on the question of territories under Portuguese domination.

Union Government for Africa

...

Having considered the item on its Agenda entitled 'Consideration of a proposal for the establishment of a Union Government of Africa' submitted by the Government of Ghana:

1. *Decides* to refer the proposal to the Specialised Commissions of the Organization of African Unity so that they may study the elements of African Unity in their different aspects and report to the Council of Ministers;
2. *Requests* the Council of Ministers to consider these studies and report to the Second Ordinary Session of the Assembly of Heads of State and Government.

Denuclearisation of Africa

...

Conscious of our responsibilities towards our peoples and our obligations under the Charter of the United Nations and the Charter of the Organization of African Unity to exert every effort to strengthen international peace and security,

Determined that conditions conducive to international peace and security should prevail to save mankind from the scourge of nuclear war;

Deeply concerned with the effects resulting from the dissemination of nuclear weapons;

Confirming resolution 1652(XVI) of the General Assembly of the United Nations which called upon all States to respect the Continent of Africa as a nuclear-free zone;

Reaffirming the Resolution on General Disarmament adopted by the Conference of Heads of State and Government in Addis Ababa in May 1963;

Bearing in mind that the General Assembly of the United Nations in its Sixteenth Session called upon:

All States, and in particular upon the States at present possessing nuclear weapons, to use their best endeavours to secure the conclusion of an

international agreement containing provisions under which the nuclear States would undertake to refrain from relinquishing control of nuclear weapons and from transmitting the information necessary for their manufacture to States not possessing such weapons, and (containing) provisions under which States not possessing nuclear weapons would undertake not to manufacture or otherwise acquire control of such weapons;

Convinced that it is imperative to exert new efforts towards the achievement of an early solution to the problem of general disarmament:

1. *Solemnly declare* their readiness to undertake in an International Treaty to be concluded under the auspices of the United Nations not to manufacture or acquire control of nuclear weapons;
2. *Call upon* all peace-loving nations to adhere to the same undertaking;
3. *Call upon* all nuclear powers to respect and abide by this Declaration;
4. *Invite* the General Assembly of the United Nations, in its 19th Regular Session, to approve this Declaration and take the necessary measures to convene an International Conference with a view to concluding an international treaty.

The Territorial Integrity of Basutoland, Bechuanaland and Swaziland

...

Having examined the likely situation that would face Basutoland, Bechuanaland and Swaziland on attainment of independence;

Noting that the Government of the United Kingdom has agreed to grant independence in the immediate future to these territories;

Noting further resolution 1954(XVII) of the General Assembly of the United Nations solemnly warning the 'Government of the Republic of South Africa that any attempt to annex or encroach upon the territorial integrity of these three Territories shall be considered an act of aggression':

1. *Requests* the Member States of OAU in consultation with the authorities of Basutoland, Bechuanaland and Swaziland to take necessary steps so as to secure a guarantee by the United Nations for the territorial integrity, independence and sovereignty of these territories; and
2. *Authorises* in particular the African Group at the United Nations to take necessary measures, in consultation with the Committee of Liberation and the nationalist movements in these territories, to bring the question of guarantee before the Security Council at the appropriate time.

Africa's Representation within the Various Organs of the United Nations

...

Having studied the Report of the Permanent Representatives at the United Nations of Ghana, Ivory Coast, Morocco and Niger, commissioned by the Second Session of the Council (CM/Res. 11(II)) to negotiate for the ratification of amendments to the Charter of the United Nations, recommended by the 18th Session of the General Assembly:

1. *Endorses* with appreciation the Report of the Permanent Representatives of Ghana, Ivory Coast, Morocco and Niger;
2. *Invites* the African States that have not yet ratified the amendments to the Charter of the United Nations, to effect ratification of the same before 31 August 1964;
3. *Authorises* African Ambassadors in non-African capitals to impress upon such Governments the importance of ratifying the amendments;

4. *Instructs* the Permanent African Representatives at the United Nations to continue their efforts so as to obtain the ratification of the proposed amendments to the Charter of the United Nations.

...

Racial Discrimination in the United States of America

...

Recalling resolution 1904(XVIII) of the General Assembly of the United Nations adopted on 20 November 1963: the Declaration on the Elimination of all Forms of Racial Discrimination;

Recalling other resolutions of the General Assembly and the Specialised Agencies of the United Nations calling for the elimination of all forms of racial discrimination;

Taking into account the resolution adopted at the Conference of Heads of State and Government in Addis Ababa in May 1963 condemning racial discrimination in all its forms in Africa and in all parts of the world;

Considering that one hundred years have passed since the Emancipation Proclamation was signed in the United States of America;

Noting with satisfaction the recent enactment of the Civil Rights Act designed to secure for American Negroes their basic human rights;

Deeply disturbed, however, by continuing manifestations of racial bigotry and racial oppression against Negro citizens of the United States of America:

1. *Reaffirms* its belief that the existence of discriminatory practices is a matter of deep concern to Member States of the Organization of African Unity;

2. *Urges* the Government authorities in the United States of America to intensify their efforts to ensure the total elimination of all forms of discrimination based on race, colour, or ethnic origin.

Border Disputes among African States

...

Considering that border problems constitute a grave and permanent factor of dissention;

Conscious of the existence of extra-African manoeuvres aimed at dividing African States;

Considering further that the borders of African States, on the day of their independence, constitute a tangible reality;

Recalling the establishment in the course of the Second Ordinary Session of the Council of the Committee of Eleven charged with studying further measures for strengthening African Unity;

Recognising the imperious necessity of settling, by peaceful means and within a strictly African framework, all disputes between African States;

Recalling further that all Member States have pledged, under article IV of the Charter of African Unity, to respect scrupulously all principles laid down in paragraph 3 of article III of the Charter of the Organization of African Unity:

1. *Solemnly reaffirms* the strict respect by all Member States of the Organisation for the principles laid down in paragraph 3 of article III of the Charter of the Organization of African Unity;

2. *Solemnly declares* that all Member States pledge themselves to respect the borders existing on their achievement of national independence.

Financing of the United Nations Peace Operations

...

Noting with concern that the United Nations is faced with a serious financial situation arising mainly from its peacekeeping operations, which, if not resolved may affect the very survival of the Organisation;

Deeply conscious of its desire to support and strengthen the United Nations to enable it to fulfil its noble objectives among which is to maintain international peace and security;

Recalling the resolution adopted at the Conference of Heads of State and Government in Addis Ababa in May 1963 which, among others, expressed acceptance of all obligations contained in the Charter of the United Nations, including financial obligations:

1. *Earnestly appeals* to Member States of the United Nations to meet their obligations and to render assistance necessary for the Organisation to fulfil its role in maintaining international peace and security;
2. *Directs* the Administrative Secretary-General to transmit copies of this resolution to all Member States of the United Nations as well as to the Secretariat of the United Nations.

The Revolutionary Government of Angola in Exile and the Popular Liberation Movement of Angola (MPLA)

...

Having considered with deep concern the differences that exist between the Revolutionary Government of Angola in Exile and the Popular Liberation Movement of Angola (MPLA),

Convinced that a United Front of all nationalist elements would strengthen the effectiveness of the struggle for independence of the Angolan people; *Noting* that some Member States have not recognised the Revolutionary Government of Angola in Exile:

1. *Calls* on those Member States which have not recognised the Revolutionary Government of Angola in Exile to accord the latter full recognition;
2. *Calls further* on all Member States to assist and support the Revolutionary Government of Angola in Exile;
3. *Requests* the Committee of Liberation, assisted by the Representatives of Congo (Brazzaville), Ghana and the UAR, to use its good offices to reconcile, by all means of persuasion, the Revolutionary Government of Angola in Exile and the Popular Liberation Movement of Angola (MPLA) so as to secure a United Front of all nationalist elements in the struggle for independence;
4. *Requests further* the Committee of Liberation, assisted by the Representatives of the Member States designated in the preceding paragraph, to submit a report on the result of its effort to the Fourth Ordinary Session of the Council of Ministers.

Border Dispute between Ghana and Upper Volta

...

Having heard the statements of the President of the Republic of Ghana and the Representative of the President of the Republic of Upper Volta concerning the border dispute between their two countries;

Recommends to the Heads of State of Ghana and Upper Volta to hold direct discussions with a view to finding a mutually acceptable solution to their

border dispute on the basis of the statement made by the Representative of Ghana at the Third Ordinary Session of the Council of Ministers.

...

Convention for the Elimination of Mercenarism in Africa (1977/1985)

Adopted on 3 July 1977 in Libreville, Gabon and entered into force on 22 April 1985. This Convention recognises the threat to security posed by mercenary activities and obliges all States Parties to forbid recruitment of mercenaries or mercenary activities on their territory and to prevent their citizens from engaging in mercenary activities in other countries. Available online at http://www.africa-union.org/root/au/Documents/Treaties/Text/Convention_on_Mercenaries.pdf

Preamble

We, the Heads of State and Government of the member states of the Organization of African Unity;

Considering the grave threat which the activities of mercenaries present to the independence, sovereignty, territorial integrity and harmonious development of member states of the Organization of African Unity;

Conscious of the threat which the activities of mercenaries pose to the legitimate exercise of the right of African People under colonial and racist domination to their independence and freedom;

Convinced that total solidarity and co-operation between member states are indispensable for putting an end to the subversive activities of mercenaries in Africa;

Considering that the resolutions of the UN and the OAU, the statements of attitude and the practice of a growing number of states are indicative of the development of new rules of international law making mercenarism an international crime;

Determined to take all necessary measures to eliminate from the African continent the scourge that mercenarism represents;

HAVE AGREED as follows:

Article 1: Definition

1. The crime of mercenarism is committed by the individual, group or association, representatives of a State and the State itself with the aim of opposing by armed violence a process of self-determination or the territorial integrity of another State that practices any of the following acts:

- (a) Shelters, organises, finances, assists, equips, trains, promotes, supports or in any manner employs armed forces partially or wholly consisting of

- persons who are not nationals of the country where they are going to act, for personal gain, material or otherwise;
- (b) Enlists, enrolls or tries to enrol in the said forces;
 - (c) Allows the activities mentioned in paragraph (a) to be carried out in any territory under its jurisdiction or in any place under its control or affords facilities for transit, transport or other operations of the above mentioned forces.
2. Any person, natural or juridical who commits the crime of mercenarism as defined in paragraph 1 of this article commits an offence considered as a crime against peace and security in Africa and shall be punished as such.

Article 2: Aggravating Circumstances

The fact of assuming command over or giving orders to mercenaries shall be considered as an aggravating circumstance.

Article 3: Status of Mercenaries

Mercenaries shall not enjoy the status of combatants and shall not be entitled to the prisoners of war status.

Article 4: Scope of Criminal Responsibility

A mercenary is responsible both for the crime of mercenarism and all related offences, without prejudice to any other offences for which he may be prosecuted.

Article 5: General Responsibility of States and Their Representatives

1. When the representative of a State is responsible by the virtue of the provisions of article 1 of this Convention for acts or omissions declared by the aforesaid article to be criminal, he shall be punished for such an act or omission.
2. When a State is responsible by virtue of the provisions of article 1 of this Convention for acts or omissions, declared by the aforesaid article to be criminal, any other State may invoke such responsibility:
 - (a) In its relations with the State responsible, and
 - (b) Before competent international organisations or bodies.

Article 6: Obligations of States

The contracting parties shall take all necessary measures to eradicate all mercenary activities in Africa.

To this end, each contracting State shall undertake to:

- (a) Prevent its nationals or foreigners on its territory from engaging in any of the acts mentioned in article 1 of this Convention;
- (b) Prevent entry into or passage through its territory of any mercenary or any equipment destined for mercenary use;
- (c) Prohibit on its territory and activities by persons or organisations who use mercenaries against any African State member of the Organization of African Unity or the people of Africa in their struggle for liberation;
- (d) Communicate to the other member states of the Organization of African Unity any information related to the activities of mercenaries as soon as it comes to its knowledge;

- (e) Forbid on its territory the recruitment, training, financing and equipment of mercenaries and any other form of activities likely to promote mercenarism;
- (f) Take all the necessary legislative and other measures to ensure the immediate entry into force of this Convention.

...

Section 2

Transition Period (1990 - 1999)

The hallmark of the transition period was the collapse of Communism in Eastern Europe and the emergence of a single superpower, the United States of America. This was followed immediately by implosion in most African countries whose regimes had survived under the patronage of the superpowers. Furthermore, interest in Africa dwindled as it lost its geo-strategic importance to the East-West rivalry. As a result, African countries could no longer use their strategic position as bargaining chips for favours from the superpowers. Suddenly, democratic space expanded and all countries were called upon to adhere to principles of good governance and democracy.

These events resulted in political flux and instability as Africa struggled with a difficult transition. Throughout the 1990s, Africa experienced some of the worst calamities compared to other regions of the world. Regimes previously insulated by external support tumbled under the weight of calls for accountability and good governance. Liberia imploded in 1989, Somalia collapsed in 1991, the Derg government in Ethiopia collapsed in 1991, rebellion against Mobutu Sese Seko in Zaire (now DRC) gathered momentum and Sierra Leone was consumed by war. The vast majority of these were intra-state conflicts and threatened the very existence of a number of African countries. In extreme cases, states collapsed as countries experienced complete destruction of structures and instruments of governance, including the loss of the monopoly of the use of violence by their governments and their ability to govern their territories. In turn, there was a multiplication of other groups able and willing to use violence, threatening the legitimacy of the state. The most significant indictment of the continent during this period was the genocide in Rwanda in 1994, which left nearly a million people dead and led to the displacement of several millions outside the country. In 1996 alone, about 14 countries in Africa were involved in armed conflict – resulting in more than 8 million refugees, returnees and displaced persons.

The lukewarm response of the international community to these calamities created an impetus for action in Africa. Faced with pressing challenges, with limited assistance from the rest of the world, leaders on the continent recognised the need to engage in a search for African solutions to African problems. The OAU acknowledged its weakness to respond to new threats and the changing dynamics in international politics. In 1993, the OAU created the Mechanism for Conflict Prevention, Management and Resolution to augment

the capacity of the OAU Secretariat and the political leadership to manage conflicts in Africa more effectively, and to assist the Secretary-General of the OAU to initiate action in the management of conflicts in the region and to mobilise resources, both within Africa and from the international community, for effective conflict management in the region. At the same time, the OAU encouraged Regional Economic Communities (RECs), largely fashioned for economic imperatives, to embrace conflict prevention, management and resolution as a core mandate. Keen to enhance its capacity even at the international level, Africa became the first region to formalise its relationship with the United Nations through its organisation – the OAU – with the specific objective of enhancing the management of conflicts in the region. Gradually, this period witnessed the reinvigoration of regional structures to address regional conflicts, the beginning of the expansion of the concept of security to encompass human security, and the recognition of the critical role that civil society actors could play in managing conflicts in Africa within the OAU framework.

At the political level, African leadership began discussion on the regeneration of the African continent. This was given impetus by the myriad complex challenges facing the continent, including the lack of capacity to deal with insecurity, mismanagement, poor governance, spiralling debt, which led to the continent becoming a net capital exporter to the developed world, and lack of respect for human rights, among others. Acknowledging the inability of the OAU to deal with these problems, and the need for Africa to take responsibility for its plight, African leaders began discussions that led to a renewed commitment to a new vision embodied in the African renaissance.

An area in which Africa took an early lead during this period was terrorism. As early as 1992, Africa began to talk about the challenge of extremism on the continent. In 1994, it adopted a declaration on extremism and terrorism (in Tunis), and on the basis of this adopted the Convention Against Terrorism in 1999 (in Algiers). These initial efforts formed the basis for a continent-wide plan of action for combating and preventing terrorism after 2001.

Africa's efforts to seek solutions to its problems were also given momentum by the total liberation and democratisation of the continent. In 1990, Namibia became independent and in 1994 the world witnessed the peaceful transition of South Africa from an apartheid regime to a democratic government. Taking advantage of its enormous economic power and political clout, especially under President Mandela, South Africa took the reigns, accelerating the new impetus towards a common destiny and setting the stage for a new vision of the continent. This vision is captured comprehensively in the landmark Constitutive Act of the AU.

Cairo Declaration on the Occasion of the Thirtieth Anniversary of the Organization of African Unity (1993)

Adopted by the 29th Ordinary Session of the Assembly of Heads of State and Government held in Cairo, Egypt from 28 to 30 June 1993 (AHG Decl. 1 (XXIX)). The Declaration re-evaluates the role of the OAU after the Cold War. It examines progress made since the founding of the OAU and focuses on the link between development, democracy, security and stability as the key to a peaceful and prosperous Africa. Available online at <http://www.africa-union.org/root/au/Documents/Decisions/hog/3HoGAssembly1993.pdf>

1. We, the OAU Heads of State and Government while celebrating the Thirtieth Anniversary of the OAU, recall with pride and esteem the historical role of the founding fathers of the Organisation, their wisdom, clear vision and the historical heritage they bequeathed to us.
2. They had indeed been in the forefront of the historical achievements of the National Liberation Movements and in the vanguard of the struggle against colonialism and racial discrimination. By founding the OAU, they had succeeded in uniting the peoples of the continent within the framework of interaction between civilisations and institutional unity despite the cultural, linguistic, religious and national diversity. This is the everlasting great heritage which shall always guide us in our future endeavours.
3. To them we express our gratitude and appreciation. We also salute the peoples of Africa as a whole, particularly the gallant freedom fighters for their sacrifices and efforts in the struggle for freedom, equality, prosperity and development.
4. The Thirtieth Anniversary provides an opportunity for us to ponder over the experiences of the past and look forward with hope, determination and optimism to the day when the leaders of Africa will meet once again to celebrate the Fiftieth Anniversary of the OAU in 20 years time.
5. A positive projection of Africa's future requires the assessment of its past performance as well as the achievements and its shortcomings and the difficulties it has encountered. It also requires from us the renewal of our common determination and will to face the current challenges. We have indeed made achievements and with regard to the obstacles and the challenges, they have been identified in the resolutions we have adopted at our various gatherings and in the declarations and other relevant documents in which our vision and strategies geared towards the achievements of our goals and objectives, are elaborated. We are also committed to the adoption of common positions by consensus and to the continental unity of our peoples and nations who live in different regions, territories and islands with diverse cultural backgrounds.
6. These documents in their entirety reflect our views on such issues as independence, security, co-operation, development, economic integration, the need for collective self-reliance in achieving the overall development of our continent, promotion of human and peoples' rights and our ability to foresee the trend of the fundamental changes taking place in our contemporary world in the political and economic fields as well as in the area

of information and communication between peoples and nations. We have also, with strong conviction, arrived at a series of firm agreements on Africa's economic development plans, signed the Treaty Establishing the African Economic Community and always followed with concern Africa's economic situation including the external debt crisis as well as our adverse multilateral trade relations.

7. While doing so, we have not lost sight of the activities and immense contributions made by our men and women of wisdom and intellect and the efforts of the continent's various organisations and institutions in this regard. Those men and women have indeed shared with us their thoughts and views on issues relating to security, stability, democracy and peace. Their contributions will be a source of pride for future generations and will form an integral part of the reservoir of global intellectual heritage acquired through international co-operation on the basis of equality, mutual respect, solidarity and peaceful co-existence. We believe that the communities of our various continents should have a collective role in shaping the future of the world without marginalisation or discrimination against any given society or culture.

8. Despite fundamental changes that have taken place in the post-independence era, and more particularly since the end of the Cold War, there is still the need for establishing a close link between development, democracy, security and stability in the years ahead as the most ideal formula for fulfilling the legitimate aspirations of the peoples of Africa to a decent life, progress and social justice. This formula will enable us to solve gradually the acute socio-economic and political problems facing the African continent. It will also serve as a proper framework for the preservation of the diverse nature of our nations and societies and further enhancement of the fraternal ties that exist between our states.

9. By signing the Treaty Establishing the African Economic Community at our meeting in Abuja in 1991, we have agreed on a Pan-African framework that defines the principles and objectives of African integration in the years ahead. It equally defines the areas of co-operation, coordination of activities and exchange of experiences at the national, regional and continental levels and also among regional organisations and groupings through the common will and action of the OAU, ECA and the ADB.

10. The Thirtieth Anniversary being celebrated at the threshold of the 21st century is an occasion for us to think about the future of the African peoples and nations vis-à-vis the far-reaching changes taking place in the fields of science, technology and communications.

11. We therefore renew our commitment to the principles and values of popular participation in the process of governance and democratic transformation as well as the emphasis on rectitude and accountability on the part of all those who hold public office and the principle of participation in politics by all our citizens, especially women and the youth.

12. The OAU Charter, the international declarations and instruments on human rights and the African Charter on Human and Peoples' Rights all stipulate that the realisation of freedom, justice and human dignity are the legitimate aspirations of all peoples. Therefore, we undertake to promote the rights and freedoms of our peoples and to enhance the democratic values, ideals and institutions of our states in cultural, social, linguistic and religious diversity and on the basis of respect for the sovereignty of all African states as spelt out in the OAU Charter as well as respect for their political and socio-economic options.

13. The achievement of the objectives of development, integration, democratic transformation and the strengthening of the democratic institutions, requires peace and stability not only at the internal level but also among African states and in their relations with the outside world.

14. Security and stability have always been our priority concern at the national, regional and continental levels for the achievement of development and integration in the socio-economic and cultural fields in accordance with the aspirations of our governments and peoples so that Africa could become a safe continent, free of weapons of mass destruction and free of all threats and pressures. The establishment of peace and security will not only lead to the reduction of defence expenditure, but will also enable us to redirect our resources towards raising the level of production and services, augmenting the living standards of our peoples, creating more job opportunities and achieving economic growth and development. Furthermore, the establishment of peace and security will enable us to solve the problems of refugees and displaced persons, settle the existing conflicts of the continent and put an end to the blood-bath and the arms race with all their concomitant devastating socio-economic and political consequences.

15. We have agreed at our Dakar meeting of 1992 that the continuation of the various conflicts in the African continent has an adverse effect on the continent's security, stability and economic development. As a result, we have renewed our determination to work in unison for the peaceful resolution of all our conflicts and stressed the urgent need for Africa to take the appropriate steps for the prevention, management and resolution of conflicts within the framework of the OAU and in consonance with the principles and objectives of its Charter.

16. Finally, the future of Africa, its security and progress are linked with those of the entire world. At a time when international relations are being reshaped, Africa cannot but as of right, participate in that exercise as a continent whose states form more than one-quarter of the membership of the international community of nations, a continent with immense wealth, potential, market and culture and a population of some 700 million.

17. We look forward to the future with confidence and call upon our peoples to proceed steadily and triumphantly towards ushering in an era of co-operation and solidarity that will enable them to effectively take part in the process of shaping the new world, the world of the 21st century.

Declaration of the Assembly of Heads of State and Government on the Establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution (1993)

Adopted by the 29th Ordinary Session of the Assembly of Heads of State and Government held in Cairo, Egypt from 28 to 30 June 1993 (AHG/Decl.3/(XXIX)). Available online at: <http://www.africa-union.org/root/au/Documents/Decisions/hog/3HoGAssembly1993.pdf>

We, the Heads of State and Government of the Organization of African Unity, meeting in our Twenty-ninth Ordinary Session in Cairo, Egypt, from 28 to 30 June 1993, having considered the situations of conflict in our Continent and recalling the Declaration we adopted on 11 July 1990, on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World, declare as follows:

1. In May 1963, when the Founding Fathers met in Addis Ababa, Ethiopia, to found the Organization of African Unity, they were guided by their collective conviction that freedom, equality, justice and dignity are legitimate aspirations of the African peoples, and by their desire to harness the natural and human resources for the advancement of the Continent in all spheres of human endeavour. The Founding Fathers were inspired by an equally common determination to promote understanding between the African peoples and co-operation among the African States, and to rekindle the aspirations of the African people for brotherhood and solidarity in a larger unity transcending linguistic, ideological, ethnic and national differences.
2. The Founding Fathers were fully convinced that to achieve these lofty objectives, conditions for peace and security must be established and maintained.
3. It was with this overriding conviction, and guided also by the Charter of the United Nations and the Universal Declaration of Human Rights, that our countries began on the arduous task of meeting the triple challenge of decolonisation, economic development and maintenance of peace and security.
4. Today, thirty years later, we can look back with pride at the achievements which the Organization of African Unity has been able to make against heavy odds and the many obstacles it has had to surmount.
5. The ranks of independent countries have been strengthened; and the membership of the OAU has increased from thirty-two at its founding to fifty-two today. The frontiers of freedom in Africa have been pushed to the doors of Apartheid South Africa. And even there, significant progress has been made; and we have reasonable cause for optimism that we shall soon see the total eradication of the remaining vestiges of colonialism, racism, racial discrimination and apartheid.
6. We, however, continue to be faced by the daunting dual challenge of economic development and democratic transformation. Our countries have made tremendous efforts both individually and collectively to arrest and

reverse the decline in our economies. Notwithstanding the many serious difficulties they have encountered, and the magnitude of what remains to be done, appreciable progress has been made in the social and economic fields.

7. The socio-economic situation in our Continent remains nonetheless in a precarious state. Factors including the poverty, the deterioration of the terms of trade, plummeting prices of the commodities we produce, the excruciating external indebtedness and the resultant reverse flow of resources have combined to undermine the ability of our countries to provide for the basic needs of our people. In some cases, this situation has been further compounded by external political factors.

8. We do recognise, however, that there have also been certain internal human factors and policies which have negatively contributed to the present state of affairs on the Continent.

9. No single internal factor has contributed more to the present socio-economic problems in the Continent than the scourge of conflicts in and among our countries. They have brought about death and human suffering, engendered hate and divided nations and families. Conflicts have forced millions of our people into a drifting life as refugees and displaced persons, deprived of their means of livelihood, human dignity and hope. Conflicts have gobbled-up scarce resources, and undermined the ability of our countries to address the many compelling needs of our people.

10. While reaffirming our commitment to the Declaration on the Political and Socio-Economic situation in Africa and the Fundamental Changes Taking Place in the World which we adopted during the 26th Session of our Assembly, in Addis Ababa, in July 1990, we renew our determination to work in concert in the search for speedy and peaceful resolution to all the conflicts in Africa.

11. In June last year at the Twenty-eighth meeting of our Assembly in Dakar Senegal, we decided in principle to establish within the OAU, and in keeping with the principles and objectives of the Charter of the Organization, a Mechanism for Conflict Prevention, Management and Resolution. We took that decision against the background of the history of many prolonged and destructive conflicts in our continent and of our limited success at finding lasting solutions to them, notwithstanding the many efforts we and our predecessors expended. In so doing, we were also guided by our determination to ensure that Africa through the Organization of African Unity plays a central role in bringing about peace and stability in the Continent.

12. We saw in the establishment of such a mechanism the opportunity to bring to the processes of dealing with conflicts in our continent a new institutional dynamism, enabling speedy action to prevent or manage and ultimately resolve conflicts when and where they occur.

13. Now, having considered the report on the Mechanism prepared by the Secretary General pursuant to our decision on the principle of its creation, we hereby establish, within the OAU, a Mechanism for preventing, managing and resolving conflicts in Africa.

14. The Mechanism will be guided by the objectives and principles of the OAU Charter; in particular, the sovereign equality of Member States, non-interference in the internal affairs of States, the respect of the sovereignty and territorial integrity of Member States, their inalienable right to independent existence, the peaceful settlement of disputes as well as the inviolability of borders inherited from colonialism. It will also function on the basis of the consent and the co-operation of the parties to a conflict.

15. The Mechanism will have as a primary objective, the anticipation and prevention of conflicts. In circumstances where conflicts have occurred, it will be its responsibility to undertake peace-making and peacebuilding functions in order to facilitate the resolution of these conflicts. In this respect, civilian and military missions of observation and monitoring of limited scope and duration may be mounted and deployed. In setting these objectives, we are fully convinced that prompt and decisive action in these spheres will, in the first instance, prevent the emergence of conflicts, and where they do inevitably occur, stop them from degenerating into intense or generalised conflicts. Emphasis on anticipatory and preventive measures, and concerted action in peace-making and peacebuilding will obviate the need to resort to the complex and resource-demanding peacekeeping operations, which our countries will find difficult to finance.

16. However, in the event that conflicts degenerate to the extent of requiring collective international intervention and policing, the assistance or where appropriate the services of the United Nations will be sought under the general terms of its Charter. In this instance, our respective countries will examine ways and modalities through which they can make practical contribution to such a United Nations undertaking and participate effectively in the peacekeeping operations in Africa.

17. The Mechanism will be built around a Central Organ with the Secretary General and the Secretariat as its operational arm.

18. The Central Organ of the Mechanism shall be composed of the States members of the Bureau of the Assembly of Heads of State and Government elected annually, bearing in mind the principles of equitable regional representation and rotation. In order to ensure continuity, the States of the outgoing Chairman and (where known) the incoming Chairman shall also be members of the Central Organ. In between Ordinary Sessions of the Assembly, it will assume overall direction and co-ordinate the activities of the Mechanism.

19. The Central Organ shall function at the level of Heads of State as well as that of Ministers and Ambassadors accredited to the OAU or duly authorised representatives. It may, where necessary, seek the participation of other OAU Member States in its deliberations particularly, the neighbouring countries. It may also seek, from within the Continent, such military, legal and other forms of expertise as it may require in the performance of its functions.

20. The proceedings of the Central Organ shall be governed by the pertinent Rules of Procedure of the Assembly of Heads of State and Government. The Central Organ shall be convened by the Chairman or at the request of the Secretary General or any Member State. It will meet at least once a year at the level of Heads of State and Government; twice a year at the ministerial level; and once a month at Ambassadorial and duly authorised representatives level. The quorum of the Central Organ shall be two thirds of its members. In deciding on its recommendations and without prejudice to the decision-making methods provided for in the Rules of Procedure of the Assembly of Heads of State and Government, it shall generally be guided by the principle of consensus. The Central Organ shall report on its activities to the Assembly of Heads of State and Government.

21. The venue of its meetings shall ordinarily be at the Headquarters of the Organisation. Meetings may also be held elsewhere if so decided through consultations among its members. The provisional agenda of the Central

Organ shall be prepared by the Secretary General in consultation with the Chairman.

22. The Secretary General shall, under the authority of the Central Organ and in consultation with the parties involved in the conflict, deploy efforts and take all appropriate initiatives to prevent, manage and resolve conflicts. To this end, the Secretary General shall rely upon the human and material resources available at the General Secretariat. Accordingly, we direct the Council of Ministers, in consultation with the Secretary General, to examine ways and means in which the capacity within the General Secretariat can be built and brought to a level commensurate with the magnitude of the tasks at hand and the responsibilities expected of the organisation. In his efforts, the Secretary General may also resort to eminent African personalities in consultation with the Authorities of their countries of origin. Where necessary, he may make use of other relevant expertise, send special envoys or special representatives as well as despatch fact-finding missions to conflict areas.

23. A special Fund governed by the relevant OAU Financial Rules and Regulations shall be established for the purpose of providing financial resources to support exclusively the OAU operational activities relating to conflict management and resolution. It will be made up of financial appropriations from the regular budget of the OAU, voluntary contributions from Member States as well as from other sources within Africa. The Secretary General may, with the consent of the Central Organ, and in conformity with the principles and objectives of the OAU Charter, also accept voluntary contributions from sources outside Africa. Disbursement from the Special Fund shall be subject to the approval of the Central Organ.

24. Within the context of the Mechanism for Conflict Prevention, Management and Resolution, the OAU shall closely co-ordinate its activities with the African regional and subregional organisations and shall co-operate as appropriate with the neighbouring countries with respect to conflicts which may arise in the different sub-regions of the Continent.

25. The OAU shall also co-operate and work closely with the United Nations not only with regard to issues relating to peace-making but, and especially, also those relating to peacekeeping. Where necessary, recourse will be had to the United Nations to provide the necessary financial, logistical and military support for the OAU's activities in Conflict Prevention, Management and Resolution in Africa in keeping with the provisions of Chapter VIII of the UN Charter on the role of regional organisations, in the maintenance of international peace and security. In the like manner, the Secretary General of the OAU shall maintain close co-operation with other international organisations.

African Nuclear Weapon-Free Zone Treaty (Pelindaba Treaty) (1995/)

Adopted in Addis Ababa, Ethiopia in July, 1995, not yet in force. As of April 2006, 20 countries have ratified the treaty. The treaty declares the entire continent of Africa a nuclear weapon-free zone, while permitting the use of nuclear technology for peaceful purposes. Annex IV is a mechanism for settlement of disputes. Available online at http://www.africa-union.org/root/au/Documents/Treaties/Text/African_Nuclear_Weapon.pdf

The Parties to this Treaty,

Guided by the declaration on the Denuclearisation of Africa, adopted by the Assembly of Heads of State and Government of the Organization of African Unity (hereinafter referred to as OAU) at its first ordinary session, held at Cairo from 17 to 21 July 1964 (AHG/Res. 11(1)), in which they solemnly declared their readiness to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or acquire control of nuclear weapons,

Guided also, by the resolutions of the fifty-fourth and fifty-sixth ordinary sessions of the Council of Ministers of OAU, held at Abuja from 27 May to 1 June 1991 and at Dakar from 22 to 28 June 1992 respectively, (CM/Res. 1342 (LIV) and CM/Res. 195(LVI)), which affirmed that the evolution of the international situation was conducive to the implementation of the Cairo Declaration, as well as the relevant provisions of the 1986 OAU Declaration on Security, Disarmament and Development,

Recalling United Nations General Assembly resolution 3472 B(XXX) of 11 December 1975, in which it considered nuclear-weapon-free zones one of the most effective means for preventing the proliferation, both horizontal and vertical, of nuclear weapons,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons, as well as of the obligations of all States to contribute to this end,

Convinced also that the African nuclear-weapon-free zone will constitute an important step towards strengthening the non-proliferation regime, promoting co-operation in the peaceful uses of nuclear energy, promoting general and complete disarmament and enhancing regional and international peace and security.

Aware that regional disarmament measures contribute to global disarmament efforts,

Believing that the African nuclear-weapon-free zone will protect African States against possible nuclear attacks on their territories,

Noting with satisfaction existing NWFZs and recognising that the establishment of other NWFZs, especially in the Middle East, would enhance the security of States Parties to the African NWFZ,

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the NPT) and the need for the implementation of all its provisions,

Desirous of taking advantage of article IV of the NPT, which recognises the inalienable right of all States Parties to develop research on, production and use of nuclear energy for peaceful purposes without discrimination and to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for such purposes,

Determined to promote regional co-operation for the development and practical application of nuclear energy for peaceful purposes in the interest of sustainable social and economic development of the Africa continent,

Determined to keep Africa free of environmental pollution by radioactive wastes and other radioactive matter,

Welcoming the co-operation of all States and governmental and non-governmental organisations for the attainment of these objectives,

Have decided by this Treaty to establish the African NWFZ and hereby agree as follows:

Article 1: Definition/Usage of Terms

For the purpose of this Treaty and its Protocols:

- (a) 'African nuclear-weapon-free zone' means the territory of the continent of Africa, islands States members of OAU and all islands considered by the Organization of African Unity in its resolutions to be part of Africa;
- (b) 'Territory' means the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the sea bed and subsoil beneath;
- (c) 'Nuclear explosive device' means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;
- (d) 'Stationing' means implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation and deployment;
- (e) 'Nuclear installation' means a nuclear-power reactor, a nuclear research reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant, a separate storage installation and any other installation or location in or at which fresh or irradiated nuclear material or significant quantities of radioactive materials are present.
- (f) 'Nuclear material' means any source material or special fissionable material as defined in article XX of the Statute of the International Atomic Energy Agency (IAEA) and as amended from time to time by the IAEA.

Article 2: Application of the Treaty

1. Except where otherwise specified, this Treaty and its Protocols shall apply to the territory within the African nuclear-weapon-free zone, as illustrated in the map in Annex I.

2. Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any state under international law with regards to freedom of the seas.

Article 3: Renunciation of Nuclear Explosive Devices

Each Party undertakes:

- (a) Not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere;
- (b) Not to seek or receive any assistance in the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device;
- (c) Not to take any action to assist or encourage the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device.

Article 4: Prevention of Stationing of Nuclear Explosive Devices

1. Each Party undertakes to prohibit, in its territory, the stationing of any nuclear explosive device.

2. Without prejudice to the purposes and objectives of the treaty, each party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

Article 5: Prohibition of Testing of Nuclear Explosive Devices

Each Party undertakes:

- (a) Not to test any nuclear explosive device;
- (b) To prohibit in its territory the testing of any nuclear explosive device;
- (c) Not to assist or encourage the testing of any nuclear explosive device by any State anywhere.

Article 6: Declaration, Dismantling, Destruction or Conversion of Nuclear Explosive Devices and the Facilities for their Manufacture

Each Party undertakes:

- (a) To declare any capability for the manufacture of nuclear explosive devices;
- (b) To dismantle and destroy any nuclear device that it has manufactured prior to the coming into force of this Treaty;
- (c) To destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses;
- (d) To permit the International Atomic Energy Agency (hereinafter referred to as IAEA) and the Commission established in article 12 to verify the processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production.

Article 7: Prohibition of Dumping of Radioactive Wastes

Each Party undertakes:

- (a) To effectively implement or to use as guidelines the measures contained in the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to radioactive waste;

- (b) Not to take any action to assist or encourage the dumping of radioactive wastes and other radioactive matter anywhere within the African nuclear-weapon-free zone.

Article 8: Peaceful Nuclear Activities

1. Nothing in this Treaty shall be interpreted as to prevent the use of nuclear sciences and technology for peaceful purposes.
2. As part of their efforts to strengthen their security, stability and development, the Parties undertake to promote individually and collectively the use of nuclear science and technology for economic and social development. To this end they undertake to establish and strengthen mechanisms for co-operation at the bilateral, subregional and regional levels.
3. Parties are encouraged to make use of the programme of assistance available in IAEA and, in this connection, to strengthen co-operation under the African Regional Co-operation Agreement for Research, Training and Development Related to Nuclear Science and Technology (hereinafter referred to as AFRA).

Article 9: Verification of Peaceful Uses

Each Party undertakes:

- (a) To conduct all activities for the peaceful use of nuclear energy under strict nonproliferation measures to provide assurance of exclusively peaceful uses;
- (b) To conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance with the undertakings in subparagraph (a) of this article;
- (c) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.

Article 10: Physical Protection of Nuclear Materials and Facilities

Each Party undertakes to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorised use and handling. To that end each Party, *inter alia*, undertakes to apply measures of physical protection equivalent to those provided for in the Convention on Physical Protection of Nuclear Material and in recommendations and guidelines developed by IAEA for that purpose.

Article 11: Prohibition of Armed Attack on Nuclear Installations

Each Party undertakes not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African nuclear-weapon-free zone.

Article 12: Mechanism for Compliance

1. For the purpose of ensuring compliance with their undertakings under this Treaty, the Parties agree to establish the African Commission on Nuclear Energy (hereinafter referred to as the Commission) as set out in Annex III.
2. The Commission shall be responsible *inter alia* for:

- (a) Collating the reports and the exchange of information as provided for in article 13;
 - (b) arranging consultations as provided for in Annex IV, as well as convening conferences of Parties on the concurrence of simple majority of State Parties on any matter arising from the implementation of the Treaty;
 - (c) Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in Annex II;
 - (d) Bringing into effect the complaints procedure elaborated in Annex IV;
 - (e) Encouraging regional and subregional programmes for co-operation in the peaceful uses of nuclear science and technology;
 - (f) Promoting international co-operation with extra-zonal States for the peaceful uses of nuclear science and technology.
3. The Commission shall meet in ordinary session once a year, and may meet in extraordinary session as may be required by the complaints and settlement of disputes procedure in Annex IV.

Article 13: Report and Exchanges of Information

1. Each Party shall submit an annual report to the Commission on its nuclear activities as well as other matters relating to the Treaty, in accordance with the format for reporting to be developed by the Commission.
2. Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.
3. The Commission shall request the IAEA to provide it with an annual report on the activities of AFRA.

...

Annex IV

Complaints procedure and settlement of disputes

...

3. The Commission, taking account of efforts made under paragraph 1 above, shall afford the Party complained of forty-five days to provide it with an explanation of the matter.
4. If, after considering any explanation given to it by the representatives of the Party complained of the Commission considers that there is sufficient substance in the complaint to warrant an inspection in the territory of that Party or territory of a party to Protocol III, the Commission may request the International Atomic Energy Agency to conduct such inspection as soon as possible. The Commission may also designate its representatives to accompany the Agency's inspectorate team.
 - (a) The request shall indicate the tasks and objectives of such inspection, as well as any confidentiality requirements;
 - (b) If the Party complained of so requests, the inspection team shall be accompanied by representatives of that party provided that the inspectors shall not be thereby delayed or otherwise impeded in the exercise of their functions;
 - (c) Each Party shall give the inspection team full and free access to all information and places within each territory that may be deemed relevant by the inspectors to the implementation of the inspection;
 - (d) The Party complained of shall take all appropriate steps to facilitate the work of the inspection team, and shall accord them the same privileges and immunities as those set forth in the relevant provisions of the

- Agreement on the Privileges and Immunities of the International Atomic Energy Agency;
- (e) The International Atomic Energy Agency shall report its findings in writing as quickly as possible to the Commission, outlining its activities, setting out relevant facts and information as ascertained by it, with supporting evidence and documentation as appropriate, and stating its conclusions. The Commission shall report fully to all States Parties to the Treaty giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty;
 - (f) If the Commission considers that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, States Parties to the Treaty shall meet in extraordinary session to discuss the matter;
 - (g) The States Parties convened in extraordinary session may as necessary, make recommendations to the Party held to be in breach of its obligations and to the Organization of African Unity. The Organization of African Unity may, if necessary, refer the matter to the United Nations Security Council;
 - (h) The costs involved in the procedure outlined above shall be borne by the Commission. In the case of abuse, the Commission shall decide whether the requesting State Party should bear any of the financial implications.
5. The Commission may also establish its own inspection mechanism.
...

Organization of African Unity Convention on the Prevention and Combating of Terrorism (1999/2003)

Adopted in Algiers, Algeria on 14 July 1999 and entered into force on 26 December 2003. A Protocol to this Convention was adopted in Addis Ababa on 8 July 2004 and has not yet entered into force (see below). The Convention distinguishes between terrorist acts and armed struggle for liberation or self-determination. Available online at: http://www.africa-union.org/root/au/Documents/Treaties/TextAlgiers_convention%20on%20Terrorism.pdf

The Member States of the Organization of African Unity:

Considering the purposes and principles enshrined in the Charter of the Organization of African Unity, in particular its clauses relating to the security, stability, development of friendly relations and co-operation among its Member States;

Recalling the provisions of the Declaration on the Code of Conduct for Inter-African Relations, adopted by the Thirtieth Ordinary Session of the Assembly

of Heads of State and Government of the Organization of African Unity, held in Tunis, Tunisia, from 13 to 15 June 1994;

Aware of the need to promote human and moral values based on tolerance and rejection of all forms of terrorism irrespective of their motivations;

Believing in the principles of international law, the provisions of the Charters of the Organization of African Unity and of the United Nations and the latter's relevant resolutions on measures aimed at combating international terrorism and, in particular, resolution 49/60 of the General Assembly of 9 December 1994, together with the annexed Declaration on Measures to Eliminate International Terrorism as well as resolution 51/210 of the General Assembly of 17 December 1996 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, annexed thereto;

Deeply concerned over the scope and seriousness of the phenomenon of terrorism and the dangers it poses to the stability and security of States;

Desirous of strengthening co-operation among Member States in order to forestall and combat terrorism;

Reaffirming the legitimate right of peoples for self-determination and independence pursuant to the principles of international law and the provisions of the Charters of the Organization of African Unity and the United Nations as well as the African Charter on Human and Peoples' Rights;

Concerned that the lives of innocent women and children are most adversely affected by terrorism;

Convinced that terrorism constitutes a serious violation of human rights and, in particular, the rights to physical integrity, life, freedom and security, and impedes socio-economic development through destabilisation of States;

Convinced further that terrorism cannot be justified under any circumstances and, consequently, should be combated in all its forms and manifestations, including those in which States are involved directly or indirectly, without regard to its origin, causes and objectives;

Aware of the growing links between terrorism and organised crime, including the illicit traffic of arms, drugs and money laundering;

Determined to eliminate terrorism in all its forms and manifestations;

HAVE AGREED as follows:

PART I: Scope of Application

Article 1

For the purposes of this Convention:

1. 'Convention' means the OAU Convention on the Prevention and Combating of Terrorism.
2. 'State Party' means any Member State of the Organization of African Unity which has ratified or acceded to this Convention and has deposited its instrument of ratification or accession with the Secretary General of the Organization of African Unity.
3. 'Terrorist act' means:
 - (a) any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:

- (i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
- (ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
- (iii) create general insurrection in a State;
- (b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organising, or procurement of any person, with the intent to commit any act referred to in paragraph (a)(i) to (iii).

Article 2

States Parties undertake to:

- (a) review their national laws and establish criminal offences for terrorist acts as defined in this Convention and make such acts punishable by appropriate penalties that take into account the grave nature of such offences;
- (b) consider, as a matter of priority, the signing or ratification of, or accession to, the international instruments listed in the Annexure, which they have not yet signed, ratified or acceded to;
- (c) implement the actions, including enactment of legislation and the establishment as criminal offences of certain acts as required in terms of the international instruments referred to in paragraph (b) and that States have ratified and acceded to and make such acts punishable by appropriate penalties which take into account the grave nature of those offences;
- (d) notify the Secretary General of the OAU of all the legislative measures it has taken and the penalties imposed on terrorist acts within one year of its ratification of, or accession to, the Convention.

Article 3

1. Notwithstanding the provisions of article 1, the struggle waged by peoples in accordance with the principles of international law for their liberation or self-determination, including armed struggle against colonialism, occupation, aggression and domination by foreign forces shall not be considered as terrorist acts.
2. Political, philosophical, ideological, racial, ethnic, religious or other motives shall not be a justifiable defence against a terrorist act.

PART II: Areas of Co-operation

Article 4

1. States Parties undertake to refrain from any acts aimed at organising, supporting, financing, committing or inciting to commit terrorist acts, or providing havens for terrorists, directly or indirectly, including the provision of weapons and their stockpiling in their countries and the issuing of visas and travel documents.
2. States Parties shall adopt any legitimate measures aimed at preventing and combating terrorist acts in accordance with the provisions of this

Convention and their respective national legislation, in particular, they shall do the following:

- (a) prevent their territories from being used as a base for the planning, organisation or execution of terrorist acts or for the participation or collaboration in these acts in any form whatsoever;
- (b) develop and strengthen methods of monitoring and detecting plans or activities aimed at the illegal cross-border transportation, importation, export, stockpiling and use of arms, ammunition and explosives and other materials and means of committing terrorist acts;
- (c) develop and strengthen methods of controlling and monitoring land, sea and air borders and customs and immigration check-points in order to pre-empt any infiltration by individuals or groups involved in the planning, organisation and execution of terrorist acts;
- (d) strengthen the protection and security of persons, diplomatic and consular missions, premises of regional and international organisations accredited to a State Party, in accordance with the relevant conventions and rules of international law;
- (e) promote the exchange of information and expertise on terrorist acts and establish data bases for the collection and analysis of information and data on terrorist elements, groups, movements and organisations;
- (f) take all necessary measures to prevent the establishment of terrorist support networks in any form whatsoever;
- (g) ascertain, when granting asylum, that the asylum seeker is not involved in any terrorist act;
- (h) arrest the perpetrators of terrorist acts and try them in accordance with national legislation, or extradite them in accordance with the provisions of this Convention or extradition treaties concluded between the requesting State and the requested State and, in the absence of a treaty, consider facilitating the extradition of persons suspected of having committed terrorist acts; and
- (i) establish effective co-operation between relevant domestic security officials and services and the citizens of the States Parties in a bid to enhance public awareness of the scourge of terrorist acts and the need to combat such acts, by providing guarantees and incentives that will encourage the population to give information on terrorist acts or other acts which may help to uncover such acts and arrest their perpetrators.

Article 5

States Parties shall co-operate among themselves in preventing and combating terrorist acts in conformity with national legislation and procedures of each State in the following areas:

1. States Parties undertake to strengthen the exchange of information among them regarding:
 - (a) acts and crimes committed by terrorist groups, their leaders and elements, their headquarters and training camps, their means and sources of funding and acquisition of arms, the types of arms, ammunition and explosives used, and other means in their possession;
 - (b) the communication and propaganda methods and techniques used by the terrorists groups, the behaviour of these groups, the movement of their leaders and elements, as well as their travel documents.
2. States Parties undertake to exchange any information that leads to:

- (a) the arrest of any person charged with a terrorist act against the interests of a State Party or against its nationals, or attempted to commit such an act or participated in it as an accomplice or an instigator;
 - (b) the seizure and confiscation of any type of arms, ammunition, explosives, devices or funds or other instrumentalities of crime used to commit a terrorist act or intended for that purpose.
3. States Parties undertake to respect the confidentiality of the information exchanged among them and not to provide such information to another State that is not party to this Convention, or to a third State Party, without the prior consent of the State from where such information originated.
 4. States Parties undertake to promote co-operation among themselves and to help each other with regard to procedures relating to the investigation and arrest of persons suspected of, charged with or convicted of terrorist acts, in conformity with the national law of each State.
 5. States Parties shall co-operate among themselves in conducting and exchanging studies and researches on how to combat terrorist acts and to exchange expertise relating to control of terrorist acts.
 6. States Parties shall co-operate among themselves, where possible, in providing any available technical assistance in drawing up programmes or organising, where necessary and for the benefit of their personnel, joint training courses involving one or several States Parties in the area of control of terrorist acts, in order to improve their scientific, technical and operational capacities to prevent and combat such acts.

PART III: State Jurisdiction

Article 6

1. Each State Party has jurisdiction over terrorist acts as defined in article 1 when:
 - (a) the act is committed in the territory of that State and the perpetrator of the act is arrested in its territory or outside it if this is punishable by its national law;
 - (b) the act is committed on board a vessel or a ship flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or
 - (c) the act is committed by a national or a group of nationals of that State.
2. A State Party may also establish its jurisdiction over any such offence when:
 - (a) the act is committed against a national of that State; or
 - (b) the act is committed against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises, and any other property, of that State; or
 - (c) the act is committed by a stateless person who has his or her habitual residence in the territory of that State; or
 - (d) the act is committed on board an aircraft which is operated by any carrier of that State; and
 - (e) the act is committed against the security of the State Party.
3. Upon ratifying or acceding to this Convention, each State Party shall notify the Secretary General of the Organization of African Unity of the

jurisdiction it has established in accordance with paragraph 2 under its national law. Should any change take place, the State Party concerned shall immediately notify the Secretary General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the acts set forth in article 1 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 or 2.

Article 7

1. Upon receiving information that a person who has committed or who is alleged to have committed any terrorist act as defined in article 1 may be present in its territory, the State Party concerned shall take such measures as may be necessary under its national law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its national law so as to ensure that person's presence for the purpose of prosecution.

3. Any person against whom the measures referred to in paragraph 2 are being taken shall be entitled to:

- (a) communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in whose territory that person habitually resides;
- (b) be visited by a representative of that State;
- (c) be assisted by a lawyer of his or her choice;
- (d) be informed of his or her rights under sub-paragraphs (a), (b) and (c).

4. The rights referred to in paragraph 3 shall be exercised in conformity with the national law of the State in whose territory the offender or alleged offender is present, subject to the provision that the said laws must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

PART IV: Extradition

Article 8

1. Subject to the provisions of paragraphs 2 and 3 of this article, the States Parties shall undertake to extradite any person charged with or convicted of any terrorist act carried out on the territory of another State Party and whose extradition is requested by one of the States Parties in conformity with the rules and conditions provided for in this Convention or under extradition agreements between the States Parties and within the limits of their national laws.

2. Any State Party may, at the time of the deposit of its instrument of ratification or accession, transmit to the Secretary General of the OAU the grounds on which extradition may not be granted and shall at the same time indicate the legal basis in its national legislation or international conventions to which it is a party which excludes such extradition. The Secretary General shall forward these grounds to the States Parties.

3. Extradition shall not be granted if final judgement has been passed by a competent authority of the requested State upon the person in respect of the terrorist act or acts for which extradition is requested. Extradition may also be refused if the competent authority of the requested State has decided either not to institute or terminate proceedings in respect of the same act or acts.

4. A State Party in whose territory an alleged offender is present shall be obliged, whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution if it does not extradite that person.

Article 9

Each State Party undertakes to include as an extraditable offence any terrorist act as defined in article 1, in any extradition treaty existing between any of the States Parties before or after the entry into force of this Convention.

Article 10

Exchange of extradition requests between the States Parties to this Convention shall be effected directly either through diplomatic channels or other appropriate organs in the concerned States.

Article 11

Extradition requests shall be in writing, and shall be accompanied in particular by the following:

- (a) an original or authenticated copy of the sentence, warrant of arrest or any order or other judicial decision made, in accordance with the procedures laid down in the laws of the requesting State;
- (b) a statement describing the offences for which extradition is being requested, indicating the date and place of its commission, the offence committed, any convictions made and a copy of the provisions of the applicable law; and
- (c) as comprehensive a description as possible of the wanted person together with any other information which may assist in establishing the person's identity and nationality.

Article 12

In urgent cases, the competent authority of the State making the extradition may, in writing, request that the State seized of the extradition request arrest the person in question provisionally. Such provisional arrest shall be for a reasonable period in accordance with the national law of the requested State.

Article 13

1. Where a State Party receives several extradition requests from different States Parties in respect of the same suspect and for the same or different terrorist acts, it shall decide on these requests having regard to all the prevailing circumstances, particularly the possibility of subsequent extradition, the respective dates of receipt of the requests, and the degree of seriousness of the crime.

2. Upon agreeing to extradite, States Parties shall seize and transmit all funds and related materials purportedly used in the commission of the terrorist act to the requesting State as well as relevant incriminating evidence.

3. Such funds, incriminating evidence and related materials, upon confirmation of their use in the terrorist act by the requested State, shall be transmitted to the requesting State even if, for reasons of death or escape of the accused, the extradition in question cannot take place.

4. The provisions in paragraphs 1, 2 and 3 of this article shall not affect the rights of any of the States Parties or *bona fide* third parties regarding the materials or revenues mentioned above.

PART V: Extra-territorial Investigations (*Commission Rogatoire*) and Mutual Legal Assistance

Article 14

1. Any State Party may, while recognising the sovereign rights of States Parties in matters of criminal investigation, request any other State Party to carry out, with its assistance and co-operation, on the latter's territory, criminal investigations related to any judicial proceedings concerning alleged terrorist acts and, in particular:

- (a) the examination of witnesses and transcripts of statements made as evidence;
- (b) the opening of judicial information;
- (c) the initiation of investigation processes;
- (d) the collection of documents and recordings or, in their absence, authenticated copies thereof;
- (e) conducting inspections and tracing of assets for evidentiary purposes;
- (f) executing searches and seizures; and
- (g) service of judicial documents.

Article 15

A *commission rogatoire* may be refused:

- (a) where each of the States Parties has to execute a *commission rogatoire* relating to the same terrorist acts;
- (b) if that request may affect efforts to expose crimes, impede investigations or the indictment of the accused in the country requesting the *commission rogatoire*; or
- (c) if the execution of the request would affect the sovereignty of the requested State, its security or public order.

Article 16

The extra-territorial investigation (*commission rogatoire*) shall be executed in compliance with the provisions of national laws of the requested State. The request for an extra-territorial investigation (*commission rogatoire*) relating to a terrorist act shall not be rejected on the grounds of the principle of confidentiality of bank operations or financial institutions, where applicable.

Article 17

The States Parties shall extend to each other the best possible mutual police and judicial assistance for any investigation, criminal prosecution or

extradition proceedings relating to the terrorist acts as set forth in this Convention.

Article 18

The States Parties undertake to develop, if necessary, especially by concluding bilateral and multilateral agreements and arrangements, mutual legal assistance procedures aimed at facilitating and speeding up investigations and collecting evidence, as well as co-operation between law enforcement agencies in order to detect and prevent terrorist acts.

...

Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000)

Adopted in Bamako, Mali on 1 December 2000 by Ministers of Member States of the OAU, the Bamako Declaration defined an African Common Position on Small Arms and Light Weapons (SALW) in anticipation of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, in New York in July 2001. Available online at http://hei.unige.ch/sas/source_documents/Regional%20fora/Africa/Bamakodecl011201.pdf

- (i) *We, the Ministers of the Members States of the Organization of African Unity met in Bamako, Mali, from 30 November to 1 December 2000, to develop an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons in preparation for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, scheduled to take place in New York, from 9 to 20 July, 2001, in accordance with the relevant United Nations General Assembly Resolutions. Our meeting was held in pursuance of:*
- The Decision AHG/Dec. 137(LXX), adopted by the 35th Ordinary Session of the Assembly of Heads of State and Government held in Algiers, Algeria, from 12 to 14 July 1999, which called for an African approach on the problems posed by the illicit proliferation, circulation and trafficking of small arms and light weapons, and for the convening of a Ministerial preparatory conference on this matter prior to the holding of the United Nations Conference; and the decisions adopted on this matter by the Council of Ministers, at its 68th Ordinary Session held in Ouagadougou, Burkina Faso, from 1 to 6 June 1998 (CM/Dec/ 432 (LXVIII), the 71st Ordinary Session held in Addis Ababa, Ethiopia, from 6 to 10 March 2000 (CM/Dec.501(LXXI)) and the 72nd Ordinary Session held in Lome, Togo, from 6 to 8 July 2000 (CM/Dec.527(LXXII));

- (ii) *We have considered* the reports of the Secretary-General on the preparation for the Ministerial Conference on the illicit proliferation, circulation and trafficking of small arms and light weapons, as well as the report of the first continental meeting of African Experts and the International Consultation on the illicit proliferation, circulation and trafficking of small arms and light weapons, held in Addis Ababa, Ethiopia, from 17 to 19 May 2000, and from 22 to 23 June 2000, respectively.
- (iii) *In reviewing* the situation of the illicit proliferation, circulation and trafficking of small arms and light weapons, *we recognise* the progress made at national and regional levels in developing action programmes for the reduction, prevention and management of small arms and light weapons proliferation. In this regard, we welcome in particular, the ECOWAS Moratorium of 31 October 1998, its accompanying Code of Conduct of 199 and its Plan of Action under the Programme for Coordination and Assistance for Security and Development (PCASED); the Nairobi Declaration adopted by the Ministers of the countries of the Great Lakes and the Horn of Africa regions on 15 March 2000, and its Co-ordinated Agenda for Action and Implementation Plan; the progress towards the signature of a SADC Declaration and Protocol on Firearms and Ammunition and its Implementation Programme as discussed in August 2000; the Djibouti declaration of the countries of the Horn of Africa and the Gulf of Aden on antipersonnel landmines, of 18 November 2000; as well as the efforts made by ECCAS Member States, within the framework of the UN Standing Advisory Committee on Security Questions in Central Africa on the proliferation and illicit circulation of small arms and light weapons in Central Africa.
- (iv) *We reaffirm* our respect for international law and principles as contained in the Charter of the United Nations, in particular, the respect for national sovereignty, noninterference in the internal affairs of Member States, the right to individual and collective self-defense, as stated in article 51 of the UN Charter, the right of self determination of peoples and the right of Member States to develop their own defense systems to ensure national security.
- (v) *We have deliberated* extensively on the various aspects of the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons, and *have agreed* on the following African Common Position on the illicit proliferation, circulation and trafficking of small arms and light weapons:
 1. *We express our grave concern* that the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons continues to have devastating consequences for stability and development in Africa. We recognise that this problem:
 - (i) sustains conflicts, exacerbates violence, contributes to the displacement of innocent populations and threatens international humanitarian law, as well as fuels crime and encourages terrorism;
 - (ii) promotes a culture of violence and destabilises societies by creating a propitious environment for criminal and contraband activities, in particular, the looting of precious minerals and the illicit trafficking in and abuse of, narcotic drugs and psychotropic substances and endangered species;

- (iii) has adverse effects on security and development, especially on women, refugees and other vulnerable groups, as well as on infrastructure and property;
- (iv) also has devastating consequences on children, a number of whom are victims of armed conflict, while others are forced to become child soldiers;
- (v) undermines good governance, peace efforts and negotiations, jeopardises the respect for fundamental human rights, and hinders economic development;
- (vi) related to the combating and the eradication of the illicit proliferation, circulation and trafficking of small arms and light weapons, and control of their proliferation;
- (vii) is both one of supply and demand, transcends borders and calls for co-operation at all levels: local, national, regional, continental and international.

2. *We therefore agree* that, in order to promote peace, security, stability and sustainable development on the continent, it is vital to address the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons in a comprehensive, integrated, sustainable and efficient manner through:

- (i) ensuring that the behaviour and conduct of Member States and suppliers are not only transparent but also go beyond narrow national interests;
- (ii) the promotion of measures aimed at restoring peace, security and confidence among and between Member States with a view to reducing the resort to arms;
- (iii) the promotion of structures and processes to strengthen democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth;
- (iv) the promotion of conflict prevention measures and the pursuit of negotiated solutions to conflicts;
- (v) the promotion of comprehensive solutions to the problem of the illicit proliferation circulation and trafficking of small arms and light weapons that:
 - include both control and reduction, as well as supply and demand aspects;
 - are based on the coordination and harmonisation of the efforts of the Member States at regional, continental and international levels;
 - involve civil society in support of the central role of governments, in this regard.
- (vi) the enhancement of the capacity of Member States to identify, seize and destroy illicit weapons and to put in place measures to control the circulation, possession, transfer and use of small arms and light weapons;
- (vii) the promotion of a culture of peace by encouraging education and public awareness programmes on the problems of the illicit proliferation, circulation and trafficking of small arms and light weapons, involving all sectors of society;
- (viii) the institutionalisation of national and regional programmes for action aimed at preventing, controlling and eradicating the illicit proliferation, circulation and trafficking of small arms and light weapons in Africa; and
- (ix) the respect for international humanitarian law.

3. *We recommend* that Member States should:

- (a) At the National Level
- (i) put in place, where they do not exist, national coordination Agencies or bodies and the appropriate institutional infrastructure responsible for policy guidance, research and monitoring on all aspects of small arms and light weapons proliferation, control, circulation, trafficking and reduction;
 - (ii) enhance the capacity of national law enforcement and security Agencies and officials to deal with all aspects of the arms problem, including appropriate training on investigative procedures, border control and specialised actions, and upgrading of equipment and resources;
 - (iii) adopt, as soon as possible, where they do not exist, the necessary legislative and other measures to establish as a criminal offence under national law, the illicit manufacturing of, trafficking in, and illegal possession and use of small arms and light weapons, ammunition and other related materials;
 - (iv) develop and implement, where they do not exist, national programmes for:
 - the responsible management of licit arms;
 - the voluntary surrender of illicit small arms and light weapons;
 - the identification and the destruction by competent national authorities and where necessary, of surplus, obsolete and seized stocks in possession of the state, with, as appropriate, international financial and technical support;
 - the reintegration of demobilised youth and those who possess small arms and light weapons illegally.
 - (v) develop and implement public awareness programmes on the problem of the proliferation and the illicit trafficking of small arms and light weapons;
 - (vi) encourage the adoption of appropriate national legislation or regulations to prevent the breaching of international arms embargoes, as decided by the United Nations Security Council;
 - (vii) take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, as well as shipping and transit agents, in a transparent fashion;
 - (viii) encourage, where appropriate, the active involvement of civil society in the formulation and implementation of a national action plan to deal with the problem;
 - (ix) enter into binding bilateral agreements, on a voluntary basis with neighbouring countries, so as to put in place an effective common system of control, including the recording, licensing and collection of small arms and light weapons, within common frontier zones.
- (b) At the regional level
- (i) Put in place, where they do not exist, mechanisms to co-ordinate and harmonise efforts to address the illicit proliferation, circulation and trafficking of small arms and light weapons;
 - (ii) Encourage the codification and harmonisation of legislation governing the manufacture, trading, brokering, possession and use of small arms and ammunition. Common standards should include, but not be limited to, marking, record-keeping and control governing imports, exports and the licit trade;
 - (iii) Strengthen regional and continental co-operation among police, customs and border control services to address the illicit proliferation,

circulation and trafficking of small arms and light weapons. These efforts should include, but not be limited to, training, the exchange of information to support common action to contain and reduce illicit small arms and light weapons trafficking across borders, and the conclusion of the necessary Agreements in this regard;

- (iv) Ensure that the manufacturers and suppliers of illicit small arms and light weapons, who violate global or continental regulations on the issue, shall be sanctioned. Known brokers and States which act as suppliers of illicitly acquired arms and weapons to combatants in Member States, should equally be sanctioned by the international community.
4. *We strongly appeal* to the wider international community and, particularly, to arms supplier countries, to:
- (i) Accept that trade in small arms should be limited to governments and authorised registered licensed traders;
 - (ii) Actively engage, support and fund the efforts of the OAU Member States in addressing the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons in the continent;
 - (iii) Seriously consider ways to discourage and eliminate the practice of dumping excess weapons in African countries and in violation of arms embargoes;
 - (iv) Enact appropriate legislation and regulations to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents;
 - (v) Enact stringent laws, regulations and administrative procedures to ensure the effective control over the transfer of small arms and light weapons, including mechanisms with a view to facilitating the identification of illicit arms transfers; and
 - (vi) Take full advantage of the forthcoming United Nations Conference to make these commitments known.
5. *We call* for international partnership to curb the illicit proliferation, circulation and trafficking of small arms and light weapons in Africa. In this regard,
- (i) *We appeal* to international institutions to support initiatives and programmes aimed at eradicating the illicit proliferation, circulation and trafficking of small arms and light weapons. In this regard, *we reiterate* the call as contained in the relevant United Nations General Assembly Resolutions for financial and other appropriate support for the implementation of these programmes;
 - (ii) *We appeal* to Governments, all sector of civil society and donor Agencies for the financial and technical support to national programmes for the reintegration of demobilised youths and those in illegal possession of small arms;
 - (iii) *We call for* close co-operation between the OAU, regional economic communities, the United Nations Agencies, other international organisations, in close association with civil society organisations, in addressing the illicit proliferation, circulation and trafficking of small arms and light weapons;
 - (iv) *We urge* OAU Member States, the United Nations, regional organisations, research centres, the civil society and the international community as a whole, to develop and fund action-oriented research aimed at facilitating greater awareness and better understanding on the

nature and scope of the problem, providing, whenever possible, a basis for continued advocacy and action on prevention measures, and evaluating the impact of these measures;

- (v) *We request* that competent international organisations like INTERPOL, the World Customs Organisation (WCO) and the UN Regional Centre for Peace and Disarmament in Africa, play a more important role in the fight against the illicit proliferation, circulation and trafficking of small arms and light weapons;
 - (vi) *We encourage* all the Member States of the United Nations, to accede to international legal instruments on terrorism and international organised crime.
6. *We call* for a realistic and implementable programme of action during the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which will take place in New York, from 9-20 July 2001 and *we support* the efforts by the Chairman of the Preparatory Committee in this regard.
 7. *We undertake* to promote and defend this African common position on the illicit proliferation, circulation and trafficking of small arms and light weapons during the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in all its aspects.
 8. *We request* the Secretary-General to follow up on the implementation of the present Declaration and to present regular progress reports to the Council of Ministers.

Section 3

The New African Vision (2000 - present)

The New African Vision was characterised by a swell of activity initiated and pursued by African leadership to regenerate the continent. The first highlight of this phase was the 36th OAU Summit in Lomé, Togo in July 2000, during which the Constitutive Act of the African Union was adopted, after OAU member states signed the Protocol for the Ratification of the AU. This single act signified the dawn of a new era in Africa. Prior to this, the OAU Heads of State meeting in Sirte, Libya in 1999, had decided to revitalise the OAU to enable it play a role that is more active and relevant to the 'needs of our peoples and ... to the demands of the prevailing circumstances'. The AU Constitutive Act was signed at the Lomé extraordinary session of Heads of State on 11 July 2000, launching a new era for African multilateralism.

The transition from the OAU to the AU was characterised by a proliferation of ideas and initiatives. One such initiative involved the mandating of President Mbeki of South Africa and President Bouteflika of Algeria to engage Africa's creditors on the total cancellation of Africa's external debt. In April 2000 the South Summit of the Non-Aligned Movement and the G77, held in Havana, Cuba, mandated President Mbeki and the Nigerian President Obasanjo to state the case of the South to the Group of Highly Industrialised Nations (G8). At the 5th extraordinary Summit of the OAU, held in Sirte, Libya, in 2001, two recovery plans were presented: the Millennium Africa Recovery Plan (MAP) and the OMEGA Plan. This Summit endorsed work on the new vision and decided that every effort be made to integrate all initiatives seeking the recovery and development of Africa. The Heads of State tasked to do this invited other countries and created a New Partnership for Africa's Development Heads of State and Government Implementation Committee (NEPAD-HSGIC), to steer the process of clarifying Africa's emerging new vision. In October 2001, the NEPAD-HSGIC met in Abuja, Nigeria and adopted a name for the new initiative, namely the New Partnership for Africa's Development (NEPAD), together with its definitive text.

Africa reached another milestone in July 2002 with the launching of the AU in South Africa. This Summit made a number of critical decisions that would shape the peace and security architecture on the continent. Reflecting the new vision, the Summit adopted the Protocol Relating to the Establishment of the Peace and Security Council of the AU, and decided to have a Common African Defence and Security Policy. Further, the Assembly also adopted a landmark declaration on the implementation of NEPAD. Reaffirming their

commitment to the promotion of democracy and its core values, the Assembly adopted the Declaration on Democracy, Political, Economic and Corporate Governance and agreed to the creation of the African Peer Review Mechanism (APRM) to promote adherence to and fulfilment of commitments contained therein. In line with this, the APRM was launched in March 2003. So far, 26 African countries have acceded to this mechanism, which is hailed as one of the most innovative tools of the AU. Overseeing the implementation of the peer review process, is an Independent Panel of Eminent Persons drawn from across the continent.

To ensure the coordination and alignment of peace and security issues on the continent, a consultation held in 2003 between NEPAD and the AU crystallised the African Peace and Security Agenda into eight priorities that require immediate action.

AU-NEPAD Consultations on the African Peace and Security Agenda

At the initiative of the AU Commission, a consultative AU-NEPAD Peace and Security workshop was held in Addis Ababa from 17 to 18 February 2003, to enhance alignment between the AU and NEPAD initiatives, and bring greater coherence and coordination of programmes undertaken by the AU Commission and the NEPAD Secretariat in the area of peace and security.

Presentations at the meeting highlighted the convergence of the AU and NEPAD programmes as far as peace and security concerned, thereby setting the parameters for the workshop to reflect on the modalities of integrating the agenda, achieving an effective division of labour and facilitating joint actions by the AU Commission and the NEPAD Secretariat in the future.

This workshop crystallised the African Peace and Security Agenda into eight priority areas that needed 'immediate action', namely:

1. Developing mechanisms, institution building processes and support instruments for achieving peace and security in Africa;
2. Improving capacity for, and coordination of, early action for conflict prevention, management and resolution including the development of peace support operations capabilities;
3. Improving early warning capacity in Africa through strategic analysis and support;
4. Prioritising strategic security issues as follows:
 - (a) Promoting an African definition and action on disarmament, demobilisation, rehabilitation and reconstruction (DDRR) efforts in post-conflict situations;
 - (b) Coordinating and ensuring effective implementation of African efforts aimed at preventing and combating terrorism.
5. Ensuring efficient and consolidated action for the prevention, combating and eradication of the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons;
6. Improving the security sector and the capacity for good governance as related to peace and security;
7. Generating minimum standards for application in the exploitation and management of Africa's resources (including non-renewable resources) in areas affected by conflict; and
8. Assisting in resource mobilisation for the African Union Peace Fund and for regional initiatives aimed at preventing, managing and resolving conflicts on the continent.

The workshop also emphasised the need for:

1. Regular information exchange between the AU Commission and the NEPAD Secretariat on all issues related to the African peace and security initiative, and active participation in each other's meetings and planning sessions;
2. Scheduling of regular consultations on the coordination and implementation of initiatives, elaborating strategies for the mobilisation of resources and effective outreach initiatives; and
3. Adopting proactive approaches to address issues of peace and security on the continent, including undertaking research on the root causes of conflicts, acceleration of capacity-building initiatives and, utilization of African expertise, including the diaspora.

Finally, the workshop urged the adoption of a common approach to international peace and security partnership. For more information please go to <http://www.saferafrica.org/Programmes/Nepad/NEPADProgramme.asp>

The implementation of Africa's peace and security agenda was grounded on principles of African leadership and ownership while recognising the role of external partners such as the G8 and the EU, as well as internal stakeholders such as African civil society, regional economic communities and member states. Another high point during this period was the launching of the Peace and Security Council (PSC) of the AU in May 2004. Unlike its predecessor, the Mechanism for Conflict Prevention, Management and Resolution (CPMR), the PSC was given a mandate for robust action. The PSC can intervene in situations of conflict or those deemed to constitute threats to peace and security, including where there are gross violations of human rights or crimes against humanity. At its disposal is a range of soft and hard instruments to facilitate the prevention, management and resolution of conflicts. These include the Panel of the Wise, African Standby Force and a Continental Early Warning System. Once operational, these organs will together act as guarantors of peace and security in Africa.

Further, this new era is marked by the laudable commitment and intense involvement of Africans in resolving conflicts on the continent, as evidenced by the numerous Africa-led peace initiatives and processes in conflict areas, including Burundi, Somalia, Sudan, Togo, Democratic Republic of Congo, and Cote d'Ivoire. Unlike the OAU, the AU has demonstrated an ability and a willingness to respond to conflicts more timeously and with greater courage. This commitment in combination with support from international partners have led to remarkable successes, as evidenced in the conclusion of peace agreements in some conflicts previously viewed as intractable, such as those Sudan and Somalia.

1. Treaties, Protocols and Declarations

Constitutive Act of the African Union (2000/2001)

Adopted in Lomé, Togo on 11 July 2000 and entered into force on 26 May 2001. The Assembly of the AU held its inaugural meeting in Durban, South Africa in July 2002. The shift from the position of non-interference which characterised the OAU to the more proactive approach of the AU can be seen in article 4(h), which provides for intervention by the AU in a member state in the case of grave circumstances, namely: war crimes, genocide and crimes against humanity. Available online at http://www.africa-union.org/root/au/AboutAU/Constitutive_Act_en.htm

We, Heads of State and Government of the Member States of the Organization of African Unity (OAU):

...

Inspired by the noble ideals which guided the founding fathers of our Continental Organisation and generations of Pan-Africanists in their determination to promote unity, solidarity, cohesion and co-operation-cooperation among the peoples of Africa and African States;

Considering the principles and objectives stated in the Charter of the Organization of African Unity and the Treaty establishing the African Economic Community;

Recalling the heroic struggles waged by our peoples and our countries for political independence, human dignity and economic emancipation;

Considering that since its inception, the Organization of African Unity has played a determining and invaluable role in the liberation of the continent, the affirmation of a common identity and the process of attainment of the unity of our continent and has provided a unique framework for our collective action in Africa and in our relations with the rest of the world.

Determined to take up the multifaceted challenges that confront our continent and peoples in the light of the social, economic and political changes taking place in the world;

Convinced of the need to accelerate the process of implementing the Treaty establishing the African Economic Community in order to promote the socio-economic development of Africa and to face more effectively the challenges posed by globalisation;

Guided by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion among our peoples;

Conscious of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda;

Determined to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and to ensure good governance and the rule of law;

Further determined to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them discharge their respective mandates effectively;

Recalling the Declaration which we adopted at the Fourth Extraordinary Session of our Assembly in Sirte, the Great Socialist People's Libyan Arab Jamahiriya, on 9 September 1999, in which we decided to establish an African Union, in conformity with the ultimate objectives of the Charter of our Continental Organisation and the Treaty establishing the African Economic Community;

HAVE AGREED as follows:

...

Article 2: Establishment

The African Union is hereby established in accordance with the provisions of this Act.

Article 3: Objectives

The objectives of the Union shall be to:

- (a) achieve greater unity and solidarity between the African countries and the peoples of Africa;
- (b) defend the sovereignty, territorial integrity and independence of its Member States;
- (c) accelerate the political and socio-economic integration of the continent;
- (d) promote and defend African common positions on issues of interest to the continent and its peoples;
- (e) encourage international co-operation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
- (f) promote peace, security, and stability on the continent;
- (g) promote democratic principles and institutions, popular participation and good governance;
- (h) promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;
- (i) establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations;
- (j) promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;
- (k) promote co-operation in all fields of human activity to raise the living standards of African peoples;
- (l) co-ordinate and harmonise the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
- (m) advance the development of the continent by promoting research in all fields, in particular in science and technology;
- (n) work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.

Article 4: Principles

The Union shall function in accordance with the following principles:

- (a) sovereign equality and interdependence among Member States of the Union;
- (b) respect of borders existing on achievement of independence;
- (c) participation of the African peoples in the activities of the Union;
- (d) establishment of a common defence policy for the African Continent;
- (e) peaceful resolution of conflicts among Member States of the Union through such appropriate means as may be decided upon by the Assembly;
- (f) prohibition of the use of force or threat to use force among Member States of the Union;
- (g) non-interference by any Member State in the internal affairs of another;
- (h) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity;
- (i) peaceful co-existence of Member States and their right to live in peace and security;
- (j) the right of Member States to request intervention from the Union in order to restore peace and security;
- (k) promotion of self-reliance within the framework of the Union;
- (l) promotion of gender equality;
- (m) respect for democratic principles, human rights, the rule of law and good governance;
- (n) promotion of social justice to ensure balanced economic development;
- (o) respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities;
- (p) condemnation and rejection of unconstitutional changes of governments.

Article 5: Organs of the Union

1. The organs of the Union shall be:
 - (a) The Assembly of the Union;
 - (b) The Executive Council;
 - (c) The Pan-African Parliament;
 - (d) The Court of Justice;
 - (e) The Commission;
 - (f) The Permanent Representatives Committee;
 - (g) The Specialised Technical Committees;
 - (h) The Economic, Social and Cultural Council;
 - (i) The Financial Institutions;
2. Other organs that the Assembly may decide to establish.

Article 6: The Assembly

1. The Assembly shall be composed of Heads of States and Government or their duly accredited representatives.
2. The Assembly shall be the supreme organ of the Union.
3. The Assembly shall meet at least once a year in ordinary session. At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.
4. The Office of the Chairman of the Assembly shall be held for a period of one year by a Head of State or Government elected after consultations among the Member States.

Article 7: Decisions of the Assembly

1. The Assembly shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States of the Union. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.
2. Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Assembly.

Article 8: Rules of Procedure of the Assembly

The Assembly shall adopt its own Rules of Procedure.

Article 9: Powers and Functions of the Assembly

1. The functions of the Assembly shall be to:
 - (a) determine the common policies of the Union;
 - (b) receive, consider and take decisions on reports and recommendations from the other organs of the Union;
 - (c) consider requests for Membership of the Union;
 - (d) establish any organ of the Union;
 - (e) monitor the implementation of policies and decisions of the Union as well ensure compliance by all Member States;
 - (f) adopt the budget of the Union;
 - (g) give directives to the Executive Council on the management of conflicts, war and other emergency situations and the restoration of peace;
 - (h) appoint and terminate the appointment of the judges of the Court of Justice;
 - (i) appoint the Chairman of the Commission and his or her deputy or deputies and Commissioners of the Commission and determine their functions and terms of office.
2. The Assembly may delegate any of its powers and functions to any organ of the Union.

Article 10: The Executive Council

1. The Executive Council shall be composed of the Ministers of Foreign Affairs or such other Ministers or Authorities as are designated by the Governments of Member States.
2. The Executive Council shall meet at least twice a year in ordinary session. It shall also meet in an extra-ordinary session at the request of any Member State and upon approval by two-thirds of all Member States.

Article 11: Decisions of the Executive Council

1. The Executive Council shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.
2. Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Executive Council.

Article 12: Rules of Procedure of the Executive Council

The Executive Council shall adopt its own Rules of Procedure.

Article 13: Functions of the Executive Council

1. The Executive Council shall co-ordinate and take decisions on policies in areas of common interest to the Member States, including the following:

- (a) foreign trade;
- (b) energy, industry and mineral resources;
- (c) food, agricultural and animal resources, livestock production and forestry;
- (d) water resources and irrigation;
- (e) environmental protection, humanitarian action and disaster response and relief;
- (f) transport and communications;
- (g) insurance;
- (h) education, culture, health and human resources development;
- (i) science and technology;
- (j) nationality, residency and immigration matters;
- (k) social security, including the formulation of mother and child care policies, as well as policies relating to the disabled and the handicapped;
- (l) establishment of a system of African awards, medals and prizes.

2. The Executive Council shall be responsible to the Assembly. It shall consider issues referred to it and monitor the implementation of policies formulated by the Assembly.

3. The Executive Council may delegate any of its powers and functions mentioned in paragraph 1 of this article to the Specialised Technical Committees established under article 14 of this Act.

Article 14: The Specialised Technical Committees Establishment and Composition

1. There is hereby established the following Specialised Technical Committees, which shall be responsible to the Executive Council:

- (a) The Committee on Rural Economy and Agricultural Matters;
- (b) The Committee on Monetary and Financial Affairs;
- (c) The Committee on Trade, Customs and Immigration Matters;
- (d) The Committee on Industry, Science and Technology, Energy, Natural Resources and Environment;
- (e) The Committee on Transport, Communications and Tourism;
- (f) The Committee on Health, Labour and Social Affairs; and
- (g) The Committee on Education, Culture and Human Resources.

2. The Assembly shall, whenever it deems appropriate, restructure the existing Committees or establish other Committees.

3. The Specialised Technical Committees shall be composed of Ministers or senior officials responsible for sectors falling within their respective areas of competence.

Article 15: Functions of the Specialised Technical Committees

Each Committee shall within its field of competence:

- (a) prepare projects and programmes of the Union and submit it to the Executive Council;
- (b) ensure the supervision, follow-up and the evaluation of the implementation of decisions taken by the organs of the Union;
- (c) ensure the coordination and harmonisation of projects and programmes of the Union;

- (d) submit to the Executive Council either on its own initiative or at the request of the Executive Council, reports and recommendations on the implementation of the provisions of this Act; and
- (e) carry out any other functions assigned to it for the purpose of ensuring the implementation of the provisions of this Act.

Article 16: Meetings

Subject to any directives given by the Executive Council, each Committee shall meet as often as necessary and shall prepare its Rules of Procedure and submit them to the Executive Council for approval.

Article 17: The Pan-African Parliament

1. In order to ensure the full participation of African peoples in the development and economic integration of the continent, a Pan-African Parliament shall be established.
2. The composition, powers, functions and organisation of the Pan-African Parliament shall be defined in a protocol relating thereto.

Article 18: The Court of Justice

1. A Court of Justice of the Union shall be established;
2. The statute, composition and functions of the Court of Justice shall be defined in a protocol relating thereto.

Article 19: The Financial Institutions

The Union shall have the following financial institutions whose rules and regulations shall be defined in protocols relating thereto:

- (a) The African Central Bank;
- (b) The African Monetary Fund;
- (c) The African Investment Bank.

Article 20: The Commission

1. There shall be established a Commission of the Union, which shall be the Secretariat of the Union.
2. The Commission shall be composed of the Chairman, his or her deputy or deputies and the Commissioners. They shall be assisted by the necessary staff for the smooth functioning of the Commission.
3. The structure, functions and regulations of the Commission shall be determined by the Assembly.

Article 21: The Permanent Representatives Committee

1. There shall be established a Permanent Representatives Committee. It shall be composed of Permanent Representatives to the Union and other Plenipotentiaries of Member States.
2. The Permanent Representatives Committee shall be charged with the responsibility of preparing the work of the Executive Council and acting on the Executive Council's instructions. It may set up such sub-committees or working groups as it may deem necessary.

Article 22: The Economic, Social and Cultural Council

1. The Economic, Social and Cultural Council shall be an advisory organ composed of different social and professional groups of the Member States of the Union.
2. The functions, powers, composition and organisation of the Economic, Social and Cultural Council shall be determined by the Assembly.

Article 23: Imposition of Sanctions

1. The Assembly shall determine the appropriate sanctions to be imposed on any Member State that defaults in the payment of its contributions to the budget of the Union in the following manner: denial of the right to speak at meetings, to vote, to present candidates for any position or post within the Union or to benefit from any activity or commitments, therefrom;
2. Furthermore, any Member State that fails to comply with the decisions and policies of the Union may be subjected to other sanctions, such as the denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly.

Article 24: The Headquarters of the Union

1. The Headquarters of the Union shall be in Addis Ababa in the Federal Democratic Republic of Ethiopia.
2. There may be established such other offices of the Union as the Assembly may, on the recommendation of the Executive Council, determine.

Article 25: Working Languages

The working languages of the Union and all its institutions shall be, if possible, African languages, Arabic, English, French and Portuguese.

Article 26: Interpretation

The Court shall be seized with matters of interpretation arising from the application or implementation of this Act. Pending its establishment, such matters shall be submitted to the Assembly of the Union, which shall decide by a two-thirds majority.

Article 27: Signature, Ratification and Accession

1. This Act shall be open to signature, ratification and accession by the Member States of the OAU in accordance with their respective constitutional procedures.
2. The instruments of ratification shall be deposited with the Secretary-General of the OAU.
3. Any Member State of the OAU acceding to this Act after its entry into force shall deposit the instrument of accession with the Chairman of the Commission.

Article 28: Entry into Force

This Act shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-thirds of the Member States of the OAU.

Article 29: Admission to Membership

1. Any African State may, at any time after the entry into force of this Act, notify the Chairman of the Commission of its intention to accede to this Act and to be admitted as a member of the Union.
2. The Chairman of the Commission shall, upon receipt of such notification, transmit copies thereof to all Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Chairman of the Commission who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.

Article 30: Suspension

Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union.

Article 31: Cessation of Membership

1. Any State which desires to renounce its membership shall forward a written notification to the Chairman of the Commission, who shall inform Member States thereof. At the end of one year from the date of such notification, if not withdrawn, the Act shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Union.
2. During the period of one year referred to in paragraph 1 of this article, any Member State wishing to withdraw from the Union shall comply with the provisions of this Act and shall be bound to discharge its obligations under this Act up to the date of its withdrawal.

Article 32: Amendment and Revision

1. Any Member State may submit proposals for the amendment or revision of this Act.
2. Proposals for amendment or revision shall be submitted to the Chairman of the Commission who shall transmit same to Member States within thirty (30) days of receipt thereof.
3. The Assembly, upon the advice of the Executive Council, shall examine these proposals within a period of one year following notification of Member States, in accordance with the provisions of paragraph 2 of this article;
4. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority and submitted for ratification by all Member States in accordance with their respective constitutional procedures. They shall enter into force thirty (30) days after the deposit of the instruments of ratification with the Chairman of the Commission by a two thirds majority of the Member States.

Article 33: Transitional Arrangements and Final Provisions

1. This Act shall replace the Charter of the Organization of African Unity. However, the Charter shall remain operative for a transitional period of one year or such further period as may be determined by the Assembly, following the entry into force of the Act, for the purpose of enabling the OAU/AEC to undertake the necessary measures regarding the devolution of its assets and liabilities to the Union and all matters relating thereto.

2. The provisions of this Act shall take precedence over and supersede any inconsistent or contrary provisions of the Treaty establishing the African Economic Community.

3. Upon the entry into force of this Act, all necessary measures shall be undertaken to implement its provisions and to ensure the establishment of the organs provided for under the Act in accordance with any directives or decisions which may be adopted in this regard by the Parties thereto within the transitional period stipulated above.

4. Pending the establishment of the Commission, the OAU General Secretariat shall be the interim Secretariat of the Union.

5. This Act, drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all four (4) being equally authentic, shall be deposited with the Secretary-General of the OAU and, after its entry into force, with the Chairman of the Commission who shall transmit a certified true copy of the Act to the Government of each signatory State. The Secretary-General of the OAU and the Chairman of the Commission shall notify all signatory States of the dates of the deposit of the instruments of ratification or accession and shall upon entry into force of this Act register the same with the Secretariat of the United Nations.

New Partnership for Africa's Development (NEPAD) Framework Document (2001)

The NEPAD Framework Document was adopted in October 2001 in Abuja, Nigeria. The Framework Document points to peace, security, democracy and good political, economic and corporate governance as the conditions for sustainable development and sets out a number of sectoral priorities for socio-economic development. Available online at <http://www.nepad.org/2005/files/documents/inbrief.pdf>

1. The *New Partnership for Africa's Development* is a pledge by African leaders, based on a common vision and a firm shared conviction, that they have a pressing duty to eradicate poverty and to place their countries, both individually and collectively, on a path of sustainable growth and development and, at the same time, to participate in the world economy and body politic. The Programme is anchored on the determination of Africans to extricate themselves and the continent from the malaise of underdevelopment and exclusion on a globalising world.

2. The poverty and backwardness of Africa stand in stark contrast to the prosperity of the developed world. The continued marginalisation of African from the globalisation process and social exclusion of the vast majority of its people constitute a serious threat to global stability.

3. Historically accession to the institutions of the international community, the credit and aid binomial has underlined the logic of African development. Credit has led to the debt deadlock which, from instalments to rescheduling, still exists and hinders the growth of African countries. The

limits of this option have been reached. Concerning the other element of the binominal aid, we can also note the reduction of private aid and the upper limit of public aid, which is below the target set in the 1970s.

4. In Africa, 340 million people, or half the population, live on less than US \$1 per day. The mortality rate of children under 5 years of age is 140 per 1000, and life expectancy at birth is only 54 years. Only 58 per cent of the population have access to safe water. The rate of illiteracy for people over 15 is 41 per cent. There are only 18 mainline telephones per 1000 people in Africa, compared with 146 for the world as a whole and 567 for high-income countries.

5. The *New Partnership for Africa's Development* calls for the reversal of this abnormal situation by changing the relationship that underpins it. Africans are appealing neither for the further entrenchment of dependency through aid, nor for marginal concessions.

6. We are convinced that an historic opportunity presents itself to end the scourge of underdevelopment that afflicts Africa. The resources, including capital, technology and human skills, that are required to launch a global war on poverty and underdevelopment exist in abundance and are within our reach. What is required to mobilise these resources and to use them properly, is bold and imaginative leadership that is genuinely committed to a sustained human development effort and the eradication of poverty, as well as a new global partnership based on shared responsibility and mutual interest.

7. Across the continent, Africans declare that we will no longer allow ourselves to be conditioned by circumstance. We will determine our own destiny and call on the rest of the world to complement our efforts. There are already signs of progress and hope. Democratic regimes that are committed to the protection of human rights, people-centred development and market-oriented economies are on the increase. African peoples have begun to demonstrate their refusal to accept poor economic and political leadership. These developments are however, uneven and inadequate and need to be further expedited.

8. The *New Partnership for Africa's Development* is about consolidating and accelerating these gains. It is a call for a new relationship of partnership between Africa and the international community, especially the highly industrialised countries, to overcome the development chasm that has widened over centuries of unequal relations.

...

(i) Peace and Security Initiative

71. African leaders have learned from their own experience that peace, security, democracy, good governance, human rights and sound economic management are conditions for sustainable development. They are making a pledge to work, both individually and collectively, to promote these principles in their counties and sub-regions and on the continent.

72. The Peace and Security Initiative consists of three elements:

- promoting long-term conditions for development and security;
- building the capacity of African institutions for early warning, as well as enhancing their capacity to prevent, manage and resolve conflicts;
- Institutionalising commitment to the core values of the *New Partnership for Africa's Development* through the leadership.

73. Long-term conditions for ensuring peace and security in Africa require policy measure for addressing the political and social vulnerabilities on which conflict is premised. These are dealt with by the Political and Economic

Governance initiatives, the Capital Flows and Market Access Initiatives, and the Human Development Initiative.

74. Efforts to build Africa's capacity to manage all aspects of conflict must focus on the means necessary to strengthen existing regional and subregional institutions especially in four key areas:

- Prevention, management and resolution of conflict
- Peacemaking, peacekeeping and peace enforcement
- Post-conflict reconciliation, rehabilitation and reconstruction
- Combating the illicit proliferation of small arms, light weapons and landmines.

...

76. The envisaged Heads of States Forum will serve as a platform for the leadership of the *New Partnership for Africa's Development* to seek to enhance the capacity of African institutions to promote peace and security on the continent, to share experience and to mobilise collective action. The Forum will ensure that the principles and commitments implicit in this initiative are fulfilled.

77. Aware of that requirement, Africans must make all efforts to find a lasting solution to existing conflicts, to strengthen their internal security and to promote peace among the countries.

78. At Lusaka Summit, the AU decided to take drastic measures in reviving the organs responsible for conflict prevention and resolution.

...

Declaration on Democracy, Political, Economic and Corporate Governance (2002)

Adopted by the Assembly of Heads of State and Government on 18 June 2002 in Durban, South Africa (AHG 235(XXXVIII)). Also referred to as the 'NEPAD Declaration'. Available online at <http://www.nepad.org/2005/files/documents/2.pdf>

Preamble

1. We, the participating Heads of State and Government of the member states of the African Union (AU), met in Durban, South Africa, at the inaugural Assembly of the African Union and considered the report of the New Partnership for Africa's Development (NEPAD) Heads of State and Government Implementation Committee established at the Organization of African Unity (OAU) Summit in Lusaka, Zambia, in July 2001.

2. In the general context of our meeting, we recalled our shared commitment underlying the establishment of NEPAD to eradicate poverty and to place our countries, individually and collectively, on a path of sustainable growth and development and, at the same time, to participate actively in the

world economy and body politic on equal footing. We reaffirm this pledge as our most pressing duty.

3. In reviewing the report of the NEPAD Heads of State and Government Implementation Committee and considering the way forward, we were also mindful of the fact that, over the years, successive OAU Summits have taken decisions aimed at ensuring stability, peace and security, promoting closer economic integration, ending unconstitutional changes of government, supporting human rights and upholding the rule of law and good governance. Among these decisions are:

- (a) the Lagos Plan of Action, and the Final Act of Lagos (1980);
- (b) the African (Banjul) Charter on Human and Peoples' Rights (1981);
- (c) the African Charter for Popular Participation in Development (1990);
- (d) the Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World (1990);
- (e) the African Charter on the Rights and Welfare of the Child (1990);
- (f) the Abuja Treaty establishing the African Economic Community (1991);
- (g) the 1993 Cairo Declaration Establishing the Mechanism for Conflict Prevention, Management and Resolution;
- (h) the Protocol on the Establishment of an African Court on Human and Peoples' Rights (1998);
- (i) the 1999 Grand Bay (Mauritius) Declaration and Plan of Action for the Promotion and Protection of Human Rights;
- (j) the Framework for an OAU Response to Unconstitutional Changes of Government (adopted at the 2000 OAU Summit in Lome, Togo, and based on the earlier decision of the 1999 Algiers OAU Summit);
- (k) the Conference on Security, Stability, Development and co-operation (CSSDCA) Solemn Declaration (2000); and
- (l) the Constitutive Act of the African Union (2000).

4. We, member states parties to the aforementioned instruments, reaffirm our full and continuing commitment to these and other decisions of our continental organisation, as well as the other international obligations and undertakings into which we have entered in the context of the United Nations. Of particular significance in this context are the Charter of the United Nations and the United Nations Universal Declaration on Human Rights and all conventions relating thereto, especially the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Declaration.

5. Africa faces grave challenges and the most urgent of these are the eradication of poverty and the fostering of socio-economic development, in particular, through democracy and good governance. It is to the achievement of these twin objectives that the NEPAD process is principally directed.

6. Accordingly, we the participating Heads of State and Government of the member states of the African Union have agreed to work together in policy and action in pursuit of the following objectives:

- Democracy and Good Political Governance
- Economic and Corporate Governance
- Socio-Economic Development
- African Peer Review Mechanism

Democracy and Good Political Governance

7. At the beginning of the new century and millennium, we reaffirm our commitment to the promotion of democracy and its core values in our

respective countries. In particular, we undertake to work with renewed determination to enforce:

- the rule of law;
- the equality of all citizens before the law and the liberty of the individual;
- individual and collective freedoms, including the right to form and join political parties and trade unions, in conformity with the constitution;
- equality of opportunity for all;
- the inalienable right of the individual to participate by means of free, credible and democratic political processes in periodically electing their leaders for a fixed term of office; and
- adherence to the separation of powers, including the protection of the independence of the judiciary and of effective parliaments.

8. We believe in just, honest, transparent, accountable and participatory government and probity in public life. We therefore undertake to combat and eradicate corruption, which both retards economic development and undermines the moral fabric of society.

9. We are determined to increase our efforts in restoring stability, peace and security in the African continent, as these are essential conditions for sustainable development, alongside democracy, good governance, human rights, social development, protection of environment and sound economic management. Our efforts and initiatives will also be directed at seeking speedy peaceful solutions to current conflicts and at building Africa's capacity to prevent, manage and resolve all conflicts on the continent.

10. In the light of Africa's recent history, respect for human rights has to be accorded an importance and urgency all of its own. One of the tests by which the quality of a democracy is judged is the protection it provides for each individual citizen and for the vulnerable and disadvantaged groups. Ethnic minorities, women and children have borne the brunt of the conflicts raging on the continent today. We undertake to do more to advance the cause of human rights in Africa generally and, specifically, to end the moral shame exemplified by the plight of women, children, the disabled and ethnic minorities in conflict situations in Africa.

11. In Africa's efforts at democracy, good governance and economic reconstruction, women have a central role to play. We accept it as a binding obligation to ensure that women have every opportunity to contribute on terms of full equality to political and socio-economic development in all our countries.

12. To fulfil these commitments we have agreed to adopt the following action plan:

13. In support of democracy and the democratic process we will:

- ensure that our respective national constitutions reflect the democratic ethos and provide for demonstrably accountable governance;
- promote political representation, thus providing for all citizens to participate in the political process in a free and fair political environment;
- enforce strict adherence to the position of the African Union (AU) on unconstitutional changes of government and other decisions of our continental organisation aimed at promoting democracy, good governance, peace and security;

- strengthen and, where necessary, establish an appropriate electoral administration and oversight bodies, in our respective countries and provide the necessary resources and capacity to conduct elections which are free, fair and credible;
 - reassess and where necessary strengthen the AU and subregional election monitoring mechanisms and procedures; and
 - heighten public awareness of the African Charter on Human and Peoples' Rights, especially in our educational institutions.
14. In support of Good Governance we have agreed to:
- adopt clear codes, standards and indicators of good governance at the national, subregional and continental levels;
 - accountable, efficient and effective civil service;
 - ensure the effective functioning of parliaments and other accountability institutions in our respective countries, including parliamentary committees and anti-corruption bodies; and
 - ensure the independence of the judicial system that will be able to prevent abuse of power and corruption.
15. To promote and protect human rights we have agreed to:
- facilitate the development of vibrant civil society organisations, including strengthening human rights institutions at the national, subregional and regional levels;
 - support the Charter, African Commission and Court on Human and People's Rights as important instruments for ensuring the promotion, protection and observance of Human Rights;
 - strengthen co-operation with the UN High Commission for Human Rights; and
 - ensure responsible free expression, inclusive of the freedom of the press.

Economic and Corporate Governance

16. Good economic and corporate governance including transparency in financial management are essential pre-requisites for promoting economic growth and reducing poverty. Mindful of this, we have approved eight prioritised codes and standards for achieving good economic and corporate governance.

17. These prioritised codes and standards represent those 'fundamental' internationally, regionally, and domestically accepted codes and standards that all African countries should strive to observe within their capacity capabilities. In other words, they are the codes and standards that need to be complied with as a minimum requirement, given a country's capacity to do so.

18. We believe the eight prioritised and approved codes and standards set out below have the potential to promote market efficiency, to control wasteful spending, to consolidate democracy, and to encourage private financial flows – all of which are critical aspects of the quest to reduce poverty and enhance sustainable development. These codes and standards have been developed by a number of international organisations through consultative processes that involved the active participation of and endorsement by African countries. Thus, the codes and standards are genuinely global as they were agreed by experts from a vast spectrum of economies with different structural characteristics. They are the following:

- (a) Code of Good Practices on Transparency in Monetary and Financial Policies;

- (b) Code of Good Practices on Fiscal Transparency;
 - (c) Best Practices for Budget Transparency;
 - (d) Guidelines for Public Debt Management;
 - (e) Principles of Corporate Governance;
 - (f) International Accounting Standards;
 - (g) International Standards on Auditing; and the
 - (h) Core Principles for Effective Banking Supervision.
19. We have also approved other key codes and standards in transparency and financial Management. These include:
- (a) Principles for Payment Systems;
 - (b) Recommendations on Anti-money laundering and;
 - (c) Core principles for securities and insurance supervision and regulation.

Socio-Economic Development

20. We believe that poverty can only be effectively tackled through the promotion of:

- democracy, good governance, peace and security;
- the development of human and physical resources;
- gender equality;
- openness to international trade and investment;
- allocation of appropriate funds to social sector and;
- new partnerships between governments and the private sector, and with civil society.

21. We reaffirm our conviction that the development of Africa is ultimately the responsibility of Africans themselves. Africa's development begins with the quality of its human resources. We, therefore, undertake to work towards the enhancement of our human resources through the provision of more and better education and training, especially in Information and Communications Technology (ICT) and other skills central to a globalising world; and better health care, with priority attention to addressing HIV/AIDS and other pandemic diseases.

22. The marginalisation of women remains real despite the progress of recent years. We will, therefore, work with renewed vigour to ensure gender equality and ensure their full and effective integration of women in political and socio-economic development.

23. Globalisation and liberalisation does not mean that there should be no role for government in socio-economic development. It only means a different type of government. We, therefore, undertake to foster new partnerships between government and the private sector; a new division of labour in which the private sector will be the veritable engine of economic growth, while governments concentrate on the development of infrastructure and the creation of a macroeconomic environment. This includes expanding and enhancing the quality of human resources and providing the appropriate institutional framework to guide the formulation and execution of economic policy.

24. The regional economic communities remain the building blocks for Africa's economic integration. We will, therefore, continue to strengthen them in every way practicable and to relate their evolution more closely to the development of the African Union.

25. We welcome the strong international interest in and support for NEPAD. It is our intention to build on this promising foundation, working with our development partners and the wider international community to:

- forge new forms of international co-operation in which the benefits of globalisation are more evenly shared;
 - create a stable international economic environment in which African countries can achieve growth through greater market access for their exports; the removal of trade barriers, especially non-tariff barriers and other forms of protectionism; increased flows of direct foreign investment; debt cancellation; a meaningful increase in ODA; and the diversification of their economies. Africa's prosperity will be a multiplier in world prosperity.
26. NEPAD is founded on a hardheaded assessment of the political and socioeconomic realities in Africa today. We do not, therefore, underestimate the challenges involved in achieving NEPAD's objectives, but we share a common resolution to work together even more closely in order to end poverty on the continent and to restore Africa to a place of dignity in the family of nations.
27. No African country is a replica of another and no African society is a mirror image of another. However, we believe that the variety within our oneness can be enriching. It is part of the purpose of this Declaration to mobilise all those enriching qualities to build African unity, in respect of the specific of our countries.

African Peer Review Mechanism

28. We have separately agreed to establish an African Peer Review Mechanism (APRM) on the basis of voluntary accession. The APRM seeks to promote adherence to and fulfilment of the commitments contained in this Declaration. The Mechanism spells out the institutions and processes that will guide future peer reviews, based on mutually agreed codes and standards of democracy, political, economic and corporate governance.

Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002/2003)

Adopted in Durban, South Africa on 9 July 2002, and entered into force on 26 December 2003. The Peace and Security Council was launched in May 2004. The PSC was created to promote peace, security and stability in Africa, and serves as the standing decision-making organ of the AU for the prevention, management and resolution of conflicts. The organs of the PSC include the AU Commission, the Continental Early Warning System, the Panel of the Wise, the Peace Fund and the African Standby Force (including the Military Staff Committee (see below). Available online at http://www.africa-union.org/root/au/Documents/Treaties/Text/Protocol_peace%20and%20security.pdf

We, the Heads of State and Government of the Member States of the African Union;

Considering the Constitutive Act of the African Union and the Treaty establishing the African Economic Community, as well as the Charter of the United Nations;

Recalling the Declaration on the establishment, within the Organization of African Unity (OAU), of a Mechanism for Conflict Prevention, Management and Resolution, adopted by the 29th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Cairo, Egypt, from 28 to 30 June 1993;

Recalling also Decision AHG/Dec.160 (XXXVII) adopted by the 37th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Lusaka, Zambia, from 9 to 11 July 2001, by which the Assembly decided to incorporate the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution as one of the organs of the Union, in accordance with article 5(2) of the Constitutive Act of the African Union, and, in the regard, requested the Secretary-General to undertake a review of the structures, procedures and working methods of the Central Organ, including the possibility of changing its name;

Mindful of the provisions of the Charter of the United Nations, conferring on the Security Council primary responsibility for the maintenance of international peace and security, as well as the provisions of the Charter on the role of regional arrangements or agencies in the maintenance of international peace and security, and the need to forge closer co-operation and partnership between the United Nations, other international organisations and the African Union, in the promotion and maintenance of peace, security and stability in Africa;

Acknowledging the contribution of African Regional Mechanisms for Conflict Prevention, Management and Resolution in the maintenance and promotion of peace, security and stability on the Continent and the need to develop formal coordination and co-operation arrangements between these Regional Mechanisms and the African Union;

Recalling Decisions AHG/Dec.141 (XXXV) and AHG/Dec.142 (XXXV) on Unconstitutional Changes of Government, adopted by the 35th Ordinary Session of the Assembly of Heads of State and Government of the OAU held in Algiers, Algeria, from 12 to 14 July 1999, and Declaration AHG/Decl.5 (XXXVI) on the Framework for an OAU Response to Unconstitutional Changes of Government, adopted by the 36th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Lomé, Togo, from 10 to 12 July 2000;

Reaffirming our commitment to Solemn Declaration AHG/Decl.4 (XXXVI) on the Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA), adopted by the 36th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Lomé, Togo, from 10 to 12 July 2000, as well as Declaration AHG/Decl.1 (XXXVII) on the New Partnership for Africa's Development (NEPAD), which was adopted by the 37th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Lusaka, Zambia, from 9 to 11 July 2001;

Affirming our further commitment to Declaration AHG/Decl.2 (XXX) on the Code of Conduct for Inter-African Relations, adopted by the 30th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Tunis, Tunisia, from 13 to 15 June 1994, as well as the Convention on the

Prevention and Combating of Terrorism, adopted by the 35th Ordinary Session of the Assembly of Heads of State and Government of the OAU held in Algiers, Algeria, from 12 to 14 July 1999;

Concerned about the continued prevalence of armed conflicts in Africa and the fact that no single internal factor has contributed more to socio-economic decline on the Continent and the suffering of the civilian population than the scourge of conflicts within and between our States;

Concerned also by the fact that conflicts have forced millions of our people, including women and children, into a drifting life as refugees and internally displaced persons, deprived of their means of livelihood, human dignity and hope;

Concerned further about the scourge of landmines in the Continent and *recalling*, in this respect, the Plan of Action on a Landmine Free Africa, adopted by the 1st Continental Conference of African Experts on Anti-Personnel Mines, held in Kempton Park, South Africa, from 17 to 19 May 1997, and endorsed by the 66th Ordinary Session of the OAU Council of Ministers, held in Harare, Zimbabwe, from 26 to 30 May 1997, as well as subsequent decisions adopted by the OAU on this issue;

Concerned also about the impact of the illicit proliferation, circulation and trafficking of small arms and light weapons in threatening peace and security in Africa and undermining efforts to improve the living standards of African peoples and *recalling*, in this respect, the Declaration on the Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, adopted by the OAU Ministerial Conference held in Bamako, Mali, from 30 November to 1 December 2000, as well as all subsequent OAU decisions on this issue;

Aware that the problems caused by landmines and the illicit proliferation, circulation and trafficking of small arms and light weapons constitute a serious impediment to Africa's social and economic development, and that they can only be resolved within the framework of increased and well co-ordinated continental co-operation;

Aware also of the fact that the development of strong democratic institutions and culture, observance of human rights and the rule of law, as well as the implementation of post-conflict recovery programmes and sustainable development policies, are essential for the promotion of collective security, durable peace and stability, as well as for the prevention of conflicts;

Determined to enhance our capacity to address the scourge of conflicts on the Continent and to ensure that Africa, through the African Union, plays a central role in bringing about peace, security and stability on the Continent;

Desirous of establishing an operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peace-making, peace support operations and intervention, as well as peace-building and post-conflict reconstruction, in accordance with the authority conferred in that regard by article 5(2) of the Constitutive Act of the African Union;

HEREBY AGREE on the following:

Article 1: Definitions

For the purpose of this Protocol:

- (a) 'Protocol' shall mean the present Protocol;

- (b) 'Cairo Declaration' shall mean the Declaration on the Establishment, within the OAU, of the Mechanism for Conflict Prevention, Management and Resolution;
- (c) 'Lomé Declaration' shall mean the Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government;
- (d) 'Constitutive Act' shall mean the Constitutive Act of the African Union;
- (e) 'Union' shall mean the African Union;
- (f) 'Assembly' shall mean the Assembly of Heads of State and Government of the African Union;
- (g) 'Commission' shall mean the Commission of the African Union;
- (h) 'Regional Mechanisms' shall mean the African Regional Mechanisms for Conflict Prevention, Management and Resolution;
- (i) 'Member States' shall mean Member States of the African Union.

Article 2: Establishment, Nature and Structure

1. There is hereby established, pursuant to article 5(2) of the Constitutive Act, a Peace and Security Council within the Union, as a standing decision-making organ for the prevention, management and resolution of conflicts. The Peace and Security Council shall be a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.

2. The Peace and Security Council shall be supported by the Commission, a Panel of the Wise, a Continental Early Warning System, an African Standby Force and a Special Fund.

Article 3: Objectives

The objectives for which the Peace and Security Council is established shall be to:

- (a) promote peace, security and stability in Africa, in order to guarantee the protection and preservation of life and property, the well-being of the African people and their environment, as well as the creation of conditions conducive to sustainable development;
- (b) anticipate and prevent conflicts. In circumstances where conflicts have occurred, the Peace and Security Council shall have the responsibility to undertake peace-making and peacebuilding functions for the resolution of these conflicts;
- (c) promote and implement peacebuilding and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence;
- (d) co-ordinate and harmonise continental efforts in the prevention and combating of international terrorism in all its aspects;
- (e) develop a common defence policy for the Union, in accordance with article 4(d) of the Constitutive Act;
- (f) promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts.

Article 4: Principles

The Peace and Security Council shall be guided by the principles enshrined in the Constitutive Act, the Charter of the United Nations and the Universal

Declaration of Human Rights. It shall, in particular, be guided by the following principles:

- (a) peaceful settlement of disputes and conflicts;
- (b) early responses to contain crisis situations so as to prevent them from developing into full-blown conflicts;
- (c) respect for the rule of law, fundamental human rights and freedoms, the sanctity of human life and international humanitarian law;
- (d) interdependence between socio-economic development and the security of peoples and States;
- (e) respect for the sovereignty and territorial integrity of Member States;
- (f) non interference by any Member State in the internal affairs of another;
- (g) sovereign equality and interdependence of Member States;
- (h) inalienable right to independent existence;
- (i) respect of borders inherited on achievement of independence;
- (j) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, in accordance with article 4(h) of the Constitutive Act;
- (k) the right of Member States to request intervention from the Union in order to restore peace and security, in accordance with article 4(j) of the Constitutive Act.

Article 5: Composition

1. The Peace and Security Council shall be composed of fifteen Members elected on the basis of equal rights, in the following manner:

- (a) ten Members elected for a term of two years; and
- (b) five Members elected for a term of three years in order to ensure continuity.

2. In electing the Members of the Peace and Security Council, the Assembly shall apply the principle of equitable regional representation and rotation, and the following criteria with regard to each prospective Member State:

- (a) commitment to uphold the principles of the Union;
- (b) contribution to the promotion and maintenance of peace and security in Africa - in this respect, experience in peace support operations would be an added advantage;
- (c) capacity and commitment to shoulder the responsibilities entailed in membership;
- (d) participation in conflict resolution, peace-making and peacebuilding at regional and continental levels;
- (e) willingness and ability to take up responsibility for regional and continental conflict resolution initiatives;
- (f) contribution to the Peace Fund and/or Special Fund created for specific purpose;
- (g) respect for constitutional governance, in accordance with the Lomé Declaration, as well as the rule of law and human rights;
- (h) having sufficiently staffed and equipped Permanent Missions at the Headquarters of the Union and the United Nations, to be able to shoulder the responsibilities which go with the membership; and
- (j) commitment to honour financial obligations to the Union.

3. A retiring Member of the Peace and Security Council shall be eligible for immediate re-election.

4. There shall be a periodic review by the Assembly to assess the extent to which the Members of the Peace and Security Council continue to meet the requirements spelt out in article 5(2) and to take action as appropriate.

Article 6: Functions

The Peace and Security Council shall perform functions in the following areas:

- (a) promotion of peace, security and stability in Africa;
- (b) early warning and preventive diplomacy;
- (c) peace-making, including the use of good offices, mediation, conciliation and enquiry;
- (d) peace support operations and intervention, pursuant to article 4(h) and (j) of the Constitutive Act;
- (e) peacebuilding and post-conflict reconstruction;
- (f) humanitarian action and disaster management;
- (g) any other function as may be decided by the Assembly.

Article 7: Powers

1. In conjunction with the Chairperson of the Commission, the Peace and Security Council shall:

- (a) anticipate and prevent disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity;
- (b) undertake peace-making and peacebuilding functions to resolve conflicts where they have occurred;
- (c) authorise the mounting and deployment of peace support missions;
- (d) lay down general guidelines for the conduct of such missions, including the mandate thereof, and undertake periodic reviews of these guidelines;
- (e) recommend to the Assembly, pursuant to article 4(h) of the Constitutive Act, intervention, on behalf of the Union, in a Member State in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments;
- (f) approve the modalities for intervention by the Union in a Member State, following a decision by the Assembly, pursuant to article 4(j) of the Constitutive Act;
- (g) institute sanctions whenever an unconstitutional change of Government takes place in a Member State, as provided for in the Lomé Declaration;
- (h) implement the common defense policy of the Union;
- (i) ensure the implementation of the OAU Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional conventions and instruments and harmonise and co-ordinate efforts at regional and continental levels to combat international terrorism;
- (j) promote close harmonisation, coordination and co-operation between Regional Mechanisms and the Union in the promotion and maintenance of peace, security and stability in Africa;
- (k) promote and develop a strong 'partnership for peace and security' between the Union and the United Nations and its agencies, as well as with other relevant international organisations;
- (l) develop policies and action required to ensure that any external initiative in the field of peace and security on the continent takes place within the framework of the Union's objectives and priorities;

- (m) follow-up, within the framework of its conflict prevention responsibilities, the progress towards the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law by Member States;
 - (n) promote and encourage the implementation of OAU/AU, UN and other relevant international Conventions and Treaties on arms control and disarmament;
 - (o) examine and take such appropriate action within its mandate in situations where the national independence and sovereignty of a Member State is threatened by acts of aggression, including by mercenaries;
 - (p) support and facilitate humanitarian action in situations of armed conflicts or major natural disasters;
 - (q) submit, through its Chairperson, regular reports to the Assembly on its activities and the state of peace and security in Africa; and
 - (r) decide on any other issue having implications for the maintenance of peace, security and stability on the Continent and exercise powers that may be delegated to it by the Assembly, in accordance with article 9(2) of the Constitutive Act.
2. The Member States agree that in carrying out its duties under the present Protocol, the Peace and Security Council acts on their behalf.
3. The Member States agree to accept and implement the decisions of the Peace and Security Council, in accordance with the Constitutive Act.
4. The Member States shall extend full co-operation to, and facilitate action by the Peace and Security Council for the prevention, management and resolution of crises and conflicts, pursuant to the duties entrusted to it under the present Protocol.

Article 8: Procedure

Organisation and Meetings

1. The Peace and Security Council shall be so organised as to be able to function continuously. For this purpose, each Member of the Peace and Security Council shall, at all times, be represented at the Headquarters of the Union.
2. The Peace and Security Council shall meet at the level of Permanent Representatives, Ministers or Heads of State and Government. It shall convene as often as required at the level of Permanent Representatives, but at least twice a month. The Ministers and the Heads of State and Government shall meet at least once a year, respectively.
3. The meetings of the Peace and Security Council shall be held at the Headquarters of the Union.
4. In the event a Member State invites the Peace and Security Council to meet in its country, provided that two-thirds of the Peace and Security Council members agree, that Member State shall defray the additional expenses incurred by the Commission as a result of the meeting being held outside the Headquarters of the Union.

Subsidiary Bodies and Sub-Committees

5. The Peace and Security Council may establish such subsidiary bodies as it deems necessary for the performance of its functions. Such subsidiary

bodies may include *ad hoc* committees for mediation, conciliation or enquiry, consisting of an individual State or group of States. The Peace and Security Council shall also seek such military, legal and other forms of expertise as it may require for the performance of its functions.

Chairmanship

6. The chair of the Peace and Security Council shall be held in turn by the Members of the Peace and Security Council in the alphabetical order of their names. Each Chairperson shall hold office for one calendar month.

Agenda

7. The provisional agenda of the Peace and Security Council shall be determined by the Chairperson of the Peace and Security Council on the basis of proposals submitted by the Chairperson of the Commission and Member States. The inclusion of any item in the provisional agenda may not be opposed by a Member State.

Quorum

8. The number of Members required to constitute a quorum shall be two-thirds of the total membership of the Peace and Security Council.

Conduct of Business

9. The Peace and Security Council shall hold closed meetings. Any Member of the Peace and Security Council which is party to a conflict or a situation under consideration by the Peace and Security Council shall not participate either in the discussion or in the decision making process relating to that conflict or situation. Such Member shall be invited to present its case to the Peace and Security Council as appropriate, and shall, thereafter, withdraw from the proceedings.

10. The Peace and Security Council may decide to hold open meetings. In this regard:

- (a) any Member State which is not a Member of the Peace and Security Council, if it is party to a conflict or a situation under consideration by the Peace and Security Council, shall be invited to present its case as appropriate and shall participate, without the right to vote, in the discussion;
- (b) any Member State which is not a Member of the Peace and Security Council may be invited to participate, without the right to vote, in the discussion of any question brought before the Peace and Security Council whenever that Member State considers that its interests are especially affected;
- (c) any Regional Mechanism, international organisation or civil society organisation involved and/or interested in a conflict or a situation under consideration by the Peace and Security Council may be invited to participate, without the right to vote, in the discussion relating to that conflict or situation.

11. The Peace and Security Council may hold informal consultations with parties concerned by or interested in a conflict or a situation under its consideration, as well as with Regional Mechanisms, international organisations and civil society organisations as may be needed for the discharge of its responsibilities.

Voting

12. Each Member of the Peace and Security Council shall have one vote.
13. Decisions of the Peace and Security Council shall generally be guided by the principle of consensus. In cases where consensus cannot be reached, the Peace and Security Council shall adopt its decisions on procedural matters by a simple majority, while decisions on all other matters shall be made by a two-thirds majority vote of its Members voting.

Rules of Procedure

14. The Peace and Security Council shall submit its own rules of procedure, including on the convening of its meetings, the conduct of business, the publicity and records of meetings and any other relevant aspect of its work, for consideration and approval by the Assembly.

Article 9: Entry Points and Modalities for Action

1. The Peace and Security Council shall take initiatives and action it deems appropriate with regard to situations of potential conflict, as well as to those that have already developed into full-blown conflicts. The Peace and Security Council shall also take all measures that are required in order to prevent a conflict for which a settlement has already been reached from escalating.
2. To that end, the Peace and Security Council shall use its discretion to effect entry, whether through the collective intervention of the Council itself, or through its Chairperson and/or the Chairperson of the Commission, the Panel of the Wise, and/or in collaboration with the Regional Mechanisms.

Article 10: The Role of the Chairperson of the Commission

1. The Chairperson of the Commission shall, under the authority of the Peace and Security Council, and in consultation with all parties involved in a conflict, deploy efforts and take all initiatives deemed appropriate to prevent, manage and resolve conflicts.
2. To this end, the Chairperson of the Commission:
 - (a) shall bring to the attention of the Peace and Security Council any matter, which, in his/her opinion, may threaten peace, security and stability in the Continent;
 - (b) may bring to the attention of the Panel of the Wise any matter which, in his/her opinion, deserves their attention;
 - (c) may, at his/her own initiative or when so requested by the Peace and Security Council, use his/her good offices, either personally or through special envoys, special representatives, the Panel of the Wise or the Regional Mechanisms, to prevent potential conflicts, resolve actual conflicts and promote peacebuilding and post-conflict reconstruction.
3. The Chairperson of the Commission shall also:
 - (a) ensure the implementation and follow-up of the decisions of the Peace and Security Council, including mounting and deploying peace support missions authorised by the Peace and Security Council. In this respect, the Chairperson of the Commission shall keep the Peace and Security Council informed of developments relating to the functioning of such missions. All problems likely to affect the continued and effective functioning of these missions shall be referred to the Peace and Security Council, for its consideration and appropriate action;

- (b) ensure the implementation and follow-up of the decisions taken by the Assembly in conformity with article 4(h) and (j) of the Constitutive Act;
- (c) prepare comprehensive and periodic reports and documents, as required, to enable the Peace Security Council and its subsidiary bodies to perform their functions effectively.
- (4) In the exercise of his/her functions and powers, the Chairperson of the Commission shall be assisted by the Commissioner in charge of Peace and Security, who shall be responsible for the affairs of the Peace and Security Council. The Chairperson of the Commission shall rely on human and material resources available at the Commission, for servicing and providing support to the Peace and Security Council. In this regard, a Peace and Security Council Secretariat shall be established within the Directorate dealing with conflict prevention, management and resolution.

Article 11: Panel of the Wise

1. In order to support the efforts of the Peace and Security Council and those of the Chairperson of the Commission, particularly in the area of conflict prevention, a Panel of the Wise shall be established.
2. The Panel of the Wise shall be composed of five highly respected African personalities from various segments of society who have made outstanding contribution to the cause of peace, security and development on the continent. They shall be selected by the Chairperson of the Commission after consultation with the Member States concerned, on the basis of regional representation and appointed by the Assembly to serve for a period of three years.
3. The Panel of the Wise shall advise the Peace and Security Council and the Chairperson of the Commission on all issues pertaining to the promotion, and maintenance of peace, security and stability in Africa.
4. At the request of the Peace and Security Council or the Chairperson of the Commission, or at its own initiative, the Panel of the Wise shall undertake such action deemed appropriate to support the efforts of the Peace and Security Council and those of the Chairperson of the Commission for the prevention of conflicts, and to pronounce itself on issues relating to the promotion and maintenance of peace, security and stability in Africa.
5. The Panel of the Wise shall report to the Peace and Security Council and, through the Peace and Security Council, to the Assembly.
6. The Panel of the Wise shall meet as may be required for the performance of its mandate. The Panel of the Wise shall normally hold its meetings at the Headquarters of the Union. In consultation with the Chairperson of the Commission, the Panel of the Wise may hold meetings at such places other than the Headquarters of the Union.
7. The modalities for the functioning of the Panel of the Wise shall be worked out by the Chairperson of the Commission and approved by the Peace and Security Council.
8. The allowances of members of the Panel of the Wise shall be determined by the Chairperson of the Commission in accordance with the Financial Rules and Regulations of the Union.

Article 12: Continental Early Warning System

1. In order to facilitate the anticipation and prevention of conflicts, a Continental Early Warning System to be known as the Early Warning System shall be established.

2. The Early Warning System shall consist of:
 - (a) an observation and monitoring centre, to be known as 'The Situation Room', located at the Conflict Management Directorate of the Union, and responsible for data collection and analysis on the basis of an appropriate early warning indicators module; and
 - (b) observation and monitoring units of the Regional Mechanisms to be linked directly through appropriate means of communications to the Situation Room, and which shall collect and process data at their level and transmit the same to the Situation Room.
3. The Commission shall also collaborate with the United Nations, its agencies, other relevant international organisations, research centres, academic institutions and NGOs, to facilitate the effective functioning of the Early Warning System.
4. The Early Warning System shall develop an early warning module based on clearly defined and accepted political, economic, social, military and humanitarian indicators, which shall be used to analyse developments within the continent and to recommend the best course of action.
5. The Chairperson of the Commission shall use the information gathered through the Early Warning System timeously to advise the Peace and Security Council on potential conflicts and threats to peace and security in Africa and recommend the best course of action. The Chairperson of the Commission shall also use this information for the execution of the responsibilities and functions entrusted to him/her under the present Protocol.
6. The Member States shall commit themselves to facilitate early action by the Peace and Security Council and or the Chairperson of the Commission based on early warning information.
7. The Chairperson of the Commission shall, in consultation with Member States, the Regional Mechanisms, the United Nations and other relevant institutions, work out the practical details for the establishment of the Early Warning System and take all the steps required for its effective functioning.

Article 13: African Standby Force Composition

1. In order to enable the Peace and Security Council perform its responsibilities with respect to the deployment of peace support missions and intervention pursuant to article 4(h) and (j) of the Constitutive Act, an African Standby Force shall be established. Such Force shall be composed of standby multidisciplinary contingents, with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice.
2. For that purpose, the Member States shall take steps to establish standby contingents for participation in peace support missions decided on by the Peace and Security Council or intervention authorised by the Assembly. The strength and types of such contingents, their degree of readiness and general location shall be determined in accordance with established African Union Peace Support Standard Operating Procedures (SOPs), and shall be subject to periodic reviews depending on prevailing crisis and conflict situations.

Mandate

3. The African Standby Force shall, *inter alia*, perform functions in the following areas:

- (a) observation and monitoring missions;
 - (b) other types of peace support missions;
 - (c) intervention in a Member State in respect of grave circumstances or at the request of a Member State in order to restore peace and security, in accordance with article 4(h) and (j) of the Constitutive Act;
 - (d) preventive deployment in order to prevent: (i) a dispute or a conflict from escalating, (ii) an ongoing violent conflict from spreading to neighbouring areas or States, and (iii) the resurgence of violence after parties to a conflict have reached an agreement;
 - (e) peacebuilding, including post-conflict disarmament and demobilisation;
 - (f) humanitarian assistance to alleviate the suffering of civilian population in conflict areas and support efforts to address major natural disasters; and
 - (g) any other functions as may be mandated by the Peace and Security Council or the Assembly.
4. In undertaking these functions, the African Standby Force shall, where appropriate, co-operate with the United Nations and its Agencies, other relevant international organisations and regional organisations, as well as with national authorities and NGOs.
5. The detailed tasks of the African Standby Force and its *modus operandi* for each authorised mission shall be considered and approved by the Peace and Security Council upon recommendation of the Commission.

Chain of Command

6. For each operation undertaken by the African Standby Force, the Chairperson of the Commission shall appoint a Special Representative and a Force Commander, whose detailed roles and functions shall be spelt out in appropriate directives, in accordance with the Peace Support Standing Operating Procedures.
7. The Special Representative shall, through appropriate channels, report to the Chairperson of the Commission. The Force Commander shall report to the Special Representative. Contingent Commanders shall report to the Force Commander, while the civilian components shall report to the Special Representative.

Military Staff Committee

8. There shall be established a Military Staff Committee to advise and assist the Peace and Security Council in all questions relating to military and security requirements for the promotion and maintenance of peace and security in Africa.
9. The Military Staff Committee shall be composed of Senior Military Officers of the Members of the Peace and Security Council. Any Member State not represented on the Military Staff Committee may be invited by the Committee to participate in its deliberations when it is so required for the efficient discharge of the Committee's responsibilities.
10. The Military Staff Committee shall meet as often as required to deliberate on matters referred to it by the Peace and Security Council.
11. The Military Staff Committee may also meet at the level of the Chief of Defence Staff of the Members of the Peace and Security Council to discuss questions relating to the military and security requirements for the promotion and maintenance of peace and security in Africa. The Chiefs of Defence Staff

shall submit to the Chairperson of the Commission recommendations on how to enhance Africa's peace support capacities.

12. The Chairperson of the Commission shall take all appropriate steps for the convening of and follow-up of the meetings of the Chiefs of Defence Staff of Members of the Peace and Security Council.

Training

13. The Commission shall provide guidelines for the training of the civilian and military personnel of national standby contingents at both operational and tactical levels. Training on International Humanitarian Law and International Human Rights Law, with particular emphasis on the rights of women and children, shall be an integral part of the training of such personnel

14. To that end, the Commission shall expedite the development and circulation of appropriate Standing Operating Procedures to *inter alia*:

- (a) support standardisation of training doctrines, manuals and programmes for national and regional schools of excellence;
- (b) co-ordinate the African Standby Force training courses, command and staff exercises, as well as field training exercises.

15. The Commission shall, in collaboration with the United Nations, undertake periodic assessment of African peace support capacities.

16. The Commission shall, in consultation with the United Nations Secretariat, assist in the coordination of external initiatives in support of the African Standby Force capacity-building in training, logistics, equipment, communications and funding.

Role of Member States

17. In addition to their responsibilities as stipulated under the present Protocol:

- (a) troop contributing countries States shall immediately, upon request by the Commission, following an authorisation by the Peace and Security Council or the Assembly, release the standby contingents with the necessary equipment for the operations envisaged under article 9(3) of the present Protocol;
- (b) Member States shall commit themselves to make available to the Union all forms of assistance and support required for the promotion and maintenance of peace, security and stability on the Continent, including rights of passage through their territories.

Article 14: Peacebuilding

Institutional Capacity for Peacebuilding

1. In post-conflict situations, the Peace and Security Council shall assist in the restoration of the rule of law, establishment and development of democratic institutions and the preparation, organisation and supervision of elections in the concerned Member State.

Peacebuilding during Hostilities

2. In areas of relative peace, priority shall be accorded to the implementation of policy designed to reduce degradation of social and economic conditions arising from conflicts.

Peacebuilding at the End of Hostilities

3. To assist Member States that have been adversely affected by violent conflicts, the Peace and Security Council shall undertake the following activities:

- (a) consolidation of the peace agreements that have been negotiated;
- (b) establishment of conditions of political, social and economic reconstruction of the society and Government institutions;
- (c) implementation of disarmament, demobilisation and reintegration programmes, including those for child soldiers;
- (d) resettlement and reintegration of refugees and internally displaced persons;
- (e) assistance to vulnerable persons, including children, the elderly, women and other traumatised groups in the society.

Article 15: Humanitarian Action

1. The Peace and Security Council shall take active part in coordinating and conducting humanitarian action in order to restore life to normalcy in the event of conflicts or natural disasters.

2. In this regard, the Peace and Security Council shall develop its own capacity to efficiently undertake humanitarian action.

3. The African Standby Force shall be adequately equipped to undertake humanitarian activities in their mission areas under the control of the Chairperson of the Commission.

4. The African Standby Force shall facilitate the activities of the humanitarian agencies in the mission areas.

Article 16: Relationship with Regional Mechanisms for Conflict Prevention, Management and Resolution

1. The Regional Mechanisms are part of the overall security architecture of the Union, which has the primary responsibility for promoting peace, security and stability in Africa. In this respect, the Peace and Security Council and the Chairperson of the Commission, shall:

- (a) harmonise and co-ordinate the activities of Regional Mechanisms in the field of peace, security and stability to ensure that these activities are consistent with the objectives and principles of the Union;
- (b) work closely with Regional Mechanisms, to ensure effective partnership between them and the Peace and Security Council in the promotion and maintenance of peace, security and stability. The modalities of such partnership shall be determined by the comparative advantage of each and the prevailing circumstances.

2. The Peace and Security Council shall, in consultation with Regional Mechanisms, promote initiatives aimed at anticipating and preventing conflicts and, in circumstances where conflicts have occurred, peacemaking and peacebuilding functions.

3. In undertaking these efforts, Regional Mechanisms concerned shall, through the Chairperson of the Commission, keep the Peace and Security Council fully and continuously informed of their activities and ensure that these activities are closely harmonised and co-ordinated with the activities of Peace and Security Council. The Peace and Security Council shall, through the Chairperson of the Commission, also keep the Regional Mechanisms fully and continuously informed of its activities.

4. In order to ensure close harmonisation and coordination and facilitate regular exchange of information, the Chairperson of the Commission shall convene periodic meetings, but at least once a year, with the Chief Executives and/or the officials in charge of peace and security within the Regional Mechanisms.
5. The Chairperson of the Commission shall take the necessary measures, where appropriate, to ensure the full involvement of Regional Mechanisms in the establishment and effective functioning of the Early Warning System and the African Standby Force.
6. Regional Mechanisms shall be invited to participate in the discussion of any question brought before the Peace and Security Council whenever that question is being addressed by a Regional Mechanism is of special interest to that Organisation.
7. The Chairperson of the Commission shall be invited to participate in meetings and deliberations of Regional Mechanisms.
8. In order to strengthen coordination and co-operation, the Commission shall establish liaison offices to the Regional Mechanisms. The Regional Mechanisms shall be encouraged to establish liaison offices to the Commission.
9. On the basis of the above provisions, a Memorandum of Understanding on Co-operation shall be concluded between the Commission and the Regional Mechanisms.

Article 17: Relationship with the United Nations and other International Organisations

1. In the fulfilment of its mandate in the promotion and maintenance of peace, security and stability in Africa, the Peace and Security Council shall co-operate and work closely with the United Nations Security Council, which has the primary responsibility for the maintenance of international peace and security. The Peace and Security Council shall also co-operate and work closely with other relevant UN Agencies in the promotion of peace, security and stability in Africa.
2. Where necessary, recourse will be made to the United Nations to provide the necessary financial, logistical and military support for the African Unions' activities in the promotion and maintenance of peace, security and stability in Africa, in keeping with the provisions of Chapter VIII of the UN Charter on the role of Regional Organisations in the maintenance of international peace and security.
3. The Peace and Security Council and the Chairperson of the Commission shall maintain close and continued interaction with the United Nations Security Council, its African members, as well as with the Secretary-General, including holding periodic meetings and regular consultations on questions of peace, security and stability in Africa.
4. The Peace and Security Council shall also co-operate and work closely with other relevant international organisations on issues of peace, security and stability in Africa. Such organisations may be invited to address the Peace and Security Council on issues of common interest, if the latter considers that the efficient discharge of its responsibilities does so require.

Article 18: Relationship with the Pan African Parliament

1. The Mechanism shall maintain close working relations with the Pan-African Parliament in furtherance of peace, security and stability in Africa.
2. The Peace and Security Council shall, whenever so requested by the Pan African Parliament, submit, through the Chairperson of the Commission, reports to the Pan-African Parliament, in order to facilitate the discharge by the latter of its responsibilities relating to the maintenance of peace, security and stability in Africa.
3. The Chairperson of the Commission shall present to the Pan-African Parliament an annual report on the state of peace and security in the continent. The Chairperson of the Commission shall also take all steps required to facilitate the exercise by the Pan-African Parliament of its powers, as stipulated in article 11(5) of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, as well as in article 11(9) in so far as it relates to the objective of promoting peace, security and stability as spelt out in article 3(5) of the said Protocol.

Article 19: Relationship with the African Commission on Human and Peoples' Rights

The Peace and Security Council shall seek close co-operation with the African Commission on Human and Peoples' Rights in all matters relevant to its objectives and mandate. The Commission on Human and Peoples' Rights shall bring to the attention of the Peace and Security Council any information relevant to the objectives and mandate of the Peace and Security Council.

Article 20: Relations with Civil Society Organisations

The Peace and Security Council shall encourage non-governmental organisations, community-based and other civil society organisations, particularly women's organisations, to participate actively in the efforts aimed at promoting peace, security and stability in Africa. When required, such organisations may be invited to address the Peace and Security Council.

**Article 21: Funding
Peace Fund**

1. In order to provide the necessary financial resources for peace support missions and other operational activities related to peace and security, a Special Fund, to be known as the Peace Fund, shall be established. The operations of the Peace Fund shall be governed by the relevant Financial Rules and Regulations of the Union.
2. The Peace Fund shall be made up of financial appropriations from the regular budget of Union, including arrears of contributions, voluntary contributions from Member States and from other sources within Africa, including the private sector, civil society and individuals, as well as through appropriate fund raising activities.
3. The Chairperson of the Commission shall raise and accept voluntary contributions from sources outside Africa, in conformity with the objectives and principles of the Union.
4. There shall also be established, within the Peace Fund, a revolving Trust Fund. The appropriate amount of the revolving Trust Fund shall be determined by the relevant Policy Organs of the Union upon recommendation by the Peace and Security Council.

Assessment of Cost of Operations and Pre-financing

5. When required, and following a decision by the relevant Policy Organs of the Union, the cost of the operations envisaged under article 13(3) of the present Protocol shall be assessed to Member States based on the scale of their contributions to the regular budget of the Union.
6. The States contributing contingents may be invited to bear the cost of their participation during the first three (3) months.
7. The Union shall refund the expenses incurred by the concerned contributing States within a maximum period of six (6) months and then proceed to finance the operations.

Article 22: Final Provisions

Status of the Protocol in relation to the Cairo Declaration

1. The present Protocol shall replace the Cairo Declaration.
2. The provisions of this Protocol shall supercede the resolutions and decisions of the OAU relating to the Mechanism for Conflict Prevention, Management and Resolution in Africa, which are in conflict with the present Protocol.

Signature, Ratification and Accession

3. The present Protocol shall be open for signature, ratification or accession by the Member States of the Union in accordance with their respective constitutional procedures.
4. The instruments of ratification shall be deposited with the Chairperson Commission

Entry into Force

5. The present Protocol shall enter into force upon the deposit of the instruments of ratification by a simple majority of the Member States of the Union.

Amendments

6. Any amendment or revision of the present Protocol shall be in accordance with the provisions of article 32 of the Constitutive Act.

Depository Authority

7. This Protocol and all instruments of ratification shall be deposited with the Chairperson of the Commission, who shall transmit certified true copies to all Member States and notify them of the dates of deposit of the instruments of ratification by the Member States and shall register it with the United Nations and any other Organisation as may be decided by the Union.

...

Protocol on Amendments to the Constitutive Act of the African Union (2003/)

Adopted in Maputo, Mozambique on 11 July 2003, not yet in force (9 ratifications as of April 2006). The most important amendments to the Constitutive Act will make it more gender inclusive (such as through the replacement of the term 'founding fathers' with 'founders' and 'Chairman' with 'Chairperson') and expand the possibility for intervention, under article 4(h), to include 'a serious threat to legitimate order'. Available online at <http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm>

The Member States of the African Union States Parties to the Constitutive Act of the African Union have agreed to adopt amendments to the Constitutive Act as follows:

Article 1: Definitions

In this Protocol, the following expressions shall have the meanings assigned to them hereunder unless otherwise specified:

'Act' means the Constitutive Act

'Assembly' means the Assembly of Heads of State and Government of the African Union

'Chairperson' means chairperson of the Assembly

'Court' means the Court of Justice of the Union and Court of Justice has the same meaning

'Union' means the African Union

Article 2: Preamble

In the first paragraph of the Preamble to the Constitutive Act, the replacement of the words 'founding fathers' with 'founders'.

Article 3: Objectives

In article 3 of the Act (Objectives), the insertion of three new subparagraphs (i), (p) and (q) with consequential renumbering of subparagraphs:

The objectives of the Union shall be to:

...

(i) ensure the effective participation of women in decision-making, particularly in the political, economic and socio-cultural areas;

...

(p) develop and promote common policies on trade, defence and foreign relations to ensure the defence of the Continent and the strengthening of its negotiating positions;

...

(q) invite and encourage the full participation of the African Diaspora as an important part of our Continent, in the building of the African Union.

Article 4: Principles

In article 4 of the Act (Principles), the expansion of subparagraph (h) and the insertion of two new subparagraphs (q) and (r):

- ...
- (h) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity as well as a serious threat to legitimate order to restore peace and stability to the Member States of the Union upon the recommendation of the Peace and Security Council;
- ...
- (q) restraint by any Member State from entering into any treaty or alliance that is incompatible with the principles and objectives of the Union;
 - (r) prohibition of any Member State from allowing the use of its territory as a base for subversion against another Member State.

Article 5: Organs of the Union

In article 5 of the Act (Organs of the Union), the insertion of a new subparagraph (f) with consequential renumbering of subsequent subparagraphs:

- ...
- (f) The Peace and Security Council
- ...

Article 6: The Assembly

In article 6 of the Act (The Assembly) and wherever else it occurs in the Act, the substitution of the word 'Chairman' with 'Chairperson'; the deletion of the second sentence of subparagraph 3 and the insertion of new paragraphs 4, 5, 6 and 7.

- ...
3. The Assembly shall meet at least once a year in ordinary session.
 4. At the initiative of the Chairperson after due consultation with all Member States, or at the request of any Member State and upon approval by two-thirds majority of Member States, the Assembly shall meet in Extraordinary Session.
 5. The Assembly shall elect its Chairperson from among the Heads of State or Government at the beginning of each ordinary session and on the basis of rotation for a period of one year renewable.
 6. The Chairperson shall be assisted by a Bureau chosen by the Assembly on the basis of equitable geographical representation.
 7. Where the Assembly meets at the Headquarters, an election of the Chairperson shall be held taking into account the principle of rotation.

Article 7: Functions of the Chairperson of the Assembly

The insertion in the Act of a new article 7:

1. The Chairperson shall represent the Union, during his/her tenure with a view to promoting the objectives and principles of the African Union as stipulated in articles 3 and 4 of the Act. He/She shall also, with the collaboration of the Chairperson of the Commission, carry out the functions of the Assembly set out in article 9(e) and (g) of the Act.
2. The Chairperson may convene the meeting of the other organs through their Chairpersons or Chief Executives and in accordance with their respective Rules of Procedure.

Article 8: The Executive Council

In article 10 of the Act (The Executive Council), the insertion of a new paragraph 3:

...

3. The Chairperson of the Executive Council shall be assisted by a Bureau chosen by the Executive Council on the basis of equitable geographical representation.

Article 9: Peace and Security Council

The insertion in the Act of a new article 20:

1. There is hereby established, a Peace and Security Council (PSC) of the Union, which shall be the standing decision-making organ for the prevention, management and resolution of conflicts.

2. The functions, powers, composition and organisation of the PSC shall be determined by the Assembly and set out in a protocol relating thereto.

Article 10: The Permanent Representatives Committee

In article 21 of the Act (The Permanent Representatives Committee) the insertion of a new paragraph 3:

...

3. The Chairperson of the Permanent Representatives Committee shall be assisted by a Bureau chosen on the basis of equitable geographical representation.

Article 11: Official Languages

In article 25 of the Act (Working Languages), replace the title 'Working Languages' by 'Official Languages' and substitute the existing provision with:

1. The official languages of the Union and all its institutions shall be Arabic, English, French, Portuguese, Spanish, Kiswahili and any other African language.

2. The Executive Council shall determine the process and practical modalities for the use of official languages as working languages.

Article 12: Cessation of Membership

Article 31 of the Act (Cessation of Membership) is deleted.

Article 13: Entry into Force

This Protocol shall enter into force thirty days after the deposit of the instruments of ratification by a two-thirds majority of the Member States.

...

Solemn Declaration on a Common African Defence and Security Policy (2004)

Adopted at the 2nd extraordinary session of the Assembly of Heads of State and Government of the AU held in Sirte, Libya from 27 to 28 February, 2004. The CADSP is based on the notion of human security, rather than the narrower concept of state security, and aims to promote a culture of peace amongst AU Member States. The CADSP provides a comprehensive overview of the continental and regional instruments and implementing organs and mechanisms which constitute the African peace and security architecture. Available online at: http://www.africa-union.org/News_Events/2ND%20EX%20ASSEMBLY/Declaration%20on%20a%20Comm.Af%20Def%20Sec.pdf

Preamble

We, the Heads of State and Government of Member States of the African Union, meeting in our Second Extraordinary Session, in Sirte, Great Libyan Arab Jamahiriyah, on 28 February, 2004,

1. *Guided* by the principles enshrined in the Constitutive Act of the African Union and in the United Nations Charter, and our common vision of a united and strong Africa based on the scrupulous respect for human rights, peaceful coexistence, non-aggression, non-interference in the internal matters of Member States, mutual respect for national sovereignty and territorial integrity of each State;
2. *Motivated* by a common political will to strengthen our collective efforts to contribute to peace, security, stability, justice and development in Africa, as well as to intensify co-operation and integration in our continent in the best interest of our peoples;
3. *Convinced* that in order to safeguard and preserve the hard-won liberties of our peoples, the sovereignty and territorial integrity of our countries, our cultures, history and common values, as well as to guarantee peace, security, stability, and socio-economic development of our continent, it is imperative for us to undertake mutually reinforcing actions in the areas of defence and security;
4. *Reaffirming* our commitments under article 4(d) of the Constitutive Act, and article 3(e) of the Protocol Relating to the establishment of the Peace and Security Council of the African Union, which call for the establishment of a common defence policy for the African continent;
5. *Recalling* decision ASS/AU/Dec. 5(I), which we took during the inaugural session of the Assembly of our Union held in Durban, South Africa, in July 2002, in which we stressed the need for a Common African Defence and Security Policy in the context of the Constitutive Act of the African Union;
6. *Reaffirming* our determination to endow the Union with the requisite capacity for decision-making in order to ensure effective political-military crisis management aimed at preserving peace and strengthening the security of the African continent in all aspects, including the elimination of conflicts;
7. *Convinced* that these commitments will provide our union with a more enhanced and cost-effective means of maintaining peace and security on the continent;

8. *Recalling* the Solemn Declaration on the Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA), and particularly its interactive approach, as an invaluable tool for the Union to pursue and strengthen its agenda in the new millennium, in the areas of security, stability, development and co-operation in Africa;

9. *Stressing* the importance of the various decisions and instruments we have already adopted, with respect to the issues of peace, security and defence at the continental level, which can form the building blocks of the Common African Defence and Security Policy;

10. *Emphasising* the need for a common understanding of defence and security as terms embracing both civilian and military aspects;

11. *Conscious* of the indivisibility of security in Africa, and particularly the fact that the defence and security of one African country is directly linked to that of other African countries, and Desirous to harmonise Member States activities in these areas;

12. *Undertake* to consult among ourselves and to adopt a common position on matters relating to defence that affect or constitute a potential threat to the collective security of our continent;

13. *Hereby solemnly* adopt the Common African Defence and Security Policy and *declare* our commitment to uphold and give practical expression to the provisions of the Declaration;

14. *Request* the Chairperson of the Commission to submit proposals relating to the different aspects of this Declaration in order to give effect to its implementation.

Introduction

1. During the inaugural Summit of the African Union held in Durban, South Africa, in July 2002, the Assembly stressed the need for a Common African Defence and Security Policy in the context of the Constitutive Act of the African Union. The Assembly further requested its Chairman to establish a group of experts to examine all aspects related to the establishment of such a Common African Defence and Security Policy and submit their recommendations thereon, for the consideration of its next ordinary session.

2. The need for a Common African Defence and Security Policy is inherent in the objectives of the Constitutive Act, particularly in article 3(a) to (h) as well as in article 4(d) of the Act, which provides for the 'establishment of a Common Defence Policy for the African Continent.'

3. Article 3 of the Protocol relating to the establishment of the Peace and Security Council of the African Union also provides that the objectives for which the Peace and Security Council was established shall include 'the development of a Common Defence Policy for the Union, in accordance with article 4(d) of the Constitutive Act.' It also provides in article 7, that one of the powers of the PSC shall be to 'implement the Common Defence Policy of the Union.'

I. Definitions and scope

4. The adoption of a Common Defence and Security Policy for Africa is premised on a common African perception of what is required to be done collectively by African States to ensure that Africa's common defence and security interests and goals, especially as set out in articles 3 and 4 of the Constitutive Act of the African Union, are safeguarded in the face of common threats to the continent as a whole.

Defence

5. Ensuring the common defence of Africa involves working on the basis of a definition of defence which encompasses both the traditional, military and state-centric notion of the use of the armed forces of the state to protect its national sovereignty and territorial integrity, as well as the less traditional, non-military aspects which relate to the protection of the peoples political, cultural, social and economic values and ways of life. In terms of the linkage between defence at the national level and that at the regional and continental levels, it is understood, also, that each African country's defence is inextricably linked to that of other African countries, as well as that of other regions and, by the same token, that of the African continent as a whole.

Security

6. Similarly, ensuring the common security of Africa involves working on the basis of a definition which encompasses both the traditional, state-centric, notion of the survival of the state and its protection by military means from external aggression, as well as the non-military notion which is informed by the new international environment and the high incidence of intra-state conflict. The causes of intra-state conflict necessitate a new emphasis on human security, based not only on political values but on social and economic imperatives as well. This newer, multi-dimensional notion of security thus embraces such issues as human rights; the right to participate fully in the process of governance; the right to equal development as well as the right to have access to resources and the basic necessities of life; the right to protection against poverty; the right to conducive education and health conditions; the right to protection against marginalisation on the basis of gender; protection against natural disasters, as well as ecological and environmental degradation. At the national level, the aim would be to safeguard the security of individuals, families, communities, and the state/national life, in the economic, political and social dimensions. This applies at the various regional levels also; and at the continental level, the principle would be underscored that the 'security of each African country is inseparably linked to that of other African countries and the African continent as a whole.'

Common Security Threats

7. Common Security Threats may be deemed to pose a danger to the common defence and security interests of the continent, as defined above, when such threats confront all, some, or one of the countries or regions of the continent. Such common security threats which thus undermine the maintenance and promotion of peace, security and stability on the continent, may be internal or external.

8. Common internal threats to Africa may include inter-state conflicts/tensions; intra-state conflicts/tensions; unstable post-conflict situations; grave humanitarian situations, as well as other circumstances:

- (i) Inter-State Conflicts/Tensions:
 - (a) Situations which undermine the sovereignty, territorial integrity and independence of Member States of the AU;
 - (b) Incidents involving the actual use of force or the threat of use of force between and among Member States of the AU;

- (c) Lack of respect for the principle of non-interference by one Member State in the internal affairs of another;
 - (d) Aggression or threat of aggression from a country or a coalition of countries, in violation of AU Principles and the provisions of the UN Charter.
 - (ii) Intra-State Conflicts/Tensions:
 - (e) The existence of grave circumstances, namely war crimes, genocide and crimes against humanity;
 - (f) Lack of respect for the sanctity of human life, impunity, political assassination, acts of terrorism and subversive activities;
 - (g) *Coup d'états* and unconstitutional changes of government; and situations which prevent and undermine the promotion of democratic institutions and structures, including the absence of the rule of law, equitable social order, popular participation and good governance;
 - (h) Improper conduct of electoral processes;
 - (i) Lack of commitment by the parties to abide by the elections conducted in line with the laws of the country;
 - (j) Absence of the promotion and protection of human and peoples' rights, individual and collective freedoms, equality of opportunity for all, including women, children and ethnic minorities;
 - (k) Poverty and inequitable distribution of natural resources; and corruption;
 - (l) Political, religious and ethnic extremism, as well as racism.
 - (iii) Unstable Post-Conflict Situations:
 - (m) Failure to consolidate peace in the post-conflict period as a result of the absence of effective and complete postconflict demobilisation, disarmament, and re-integration and lack of sustained post-conflict rehabilitation and reconstruction processes.
 - (iv) Other Factors that Engender Insecurity:
 - (n) Plight of refugees and internally displaced persons and the insecurity caused by their presence;
 - (o) Use of landmines and unexploded ordinance;
 - (p) Illicit proliferation, circulations and trafficking in small arms and light weapons;
 - (q) Pandemic diseases such as HIV/AIDS, tuberculosis, malaria;
 - (r) Environmental degradation;
 - (s) Violent and other crimes, including organised and cross border crimes;
 - (t) Human trafficking;
 - (u) Drug trafficking;
 - (v) Money laundering.
9. Common external threats refer to external challenges to Africa's continental security, which may endanger or have the potential, either directly or indirectly, to constrain individual and collective efforts to achieve continental security goals. Common external threats to continental security in Africa may include:
- (a) External aggression, including the invasion of an African country;
 - (b) International conflicts and crises with adverse effects on African regional security;
 - (c) Mercenarism;
 - (d) International terrorism and terrorist activities;
 - (e) The adverse effect of globalisation and unfair international political and economic policies, practices and regimes;

- (f) The accumulation, stockpiling, proliferation and manufacturing of weapons of mass destruction, particularly nuclear weapons, chemical and biological weapons, unconventional long-range and ballistic missiles;
- (g) Cross-border crimes such as drug and human trafficking (which may constitute a threat at the regional and national levels);
- (h) Unilateral policies aimed at isolating African countries;
- (i) Dumping of chemical and nuclear wastes in Africa.

Areas of a Common African Defence and Security Policy

10. The types of common security threats facing Africa, dictate that the Common Defence and Security Policy addresses, among others, the following areas of activity: promotion of the spirit of collective defence and a culture of peace; small arms and light weapons; peacebuilding and peacekeeping as well as post-conflict rehabilitation and reconstruction, including demobilisation, disarmament and reintegration; landmines; child soldiers; nuclear and other weapons of mass destruction; chemical weapons; HIV/AIDS, tuberculosis, malaria and other infectious diseases; terrorism; humanitarian issues; and environmental matters.

II. Principles and Values Underlying the Common African Defence and Security Policy

11. The principles and values informing the Common African Defence and Security Policy include, *inter-alia*, the principles contained in article 4 of the Constitutive Act of the African Union. These are:

- (a) sovereign equality and inter-dependence among Member States of the Union;
- (b) respect of borders existing on achievement of independence;
- (c) peaceful resolution of conflicts among Member States of the Union, through such appropriate means as may be decided upon by the Assembly;
- (d) prohibition of the use of force, or threat of use of force, among Member States of the Union;
- (e) non-interference by any Member State in the internal affairs of another;
- (f) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly, in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity, as well as a serious threat to legitimate order, in order to restore peace and stability to the Member States of the Union, upon the recommendation of the Peace and Security Council;
- (g) peaceful co-existence of Member States and their right to live in peace and security;
- (h) the right of Member States to request intervention from the Union in order to restore peace and security;
- (i) promotion of self-reliance within the framework of the Union;
- (j) respect for democratic principles, human rights, the rule of law and good governance;
- (k) promotion of social justice to ensure balanced economic development;
- (l) respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities;

- (m) condemnation and rejection of Unconstitutional Changes of Governments;
 - (n) restraint by any Member State from entering into any treaty or alliance that is incompatible with the principles and objectives of the Union;
 - (o) prohibition of any Member State from allowing the use of its territory as a base for aggression and subversion against another Member State;
 - (p) promotion of gender equality.
12. Other principles and values forming the basis of the Common African Defence and Security Policy include the following:
- (i) The indivisibility of the security of African States: the security of one African country is inseparably linked to the security of other African countries, and the African continent as a whole. Accordingly, any threat or aggression on one African country is deemed to be a threat or aggression on the others, and the continent as a whole; that needs to be brought to the immediate attention of the Assembly of the Union or the Peace and Security Council for decision and action as appropriate, in conformity with the AU principles and objectives;
 - (ii) The traditional African principle and value of equal burdensharing and mutual assistance;
 - (iii) The fundamental link and symbiotic relationship that exists between security, stability, human security, development and co-operation, in a manner that allows each to reinforce the other;
 - (iv) African countries shall, subject to the generally accepted norms of free speech, not engage in, or allow non-state entities to engage in any actions, that incite or intend to incite individuals or groups in the territory of other African countries to violence, which actions amount to propaganda for war or advocate hatred based on race, ethnicity, gender or religion;
 - (v) The plight of African refugees and internally displaced persons shall be given due consideration;
 - (vi) A close working relationship between AU and RECs must be maintained to enable correct interpretation and follow-up activities and programmes envisaged in the Common Defence and Security Policy;
 - (vii) Collaborative efforts between subregional or regional organisations and the AU;
 - (viii) The strengthening of links with the United Nations, whose Charter (Chapter 8), stipulates a role for regional organisations in the maintenance of international peace and security.

III. Objectives and Goals of the Common African Defence and Security Policy

13. Based on the fact that a Common Defence and Security Policy tends to be a common feature of advanced co-operative frameworks, or of regions where integration is highly advanced, and taking into account the common historical, political, economic and international experiences which bind AU Member States together, a Common African Defence Policy is established in pursuit of a number of objectives and goals including among others, the following:

- (a) ensure collective responses to both internal and external threats to Africa (as adumbrated above), in conformity with the principles enshrined in the Constitutive Act;

- (b) enable the achievement of the objectives of the Constitutive Act, especially those relating to defence and security matters which are contained in articles 3 and 4 therein;
- (c) serve as a tool for the simultaneous enhancement of defence co-operation between and among African States, and the consolidation of national defence;
- (d) eliminate suspicions and rivalry among African States, a factor that has traditionally engendered conflicts on the continent and hindered interstate co-operation and integration in Africa;
- (e) promote mutual trust and confidence among African States;
- (f) provide a framework for AU Member States to co-operate in defence matters, through training of military personnel; exchange of military intelligence and information (subject to restrictions imposed by national security); the development of military doctrine; and the building of collective capacity;
- (g) provide for transparency and clarity on national defence and security policies; as well as cost effectiveness;
- (h) allow for efficient re-allocation of resources to address the most threatening of the defence and security challenges, such as poverty and the adverse effects of globalisation;
- (i) advance the cause of integration in Africa and safeguard, not only common values, but also fundamental interests and the independence and integrity of individual states, regions and the continent, as well;
- (j) enhance AU's capacity for and coordination of, early action for conflict prevention containment, management, resolution and elimination of conflicts, including the deployment and sustenance of peacekeeping missions and thus promote initiatives that will preserve and strengthen peace and development in Africa;
- (k) promote a culture of peace and peaceful co-existence among AU Member States and within the regions. This will foster an emphasis on the use of peaceful means of conflict resolution and the non-use of force, such as preventive diplomacy, negotiation, the use of good offices, persuasion, as well as mediation, conciliation and adjudication;
- (l) provide best practices and develop strategic capabilities through training and policy recommendations, to strengthen the defence and security sectors in Africa;
- (m) develop and enhance the collective defence and strategic capability as well as military preparedness of Member States of the AU and the Continent;
- (n) enable the formulation of policies to strengthen the defence and security sectors at the national and continental levels;
- (o) facilitate the harmonisation of national legislation and executive actions on defence and security matters with the Common Defence and Security Policy;
- (p) enhance the capacity of the AU to develop and promote common policies in other areas such as foreign relations and trade, to ensure the security of the continent and the strengthening of its negotiating positions;
- (q) provide a framework to establish and operationalise the African Standby Force provided for in the Protocol Establishing the Peace and Security Council;

- (r) facilitate the establishment of a threat deterrence and containment capacity within the AU;
- (s) integrate and harmonise regional initiatives on defence and security issues;
- (t) encourage the conclusion and ratification of non-aggression pacts between and among African States and harmonise such agreements;
- (u) create a conducive environment for the implementation of the precepts of the African Charter on Human and Peoples' Rights and promote the acceptance of standards of human rights;
- (v) provide a framework for humanitarian action to ensure that international humanitarian law is applied during conflicts between and among African States. It will, further, provide a framework for addressing the problems of refugees and internally displaced persons at the continental, regional and national levels;
- (w) provide a framework for the effective participation of women in conflict prevention, management and resolution activities; and provide a framework for delineating the legal parameters for African Civil Society to function with regard to conflict prevention, management and resolution;
- (x) provide a framework for post-conflict peacebuilding and reconstruction;
- (y) provide a framework for ensuring that international environmental standards are maintained including during periods of conflict.

IV. Implementing Organs and Mechanisms of the Common African Defence and Security Policy

14. A number of defence and security frameworks existing in Africa at the continental, regional/subregional levels, will constitute the Actors or the Organs for implementing the Common Defence and Security Policy for the whole African continent. At the continental level, these include the Assembly of the African Union, the Peace and Security Council provided for under the Protocol relating to it, and the peace and security mechanisms of the regional economic groupings.

(a) The Assembly

15. The Assembly of the Union is the supreme Organ which deals with threats to Africa's collective defence and Security. Article 9 of the Constitutive Act, which relates to the 'Powers and Functions of the Assembly', endows it with the power to monitor the implementation of policies and decisions of the Union, as well as the power to ensure compliance by all Member States. In addition, that article provides for the delegation by the Assembly, of any of its powers and functions to any Organ of the Union. The Peace and Security Council is the appropriate Organ to which the Assembly will delegate its powers relating to defence and security.

(b) The Peace and Security Council

16. The Peace and Security Council is created by the Protocol relating to its establishment, adopted in Durban, South Africa, in July 2002. It is intended, (after the ratification of this Protocol) that it be a 'standing decision-making organ for the prevention, management and resolution of conflict'. It is also described by the Protocol as 'a collective security and early-warning arrange-

ment to facilitate timely and efficient response to conflict and crisis situations in Africa.’

17. In addition, the Protocol constitutes an effort to incorporate into a single text, the provisions of certain defence and security instruments already in existence and forming part of the general body of ‘legislation’ and principles on which the African Union, and the Peace and Security Council in particular will be able to base its actions in the field of defence and security. Similarly, the Council is required to ensure the implementation of the new genre of security instruments such as the OAU Convention on the Prevention and Combating of Terrorism and other relevant international, continental and regional instruments, adopted to combat international terrorism. Further, the Peace and Security Council has the function of promoting and encouraging the implementation of OAU/AU, UN and other relevant international conventions and treaties on arms control and disarmament. These specific provisions of the Protocol could also be usefully incorporated into the proposed Common African Defence and Security Policy.

18. In the Peace and Security Council Protocol, it is provided that there shall also be established, a Military Staff Committee to advise and assist the Peace and Security Council on all questions relating to military and security requirements, for the promotion and maintenance of peace and security in Africa. (The Military Staff Committee, composed of the members of the Peace and Security Council, may meet at the level of Chiefs of Defence Staff or at the level of senior military officers.) The African Standby Force should also be an implementing mechanism for the decisions of the Peace and Security Council.

19. The Protocol also addresses the fundamental problem of funding and logistics, a factor which has continued to constrain peace support operations deployed by both the OAU/AU and African regional organisations.

20. The Protocol reaffirms the need to establish a Continental Early Warning System to facilitate the anticipation and prevention of conflicts. It will consist of an observation and monitoring centre to be linked to the observation and monitoring units of the subregional mechanisms.

21. There is also provision in the Protocol for the establishment of a Panel of the Wise to advise the Peace and Security Council and the Chairperson of the Commission and to pronounce themselves on issues relating to the promotion and maintenance of peace and security on the continent, particularly in the area of conflict prevention.

22. The Protocol stipulates that the Peace and Security Council shall assist in the restoration of the rule of law, the establishment and development of democratic institutions, and the preparation, organisation and supervision of elections in Member States. Further, in areas of relative peace, the Peace and Security Council shall accord priority to the implementation of policy aimed at reducing degradation of social and economic conditions arising from conflict. In the area of post-conflict peacebuilding, the Peace and Security Council shall work towards the consolidation of peace agreements that have been negotiated; the establishment of conditions for political, social and economic reconstruction of the society and government institutions; the implementation of disarmament, demobilisation and reintegration programmes, including those relating to child soldiers; the settlement and reintegration of refugees and internally displaced persons; and the provision of assistance to vulnerable persons including children, the elderly, women, and other traumatised groups in the society.

23. In an effort to enhance the AU's institutional capacity in the humanitarian field, the Peace and Security Council is required to develop its own capacity to co-ordinate and efficiently undertake humanitarian action.

24. The Protocol stipulates that the Peace and Security Council shall encourage non-governmental organisations, and community-based and other civil society organisations, particularly women's organisations, to participate actively in the efforts aimed at promoting peace, security and stability in Africa; and that when required, such organisations may be invited to address the Peace and Security Council.

(c) Commission of the African Union

25. The Commission will, among other tasks, deploy efforts and take all initiatives deemed appropriate to prevent, manage and resolve conflicts and support post-conflict and rehabilitation activities.

(d) Regional Economic Groups

26. At the regional level, the implementing organs include the conflict prevention, management and resolution mechanisms existing in the various regional economic organisations. These include those of ECOWAS, ECCAS, IGAD, SADC, the East African Community, CEN-SAD, the Arab Maghreb Union and COMESA.

(e) Coordination and Harmonisation procedures for implementing the Common African Defence and Security Policy

(f) Coordination between the Peace and Security Council and relevant Continental Mechanisms

27. It would be appropriate for the Peace and Security Council to be accorded the role of an umbrella organ coordinating the activities of the various other continental mechanisms, which as mentioned above, have mandates and/or strategies of their own, in the context of the Common African Defence and Security Policy. The nature of the procedures aimed at facilitating the Peace and Security Council's coordinating role is specified already in certain texts. Thus, for example, the Protocol establishing the Peace and Security Council stipulates that the Council shall seek close co-operation with the African Commission on Human and Peoples Rights in all matters relevant to its objectives and mandate; and, further, that the Commission on Human and Peoples Rights shall, for its part, bring to the attention of the Peace and Security Council, any information relevant to the objectives and mandate of the latter. This may be included in the Common Defence and Security Policy. Where the procedures for facilitating such coordination are not specified, they can be developed in the context of the said Common African Defence and Security Policy. Regarding the continental mechanisms, in general, the CSSDCA provisions for Review Conferences every two years may be utilised to monitor the implementation of decisions.

(g) Coordination between the Peace and Security Council and Regional Mechanisms.

28. Various instruments, at the regional and continental levels, have called for the coordination and harmonisation of the existing regional mechanisms with the AU Mechanism. In this regard, reference can be made, for example, to Section II(e) of the CSSDCA Memorandum of Understanding on Security,

Stability, Development and Co-operation, which provides for a commitment to 'establish a strong co-operation framework for security between the Regional Economic Communities (RECs), the AU and the United Nations':

- (a) Further expansion on the relationship between the RECs, regions, and regional defence arrangements and the AU Peace and Security Council, as defined by the relevant AU decisions at the meeting held in Maputo, Mozambique, and that the RECs and AU Regions be synchronised and harmonised.
- (b) There should be a formalisation and legitimisation of the role of the Defence and Security Ministers in the implementation of the Common African Defence and Security Policy, in accordance with article 14(2) of the Constitutive Act of the African Union.

29. Article 16 of the AU Peace and Security Protocol has detailed provisions on the way and manner in which the relationship between the regional mechanisms and the Peace and Security Council can be structured. It articulates a basic vision in which the Regional Mechanisms are regarded as part of the 'overall security structure' of the African Union, which has the primary responsibility for promoting peace, security and stability in Africa.

30. Accordingly, the Peace and Security Council, together with the Chairperson of the Commission, shall harmonise and co-ordinate the activities of the Regional Mechanisms and ensure that these activities are consistent with the objectives and principles of the Union; as well as work closely with the Regional Mechanisms to ensure effective partnership between them and the Peace and Security Council. It is stipulated that the modalities of such partnership shall be determined by the comparative advantage of each and the prevailing circumstances.

31. It is provided, further, that the Peace and Security Council shall promote initiatives aimed at anticipating and preventing conflicts as well as carrying out peace-making and peacebuilding functions, in consultation with Regional Mechanisms. In undertaking these efforts, the Regional Mechanisms shall, through the Chairperson of the Commission, keep the Peace and Security Council fully and continuously informed of their activities and ensure that these activities are closely harmonised and co-ordinated with the activities of the Peace and Security Council. The Peace and Security Council shall also keep the Regional Mechanisms fully and continuously informed of its activities, through the Chairperson of the Commission.

32. Furthermore, the Chairperson shall convene periodic meetings at least, once a year, with the Chief Executives and/or the officials in charge of peace and security in the Regional Mechanisms, to ensure close harmonisation and coordination and facilitate regular exchange of information; and the Regional Mechanisms shall be invited to participate in the discussion of any question brought before the Peace and Security Council, whenever a question that is being addressed by a Regional Mechanism is of special interest to that organisation. Similarly, the Chairperson of the Commission shall be invited to participate in meetings and deliberations of Regional Mechanisms.

33. The Chairperson of the Commission shall also take the necessary measures to ensure the full involvement of Regional Mechanisms in the establishment and effective functioning of the Early Warning System and the African Standby Force; and the AU Commission shall establish liaison offices with the Regional Mechanism, which shall, in turn, be encouraged to establish their own liaison offices with the Commission.

34. A Memorandum of Understanding based on the above provisions, shall be concluded between the AU Commission and the Regional Mechanisms.

35. While the Common African Defence and Security Policy will reflect the substance of article 16 of the Peace and Security Protocol, regarding the role that the AU as the continental body, would be required to play in efforts to co-ordinate and harmonise subregional mechanisms, there needs to be a commitment on the part of the subregional mechanisms themselves to co-ordinate and harmonise their defence and security activities with those of the AU.

Review Conferences

36. In the general context of enhancing the coordination function of the Peace and Security Council, it is suggested to convene regular conferences, every six months, between the Peace and Security Council and the conflict resolution mechanisms of the various regional organisations, in order to review the state of peace and security on the whole continent. In addition, a yearly review conference involving all the conflict mechanisms of the regional mechanisms as well as the mechanisms established by the continental instruments, should be convened by the Chairperson of the Peace and Security Council.

V. Relations with the United Nations and other International Organisations

37. Within the context of Chapter VIII of the UN Charter, there is a need to implement the framework for consultation, coordination and harmonisation of policies as provided for in the Protocol establishing the Peace and Security Council.

38. In the fulfilment of its mandate for the promotion and maintenance of peace, security and stability in Africa, the Peace and Security Council shall co-operate and work closely with the United Nations Security Council, which has the primary responsibility for the maintenance of international peace and security. The Peace and Security Council shall also co-operate and work closely with other relevant UN Agencies in the promotion of peace, security and stability in Africa. Where necessary, recourse will be made to the United Nations to provide the necessary financial, logistical and military support for the African Union's activities in the promotion and maintenance of peace, security and stability in Africa, in keeping with the provisions of Chapter VIII of the UN Charter on the role of Regional Organisations in the maintenance of international peace and security.

39. The Peace and Security Council and the Chairperson of the Commission shall maintain close and continued interaction with the United Nations Security Council, its African members, as well as with the Secretary General, including holding periodic meetings and regular consultations on questions of peace, security and stability in Africa.

40. Similarly, the Peace and Security Council will also co-operate and work closely with other relevant African Institutions such as the African Academy for Peace and international organisations. Such organisations may be invited to address the Peace and Security Council on issues of common interest, if the latter considers that the efficient discharge of its responsibilities does so require.

The Building Blocks of a Common African Defence and Security Policy

(A) Continental Instruments and Mechanisms

1. At the continental level, there are a number of existing intergovernmental defence and security instruments, including treaties, charters, conventions, agreements, and declarations, which could inform on-going efforts to formulate and implement a Common African Defence and Security Policy. These include:

(i) The Constitutive Act of the AU

The Constitutive Act provides for the establishment of the AU and the relevant policy organs.

(ii) AU Peace and Security Council Protocol

The Protocol provides for the establishment of the Peace and Security Council as the 'operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peacemaking, peace support operations and intervention, as well as peacebuilding and post-conflict reconstruction.'

(iii) African Standby Force

The Protocol of the Peace and Security Council provides for the establishment of an African Standby Force. The African Standby Force shall perform functions in the context of preventive deployment and peacebuilding, including postconflict disarmament and demobilisation. It shall also provide humanitarian assistance to alleviate the suffering of the civilian population in conflict areas (as well as support efforts to address major natural disasters). The concept of the African Standby Force is based on brigades to be provided by the five African regions. These brigades will be established in two phases, to be completed by the year 2010 with the attendant strengthening of capabilities at both the AU and regional levels. The ASF will have military, police and civilian components and will operate on the basis of various scenarios under African Union mandates, ranging from observer missions to peacekeeping operations and intervention in conformity with the Constitutive Act. The ASF will be established to enable the Peace and Security Council perform its responsibilities with respect to the deployment of peace support missions and intervention pursuant to the provisions of the Constitutive Act.

(iv) The Convention for the Elimination of Mercenaries in Africa

2. This instrument was adopted at Libreville, Gabon, in July 1977, by the OAU Heads of State in response to the grave threat posed at that time by mercenarism. The Convention criminalises 'mercenarism' by providing for the culpability of States and by specifying the severest penalties, including capital punishment, in connection with the prosecution of offenders.

(v) African Nuclear-Weapon-Free Zone Treaty (the Treaty of Pelindaba)

3. The African Nuclear-Weapon-Free Zone Treaty, (the Treaty of Pelindaba) was adopted in 1998. The treaty bars the testing, manufacturing, researching, stockpiling, acquisition, or possession of nuclear explosives in Africa. The Treaty provides for an African Commission on Nuclear Energy, mandated, inter alia, to collate reports and exchange information on issues relating to nuclear weapons.

(vi) The Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement of Hazardous Wastes within Africa

4. The Bamako Convention on the Ban of the Import in Africa and the Control of Transboundary Movement of Hazardous Wastes Within Africa was adopted in January 1991 and came into force in May 1994. Its purpose is to protect African countries from the pollution which emanates from the transboundary movement of nuclear and hazardous wastes in Africa, substances which are hazardous to health. The Convention provides for the creation of its own mechanism, consisting of a Conference of Ministers of Environment.

(vii) The Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons

5. The Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, was adopted by the Council of Ministers of the OAU in December 2000. In this Declaration, Member States undertake to identify, seize and destroy illicit weapons. The Declaration provides for the establishment of measures to control the circulation, possession, transfer and use of small arms and light weapons. It also stipulates the establishment at regional level, of national coordination agencies or bodies responsible for policy guidance, research, monitoring, control and circulation of small arms and light weapons.

(viii) The Algiers Convention on the Prevention and Combating of Terrorism and the Algiers Plan

6. The Algiers Convention on the Prevention and Combating of Terrorism was adopted in July 1999 and entered into force in December 2002. The Convention provides that terrorism should be combated in all its forms and manifestations, including those in which States are involved directly or indirectly, without regard to its origin, causes and objectives. It underlines the growing links between terrorism and organised crime, including the illicit traffic of arms, drugs and money laundering. The Convention thus criminalises terrorist acts, as defined in the text, and makes such acts punishable by appropriate penalties. It also has sections on areas of co-operation among States Parties, the jurisdiction of States, extradition, extra-territorial investigations and mutual legal assistance. In March 2003, the Executive Council meeting in N'Djamena, Chad, endorsed the Plan of Action and the decision to establish the Algiers Centre for Studies and Research for the prevention and combating of terrorism, adopted by the High Level Intergovernmental meeting on the prevention and combating of terrorism held in Algiers from 11 to 14 September 2002.

(ix) The Kempton Park Plan of Action on a Landmine-Free Africa

7. The Kempton Park Plan of Action was adopted by the OAU Council of Ministers in Harare in May 1997. The Plan of Action reiterated Africa's commitment to the total ban on anti-personnel mines and adopted as a goal, the elimination of all anti-personnel mines as well as the establishment of Africa, as a landmine-free zone.

(x) The African Charter on Human and Peoples' Rights

8. The Charter adopted in 1981, guarantees the protection of individual rights and freedoms, without regard to race, gender, ethnicity, colour, language, religion, and political or other differences. The instrument gives prominence to the concept of peoples' rights, and stresses that the satisfaction of economic, social and cultural rights is the only guarantee for the enjoyment of the traditional civil and political rights. The African Charter on Human and Peoples' Rights sets up an African Commission on Human and Peoples' Rights, with a mandate to formulate the fundamental freedoms upon which African Governments may base their legislation.

(xi) The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights

9. This Protocol contains provisions for the establishment of a Court to complement the protective mandate of the African Commission on Human and Peoples' Rights. The Protocol is, however, not yet in force, not having obtained the requisite number of ratifications.

(xii) The African Charter on the Rights and Welfare of the Child

10. The African Charter on the Rights and Welfare of the Child was adopted by the OAU in July 1990. It came into force on 29 November 1999. In the Convention, States Parties are required, *inter-alia*, to take all necessary measures to prevent children from taking direct part in hostilities as child-combatants, and to refrain from recruiting them. The Charter provides for the establishment of an African Committee of Experts on the Rights and Welfare of the Child.

(xiii) The Declaration of the Assembly of Heads of State and Government of the OAU on the Political and Socio-economic Situation in Africa and the Fundamental Changes Taking Place in the World (1990)

11. The Declaration of the Assembly of Heads of State and Government of the OAU on the Political and Socio-economic Situation in Africa and the Fundamental Changes Taking Place in the World (1990), was adopted in 1990. In the Declaration, the Heads of State enunciated principles which emanated from a broader vision of defence and security on the continent.

(xiv) The Declaration of the Assembly of Heads of State and Government on the Establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution

12. The Declaration provides for the establishment of the Mechanism for Conflict Prevention, Management and Resolution.

(xv) The Grand Bay (Mauritius) Declaration and Plan of Action

13. The Grand Bay Declaration and Plan of Action were adopted at the end of the First OAU Ministerial Conference on Human Rights in Africa, held in April 1999, in Grand Bay, Mauritius. Significantly, a substantial part of the Declaration points to a link between various aspects of human rights on the one hand, and the promotion of peace and security on the other. It stipulates a strategy for implementing human rights at the national, regional, continental and international levels.

(xvi) The Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government

14. Pursuant to the Algiers decision, the OAU Assembly of Heads of State and Government adopted the Declaration on Unconstitutional Changes of Government, during its Thirty-sixth Ordinary Session, in July 2000 in Lome, Togo, which provided a framework for dealing with Unconstitutional Changes of Government in Africa.

(xvii) The Declaration and Plan of Action on Drug Abuse and Illicit Trafficking Control in Africa

15. In July 1996, African Heads of State and Government adopted at their Summit in Yaounde, Cameroon, the Common African Position on Drug Abuse and Illicit Trafficking Control in Africa. The Yaounde Declaration clearly identified the problems and criminalised drug abuse and illicit trafficking in drugs. It also urged Member States to harmonise policies and take joint actions at the national, regional and continental levels, in order to combat the phenomenon. In 2002, the Declaration on Control of Illicit Drug Trafficking and Abuse in Africa was also adopted at Yamoussoukro.

(xviii) The Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases

16. In April 2001, the Heads of State of the OAU adopted the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases. The Declaration on HIV/AIDS, as well as the Framework for Action and the Plan of Action, make mention of strategies and mechanisms for implementation.

(xix) The Abuja Declaration on Roll Back Malaria in Africa

17. In April 2000, OAU Heads of State and Government adopted the Abuja Declaration on Roll Back Malaria in Africa which included a Framework for Monitoring the Implementation of the Plan of Action.

(xx) Declaration on the Code of Conduct on Inter-African Relations

18. This instrument was adopted by the Thirtieth Ordinary Session of the Assembly of Heads of State and Government in Tunis, Tunisia, in June 1994, in an effort to articulate standards for the conduct of inter-state relations, both at the bilateral and continental levels.

(xxi) The 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa

19. This instrument, which takes into account the specific nature of African refugee problems, especially as they relate to the issue of peace and security, was adopted in September 1969, by the OAU Heads of State.

(xxii) The Cairo Agenda for Action (1995)

20. This instrument was adopted by the Thirty-first Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Addis Ababa in June 1995. It is aimed at relaunching Africa's economic and social development.

(xxiii) The African Charter for Popular Participation in Development

21. The Charter was adopted by the Summit of the OAU in 1990. The Charter stresses that one of the key conditions for ensuring people's participation throughout the continent is the bringing to an end of all wars and armed conflicts.

(xxiv) Instruments on the Rights of Women

22. These include the following: Declaration on the Elimination of All Forms of Discrimination against Women; Convention on the Elimination of All Forms of Discrimination against Women; Declaration on the Elimination of Violence against Women; Convention on the Political Rights of Women; Declaration on the Protection of Women and Children in Emergency and Armed Conflict; Optional Protocol to the Convention on the Elimination of Discrimination against Women. The Declaration on the Protection of Women and Children in Emergency and Armed Conflict is particularly relevant. Of relevance also is the forthcoming AU instrument on the rights of women.

(xxv) The Conference on Security, Stability, Development and co-operation in Africa (CSSDCA)

23. The Assembly of Heads of State and Government in Lomé, in 2000 adopted the Solemn Declaration on the Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA). It is a comprehensive response to the multifaceted challenges of defence and security in Africa. The CSSDCA was launched to provide a framework for coordinating, harmonising and promoting policies aimed at preventing, containing, and eliminating the pernicious internal and inter-state conflicts in Africa, as well as accelerating regional integration and development on the continent.

(xxvi) NEPAD

24. NEPAD programme contains important peace and security components. The Heads of State Implementation Committee established a NEPAD sub-committee on peace and security in October 2001, to direct the work of the Peace and Security component of NEPAD. Additionally, the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance provides for the establishment of an African Peer Review Mechanism, (APRM), on the basis of voluntary accession. It seeks to promote adherence to and fulfilment of the commitments contained in the Declaration.

(B) Regional Instruments and Mechanisms

25. Various efforts have been made at the subregional level in Africa by what are essentially economic-oriented organisations, to establish common policies on defence and security issues; and consequently, a number of instruments have been adopted and mechanisms established at the subregional level by these organisations to co-ordinate regional defence and security policies. These exist within ECOWAS, IGAD, SADC, UMA, ECCAS, the EAC, CEN-SAD and COMESA.

...

Protocol to the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism (2004/)

Adopted in Addis Ababa, Ethiopia on 8 July, 2004, not yet in force. The Protocol supplements the OAU Convention on Terrorism of 1999 (see above). Furthermore, it elaborates and clarifies the roles of the PSC, the AU Commission and the regional mechanisms in preventing and combating terrorism. Available online at <http://www.africa-union.org/root/au/Documents/Treaties/Text/The%20Protocol%20on%20Terrorism%2026July2004.pdf>

We, the Heads of State and Government of the Member States of the African Union;

Gravely concerned at the increasing incidence of terrorist acts worldwide, including in Africa, and the growing risks of linkages between terrorism and mercenarism, weapons of mass destruction, drug trafficking, corruption, transnational organised crimes, money laundering, and the illicit proliferation of small arms;

Determined to combat terrorism in all its forms and manifestations and any support thereto in Africa;

Aware of the capabilities of the perpetrators of terrorist acts to use sophisticated technology and communication systems for organising and carrying out their terrorist acts;

Bearing in Mind that the root causes of terrorism are complex and need to be addressed in a comprehensive manner;

Convinced that acts of terrorism cannot be justified under any circumstances;

Determined to ensure Africa's active participation, co-operation and coordination with the international community in its determined efforts to combat and eradicate terrorism;

Guided by the principles and regulations enshrined in international conventions and the relevant decisions of the United Nations (UN) to prevent and combat terrorism, including resolution 1373 adopted by the Security Council on 28 September 2001, and the relevant General Assembly resolutions;

Reaffirming our commitment to the OAU Convention for the Elimination of Mercenarism in Africa, adopted in Libreville, Gabon, in July 1977;

Reaffirming our commitment to the Code of Conduct for Inter-African Relations adopted by the Thirtieth Ordinary Session of the Assembly of Heads of State and Government of the Organization of African Unity (OAU) held in Tunis, Tunisia, from 13 to 15 June 1994;

Reaffirming our commitment to the OAU Convention on the Prevention and Combating of Terrorism adopted by the 35th OAU Summit in Algiers, Algeria, in July 1999;

Recalling the Dakar Declaration against terrorism adopted by the African Summit meeting, held in Dakar, Senegal, in October 2001;

Further Recalling the Plan of Action for the Prevention and Combating of Terrorism adopted by the Intergovernmental High Level meeting of Member States of the African Union, held in Algiers, Algeria, in September 2002;

Considering the Constitutive Act of the African Union, as well as the Protocol Relating to the Establishment of the Peace and Security Council of the African Union adopted by the Inaugural Summit of the Union in Durban, South Africa, in July 2002;

Reiterating our conviction that terrorism constitutes a serious violation of human rights and a threat to peace, security, development, and democracy; *Stressing* the imperative for all Member States of the African Union to take all necessary measures to protect their populations from acts of terrorism and to implement all relevant continental and international humanitarian and human rights instruments; and

Desirous of ensuring the effective implementation of the OAU Convention on the Prevention and Combating of Terrorism.

HEREBY AGREE as follows:

Article 1: Definitions

1. 'Assembly' means the Assembly of Heads of State and Government of the African Union;
2. 'Chairperson' means the Chairperson of the African Union;
3. 'Commission' means the Commission of the African Union;
4. 'Commissioner' means the Commissioner in charge of peace and security issues at the Commission of the African Union;
5. 'Convention' means the OAU Convention on the Prevention and Combating of Terrorism adopted by the 35th OAU Summit in Algiers in July 1999;
6. 'Member State' means any Member State of the African Union;
7. 'Peace and Security Council (PSC)' means the Peace and Security Council of the African Union;
8. 'Plan of Action' means the African Union Plan of Action on the Prevention and Combating of Terrorism in Africa;
9. 'Protocol' means this Protocol to the Convention;
10. 'Regional Mechanisms' means the African Regional Mechanisms for conflict prevention, management and resolution as established by the Regional Economic Communities;
11. 'State Party' means any Member State of the African Union which has ratified or acceded to this Protocol;
12. 'Terrorist Act' means any act as defined in articles 1 and 3 of the Convention;
13. 'Union' means the African Union;
14. 'Weapons of Mass Destruction (WMD)' means biological, chemical and nuclear devices and explosives and their means of delivery.

Article 2: Purpose

1. This Protocol is adopted pursuant to article 21 of the Convention as a supplement to the Convention.
2. Its main purpose is to enhance the effective implementation of the Convention and to give effect to article 3(d) of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, on the need to co-ordinate and harmonise continental efforts in the prevention and combating of terrorism in all its aspects, as well as the implementation of other relevant international instruments.

Article 3: Commitments by States Parties

1. States Parties commit themselves to implement fully the provisions of the Convention. They also undertake, among other things, to:

- (a) take all necessary measures to protect the fundamental human rights of their populations against all acts of terrorism;
- (b) prevent the entry into, and the training of terrorist groups on their territories;
- (c) identify, detect, confiscate and freeze or seize any funds and any other assets used or allocated for the purpose of committing a terrorist act, and to establish a mechanism to use such funds to compensate victims of terrorist acts or their families;
- (d) establish national contact points in order to facilitate the timely exchange and sharing of information on terrorist groups and activities at the regional, continental and international levels, including the co-operation of States for suppressing the financing of terrorism;
- (e) take appropriate actions against the perpetrators of mercenarism as defined in the OAU Convention for the Elimination of Mercenarism in Africa, adopted in Libreville, in 1977, and other relevant applicable international instruments;
- (f) strengthen national and regional measures in conformity with relevant continental and international Conventions and Treaties, to prevent the perpetrators of terrorist acts from acquiring weapons of mass destruction;
- (g) co-operate with the international community in the implementation of continental and international instruments related to weapons of mass destruction;
- (h) submit reports to the PSC on an annual basis, or at such regular intervals as shall be determined by the PSC, on measures taken to prevent and combat terrorism as provided for in the Convention, the AU Plan of Action and in this Protocol;
- (i) report to the PSC all terrorist activities in their countries as soon as they occur;
- (j) become parties to all continental and international instruments on the prevention and combating of terrorism; and
- (k) outlaw torture and other degrading and inhumane treatment, including discriminatory and racist treatment of terrorist suspects, which are inconsistent with international law.

2. States Parties shall implement the provisions of paragraph 1 above on the basis of all relevant African and international Conventions and Treaties, in conformity with article 22 of the Convention.

Article 4: Mechanism for Implementation

The Peace and Security Council (PSC) shall be responsible for harmonising and coordinating continental efforts in the prevention and combating of terrorism. In pursuing this endeavour, the PSC shall:

- (a) establish operating procedures for information gathering, processing and dissemination;
- (b) establish mechanisms to facilitate the exchange of information among States Parties on patterns and trends in terrorist acts and the activities of terrorist groups and on successful practices on combating terrorism;
- (c) present an annual report to the Assembly of the Union on the situation of terrorism on the Continent;

- (d) monitor, evaluate and make recommendations on the implementation of the Plan of Action and programmes adopted by the African Union;
- (e) examine all reports submitted by States Parties on the implementation of the provisions of this Protocol; and
- (f) establish an information network with national, regional and international focal points on terrorism.

Article 5: The Role of the Commission

1. Under the leadership of the Chairperson of the Commission, and in conformity with article 10(4) of the Protocol Relating to the Establishment of the Peace and Security Council, the Commissioner in charge of Peace and Security shall be entrusted with the task of following-up on matters relating to the prevention and combating of terrorism.

2. The Commissioner shall be assisted by the Unit established within the Peace and Security Department of the Commission and the African Centre for the Study and Research on Terrorism, and shall, among other things:

- (a) provide technical assistance on legal and law enforcement matters, including on matters relating to combating the financing of terrorism, the preparation of model laws and guidelines to help Member States to formulate legislation and related measures for the prevention and combating of terrorism;
- (b) follow-up with Member States and with regional mechanisms on the implementation of decisions taken by the PSC and other Organs of the Union on terrorism related matters;
- (c) review and make recommendations on up-dating the programmes of the Union for the prevention and combating of terrorism and the activities of the African Centre for the Study and Research on Terrorism;
- (d) develop and maintain a database on a range of issues relating to terrorism including experts and technical assistance available;
- (e) maintain contacts with regional and international organisations and other entities dealing with issues of terrorism; and
- (f) provide advice and recommendations to Member States on a needs basis, on how to secure technical and financial assistance in the implementation of continental and international measures against terrorism.

Article 6: The Role of Regional Mechanisms

Regional mechanisms shall play a complementary role in the implementation of this Protocol and the Convention. They shall among other activities undertake the following:

- (a) establish contact points on terrorism at the regional level;
- (b) liaise with the Commission in developing measures for the prevention and combating of terrorism;
- (c) promote co-operation at the regional level, in the implementation of all aspects of this Protocol and the Convention, in accordance with article 4 of the Convention;
- (d) harmonise and co-ordinate national measures to prevent and combat terrorism in their respective Regions;
- (e) establish modalities for sharing information on the activities of the perpetrators of terrorist acts and on the best practices for the prevention and combating of terrorism;

- (f) assist Member States to implement regional, continental and international instruments for the prevention and combating of terrorism; and
- (g) report regularly to the Commission on measures taken at the regional level to prevent and combat terrorist acts.

Article 7: Settlement of Disputes

1. Any dispute or differences between States Parties arising from interpretation or application of the provisions of this Protocol shall be resolved amicably through direct consultations between the States Parties concerned.

2. In the event of failure to settle the dispute under sub paragraph 1 above, either State Party may refer the dispute to the Assembly through the Chairperson, pending the entry into force of the Court of Justice of the African Union, which shall have jurisdiction over such disputes.

3. In the case where either or both States Parties are not Members of the Court of Justice of the African Union, either or both State Parties may refer the dispute to the International Court of Justice for a settlement in conformity with its Statutes.

Article 8: Extradition

1. The Convention shall constitute an adequate legal basis for extradition for States Parties that do not have extradition arrangements.

2. Should any dispute arise between State Parties on the interpretation or applicability of any existing bilateral extradition agreement or arrangement, the provisions of the Convention shall prevail with respect to extradition.

Article 9: Signature, Ratification and Accession

1. The present Protocol shall be open for signature, ratification or accession by the Member States of the Union in accordance with their respective constitutional procedures.

2. The ratification of or accession to this Protocol shall require the prior ratification of or accession to the Convention by Member States concerned.

Article 10: Entry into Force

This Protocol shall enter into force thirty days after the deposit of the fifteenth (15th) instrument of ratification or accession.

Article 11: Amendments

1. Any State Party may propose amendment(s) to this Protocol by submitting a written request to the Commission, which shall circulate the said proposed amendments to all States Parties thereof.

2. The amendment(s) shall be approved by a simple majority of States Parties.

3. The amendment(s) approved shall enter into force for each State Party which has accepted it, in accordance with its constitutional procedures, three months after the Chairperson of the Commission has received notice of the acceptance.

Article 12: Depository Authority

This Protocol and all instruments of ratification or accession shall be deposited with the Chairperson of the Commission, who shall transmit certified true copies to all Member States and notify them of the dates of deposit of instruments of ratification by Member States and shall register it with the United Nations and any other Organisation as may be decided by the Union.

African Union Non-Aggression and Common Defence Pact (2005/)

Adopted in Abuja, Nigeria on 31 January 2005, not yet in force (1 ratification as of April 2006). Available online at: <http://www.africa-union.org/root/au/Documents/Treaties/text/Non%20Aggression%20Common%20Defence%20Pact.pdf>

Preamble

We, the Heads of State and Government of the Member States of the African Union;

Conscious of the gravity of the impact of conflicts both within and among African States, on peace, security and stability in the Continent, and their devastating impact on socio-economic development;

Committed to our common vision of a united and strong Africa, based on respect for the principles of peaceful co-existence, nonaggression, non-interference in the internal affairs of Member States, mutual respect for individual sovereignty and territorial integrity of each State;

Determined to put an end to conflicts of any kind within and among States in Africa, in order to create propitious conditions for socio-economic development and integration of the Continent, as well as the fulfilment of the aspirations of our peoples;

Reaffirming that appropriate development institutions and promotion of a strong democratic culture through organisation of honest and regular elections, respect for human rights and the rule of law, combating corruption and impunity and formulation of sustainable development policies are vital to collective security, peace and stability;

Considering the Constitutive Act of the African Union, the Treaty Establishing the African Economic Community and the Charter of the United Nations;

Considering also the Protocol Relating to the Establishment of the Peace and Security Council of the African Union adopted in Durban, South Africa, on 10 July 2002, particularly its article 7(h) on the implementation of the Common Defence Policy of the Union;

Reaffirming our commitment to the Solemn Declaration on the Common African Defence and Security Policy adopted in Sirte, Great Libyan Arab Jamahiriya, by the Second Extraordinary Session of the Assembly of the

African Union held from 27 to 28 February 2004, particularly its Chapter III, paragraph (t) which encourages ‘the conclusion and ratification of non-aggression pacts between and among African States and the harmonisation of such agreements’;

Convinced that the African Union is a community of Member States which decided, among other things, to adopt an African Union Non-Aggression and Common Defence Pact in order to deal with threats to peace, security and stability in the continent and to ensure the well being of the African peoples.

HAVE AGREED as follows:

Article 1: Definitions

In this Pact:

- (a) ‘Acts of Subversion’ means any act that incites, aggravates or creates dissension within or among Member States with the intention or purpose to destabilise or overthrow the existing regime or political order by, among other means, fomenting racial, religious, linguistic, ethnic and other differences, in a manner inconsistent with the Constitutive Act, the Charter of the United Nations and the Lome Declaration;
- (b) ‘African Standby Force’ means the African Standby Force (ASF) provided in the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;
- (c) ‘Aggression’ means the use, intentionally and knowingly, of armed force or any other hostile act by a State, a group of States, an organisation of States or non-State actor(s) or by any foreign or external entity, against the sovereignty, political independence, territorial integrity and human security of the population of a State Party to this Pact, which are incompatible with the Charter of the United Nations or the Constitutive Act of the African Union. The following shall constitute acts of aggression, regardless of a declaration of war by a State, group of States, organisation of States, or non-State actor(s) or by any foreign entity:
 - (i) the use of armed forces against the sovereignty, territorial integrity and political independence of a Member State, or any other act inconsistent with the provisions of the Constitutive Act of the African Union and the Charter of the United Nations;
 - (ii) the invasion or attack by armed forces against the territory of a Member State, or military occupation, however temporary, resulting from such an invasion or attack, or any annexation by the use of force of the territory of a Member State or part thereof;
 - (iii) the bombardment of the territory of a Member State or the use of any weapon against the territory of a Member State;
 - (iv) the blockade of the ports, coasts or airspace of a Member State;
 - (v) the attack on the land, sea or air forces, or marine and fleets of a Member State;
 - (vi) the use of the armed forces of a Member State which are within the territory of another Member State with the agreement of the latter, in contravention of the conditions provided for in this Pact;
 - (vii) the action of a Member State in allowing its territory, to be used by another Member State for perpetrating an act of aggression against a third State;

- (viii) the sending by, or on behalf of a Member State or the provision of any support to armed groups, mercenaries, and other organised trans-national criminal groups which may carry out hostile acts against a Member State, of such gravity as to amount to the acts listed above, or its substantial involvement therein;
- (ix) the acts of espionage which could be used for military aggression against a Member State;
- (x) technological assistance of any kind, intelligence and training to another State for use in committing acts of aggression against another Member State; and
- (xi) the encouragement, support, harbouring or provision of any assistance for the commission of the terrorist acts and other violent trans-national organised crimes against a Member State.
- (d) 'Assembly' means the Assembly of Heads of State and Government of the African Union;
- (e) 'Commission' means the Commission of the African Union;
- (f) 'Common African Defence and Security Policy' means the Solemn Declaration on a Common African Defence and Security Policy adopted by the Second Extraordinary Session of the Assembly, held in Sirte, Great Socialist Libyan Arab Jamahiriya, in February 2004;
- (g) 'Constitutive Act' means the Constitutive Act of the African Union;
- (h) 'Court of Justice' means the Court of Justice of the African Union;
- (i) 'Destabilisation' means any act that disrupts the peace and tranquillity of any Member State or which may lead to mass social and political disorder;
- (j) 'Dispute' means any conflict between two or among several Member States or within a Member State, which constitutes a threat to peace and security, or a breach of the peace and security within the African Union, as determined by the Assembly of Heads of State and Government or the Peace and Security Council;
- (k) 'Human Security' means the security of the individual in terms of satisfaction of his/her basic needs. It also includes the creation of social, economic, political, environmental and cultural conditions necessary for the survival and dignity of the individual, the protection of and respect for human rights, good governance and the guarantee for each individual of opportunities and choices for his/her full development;
- (l) 'Lome Declaration' means the Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government;
- (m) 'Member States' means Member States of the African Union;
- (n) 'Mercenaries' means mercenaries as defined in the OAU Convention on the Elimination of Mercenarism in Africa;
- (o) 'Military Staff Committee' means the Military Staff Committee (MSC) provided in the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;
- (p) 'Non-Aggression' means peaceful conduct by a Member State, group of Member States, organisation of Member States, or non-State actor(s), which does not constitute acts of aggression as defined above;
- (q) 'Pact' means the present Pact;
- (r) 'Peace and Security Council' means the Peace and Security Council (PSC) of the African Union as provided in the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;

- (s) 'Protocol' means the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;
- (t) 'Regional Mechanism' means African Regional Mechanisms for Conflict Prevention, Management and Resolution;
- (u) 'State Party' means a Member State that has ratified or acceded to this Pact;
- (v) 'Terrorist Acts' means those acts or offences defined in the OAU Convention on the Prevention and Combating of Terrorism;
- (w) 'Threat of Aggression' means any harmful conduct or statement by a State, group of States, organisation of States, or non-State actor(s) which though falling short of a declaration of war, might lead to an act of aggression as defined above;
- (x) 'Trans-national Organised Criminal Group' means a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes which are transnational in scope, or offences established in accordance with international law, including the United Nations Convention Against Transnational Organised Crime and its Protocols thereto, the purpose being which to obtain, directly or indirectly financial and other material benefits;
- (y) 'Union' means the African Union;

Article 2: Objectives

- (a) The objectives of this Pact are:
 - (i) to promote co-operation among the Member States in the areas of non-aggression and common defence,
 - (ii) to promote peaceful co-existence in Africa,
 - (iii) to prevent conflicts of inter-State or intra-State nature, and
 - (iv) to ensure that disputes are resolved by peaceful means.
- (b) In pursuance of these objectives, this Pact seeks to define a framework under which the Union may intervene or authorise intervention, in preventing or addressing situations of aggression, in conformity with the Constitutive Act, the Protocol and the Common African Defence and Security Policy;
- (c) Consequently, any aggression or threat of aggression against any of the Member States shall be deemed to constitute a threat or aggression against all Member States of the Union.

Article 3: Obligations

- (a) State Parties undertake, pursuant to the provisions of the Constitutive Act, to resolve any differences by peaceful means, in order to avoid endangering peace and security; to refrain from the use of force or threat to use force in their relations with each other and in any manner whatsoever, incompatible with the United Nations Charter. Consequently, no consideration whatsoever, be it political, economic, military, religious or racial shall justify aggression;
- (b) State Parties undertake to develop and strengthen the friendly and peaceful relations among them in accordance with the fundamental principles of the Union;
- (c) State Parties undertake to promote such sustainable development policies as are appropriate to enhance the well being of the African people, including the dignity and fundamental rights of every human

being in the context of a democratic society as stipulated in the Lome Declaration. In particular, State Parties shall ensure freedom of worship, respect of the cultural identity of peoples and the rights of minorities;

- (d) State Parties undertake to prohibit and prevent genocide, other forms of mass murder as well as crimes against humanity.

Article 4

- (a) State Parties undertake to provide mutual assistance towards their common defence and security vis-à-vis any aggression or threats of aggression;
- (b) State Parties undertake, individually and collectively, to respond by all available means to aggression or threats of aggression against any Member State;
- (c) State Parties undertake not to recognise any territorial acquisition or special advantage, resulting from the use of aggression;
- (d) As part of the vision of building a strong and united Africa, State Parties undertake to establish an African Army at the final stage of the political and economic integration of the Continent. In the meantime, State Parties will make best efforts to address the challenges of common defence and security through the effective implementation of the Common African Defence and Security Policy, including the early establishment and operationalisation of the African Standby Force.

Article 5

- (a) State Parties undertake to intensify collaboration and co-operation in all aspects related to combating international terrorism and any other form of organised transnational crime or destabilisation of any Member State;
- (b) Each State Party shall prevent its territory and its people from being used for encouraging or committing acts of subversion, hostility, aggression and other harmful practices that might threaten the territorial integrity and sovereignty of a Member State or regional peace and security;
- (c) Each State Party shall prohibit the use of its territory for the stationing, transit, withdrawal or incursions of irregular armed groups, mercenaries and terrorist organisations operating in the territory of another Member State.

Article 6

- (a) State Parties undertake to extend mutual legal and all other assistance in the event of threats of terrorist attack or other organised international crimes.
- (b) State Parties undertake to arrest and prosecute any irregular armed group(s), mercenaries or terrorist(s) that pose a threat to any Member State.

Article 7

State Parties undertake, to co-operate and enhance their military and intelligence capacities through mutual assistance.

Article 8

- (a) Each State Party declares not to enter into any international or regional commitment which is in contradiction to the present Pact.
- (b) Each State Party declares that under no circumstances shall it exempt itself from its obligations under this Pact.

Article 9: Implementation Mechanisms

The Peace and Security Council shall be responsible for the implementation of this Pact, under the authority of the Assembly. In this regard, the Peace and Security Council may be assisted by any organ of the Union, pending the setting up of mechanisms and institutions for common defence and security.

Article 10

- (a) State Parties undertake to provide all possible assistance towards the military operations decided by the Peace and Security Council, including the use of the African Standby Force;
- (b) State Parties undertake to develop and strengthen the level of their actual collaboration with the Command Headquarters and Military Staff Committee of the African Standby Force in accordance with the provisions of the Protocol and the Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee.

Article 11

- (a) State Parties undertake to develop and strengthen the capacities of African research, information and training institutions to enhance early preventive action against any aggression or threats of aggression;
- (b) The Peace and Security Council may also be assisted by the following institutions:
 - (i) The African Peace Academy;
 - (ii) The African Centre for Study and Research on Terrorism;
 - (iii) The African Union Commission on International Law;
- (c) The Peace and Security Council may establish any other mechanism as it deems necessary.

Article 12: The African Peace Academy

- (a) State Parties undertake to establish and operationalise the African Peace Academy (APA) to serve as a framework for the promotion of peace and stability in Africa, and as a centre of excellence for research and development of an African peace doctrine;
- (b) The organisation and operational modalities of the Academy shall be decided upon by the Assembly.

Article 13: African Centre for the Study and Research on Terrorism

- (a) The African Centre for the Study and Research on Terrorism (ACSRT) shall serve to centralise, collect and disseminate information, studies and analysis on terrorism and terrorist groups, and shall provide training programs by organising, with the assistance of international partners meetings, and symposia, in order to prevent and combat terrorist acts in Africa;

- (b) The Centre shall assist Member States develop the expertise and strategies for the prevention and combating of terrorism, particularly with respect to the implementation of the 1999 OAU Convention and its Protocol thereto on the Prevention and Combating of Terrorism, as well as the Plan of Action on the Prevention and Combating of Terrorism in Africa and other relevant decisions adopted by the policy Organs of the Union;
- (c) State Parties undertake to support fully and take active part in the activities of the Centre.

Article 14: The African Union Commission on International Law

- (a) State Parties undertake to establish an African Union Commission on International Law whose objectives shall, among others, be to study all legal matters related to the promotion of peace and security in Africa, including the demarcation and delineation of African borders;
- (b) The composition and functions of the African Union Commission on International Law shall be decided upon by the Assembly.

Article 15: Peaceful Settlement of Disputes

State Parties involved in any dispute shall first seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, or resort to regional and continental mechanisms or arrangements, or other peaceful means.

Article 16: Interpretation

State Parties undertake to refer all disputes over the interpretation, implementation and validity of this Pact to the Court of Justice, without prejudice to the competence of the Peace and Security Council.

Article 17

- (a) This Pact shall not derogate from, and shall not be interpreted as derogating in any way from the obligations of Member States contained in the United Nations Charter and the Constitutive Act, including the Protocol, and from the primary responsibility of the United Nations Security Council for the maintenance of international peace and security;
- (b) This Pact shall not derogate from, and shall not be interpreted as derogating in any way whatsoever, from the rights of refugees guaranteed by the relevant continental and international instruments.

Article 18: Final Provisions

- (a) This Pact shall be open to signature and ratification or accession by Member States in accordance with their respective constitutional procedures;
- (b) The instruments of ratification shall be deposited with the Chairperson of the Commission;
- (c) Any Member State acceding to this Pact after its entry into force shall deposit the instrument of accession with the Chairperson of the Commission;

- (d) Any State Party may withdraw from this Pact by giving a one (1) year prior notice to the Chairperson of the Commission, who shall notify all the State Parties thereof.

Article 19

This Pact shall enter into force thirty (30) days following the deposit of instruments of ratification by fifteen (15) Member States.

Article 20

- (a) Any State Party may submit proposals for the amendment or revision of this Pact;
- (b) Proposals for amendment or revision shall be submitted to the Chairperson of the Commission who shall transmit same to the State Parties within thirty (30) days of receipt thereof;
- (c) The amendments shall be examined and approved by the State Parties, by consensus or, failing which, by two-third majority, and thereafter, the amendments shall be formally endorsed by the Assembly;
- (d) The amendments shall enter into force for each State Party which has accepted it, thirty (30) days after the Chairperson of the Commission has received notice of the acceptance.

Article 21

There shall be a periodic evaluation of this Pact in order to update it and to enhance its implementation. The evaluation of the Pact shall be done within the context of paragraph 36 of the Solemn Declaration on the Common African Defence and Security Policy which provide for the convening by the Chairperson of the Peace and Security Council of a yearly review conference involving all the conflict resolution mechanisms of the various regional organisations as well as mechanisms established by the continental instruments.

Article 22

This Pact, drawn up in four (4) original texts in Arabic, English, French and Portuguese, all four (4) being equally authentic, shall be deposited with the Chairperson of the Commission who shall transmit certified copies thereof to each Member State.

Article 23

The Chairperson of the Commission shall register this Pact with the United Nations.

The Common African Position on the Proposed Reform of the United Nations: ‘The Ezulwini Consensus’ (2005)

Drafted in Ezulwini, Swaziland in February 2005, and adopted by the 7th extraordinary session of the Executive Council held in Addis Ababa, Ethiopia, meeting from 7 to 8 March, 2005. The Assembly of Heads of State reaffirmed its commitment to the Ezulwini Consensus at its 4th extraordinary session in Addis Ababa on 4 August 2005. Available online at: http://www.africa-union.org/News_Events/Calendar_of_%20Events/7th%20extra%20ordinary%20session%20ECL/Ext%20EXCL2%20VII%20Report.doc

The African Union, having deliberated at length on the Report of the High-level Panel on Threats, Challenges and Change, adopted a Common African Position, known as ‘The Ezulwini Consensus’, which focuses significantly on the issue of peace and security

A. COLLECTIVE SECURITY AND THE CHALLENGE OF PREVENTION

(i) Poverty, infectious diseases and environmental degradation

- The recommendations of the High-level Panel should be consistent with the Declarations and Decisions of the African Union on the matter. The AU supports their implementation within the framework of multilateralism, as a tool for eradicating poverty, boosting economic growth, promoting sustainable development, alleviating the debt problem, enhancing Africa’s participation in WTO negotiations and combating HIV/AIDS and other infectious diseases.

HIV/AIDS

- It is important to underscore that HIV/AIDS is not only a security threat but has far reaching economic and social consequences that are of primary concern to Africa. Further, affordable access to treatment is fundamental to the fight against HIV/AIDS. It is equally important that more resources are provided for prevention, research and medication that would combat and eradicate HIV/AIDS. The relevant scientific knowledge must be supported to ensure vaccine development and medicine that can alleviate the disease.
- Building national and regional health systems is vital. The fight against disease in Africa has to be broadened to cover an integrated health system for each country. Accessibility to urgent care and community services is vital in the fight against HIV/AIDS.
- Since the resources required in the prevention and treatment of HIV/AIDS are grossly inadequate, it is important that the international conference scheduled for Stockholm in March 2005 aimed at addressing additional funding to alleviate the constraints on national budget, should be supported by African countries.

POVERTY

- Africa is of the view that the Report did not sufficiently stress the critical linkage between development and poverty as root causes of insecurity. Indeed, focus on poverty alleviation is the most effective tool for conflict prevention.
- It is important that a balance is maintained between the consideration of security and development issues at all levels. The special needs of Africa, as recognised in the Millennium Declaration, also ought to be taken into account in this context. In addressing poverty, it is important to welcome the innovative idea of a timetable for fulfilling the commitment of 0.7% of GDP as Overseas Development Assistance (ODA) and to take into consideration the recommendations on ODA within the larger framework of the Millennium Declaration's focus on Africa's Special Needs.
- In addressing this issue, the Secretary-General, in the preparation of his Report, should take into account the recommendations of the Report by the World Commission on the Social Dimension of Globalisation, entitled: 'A Fair Globalisation: Creating Opportunities for All', as it provides a crucial base for addressing poverty and other systemic issues that impede Africa's development.

DEBT

- It is important to raise the serious issue of debt and request the United Nations to support the present efforts made by the Commission of the African Union for its thorough review. In this regard, it is appropriate to ask for the debt cancellation of the highly indebted poor countries as well as the debt reduction and cancellation for middle income indebted countries, where appropriate.

ENVIRONMENTAL DEGRADATION

- It is important to stress that environmental protection would be difficult to achieve without concrete steps to address poverty. Desertification, land degradation, biodiversity and deforestation are critical issues for African countries and constitute major threats to security and stability in Africa.
- Developed countries should take urgent actions to address this problem, including ratifying or acceding to the Kyoto Protocol, in view of the fact that they are still responsible for global warming.

WTO NEGOTIATIONS PROCESS

- Enhance Africa's effective participation in the WTO trade negotiations and in the world trading system as a whole.
- In this regard, the capacity of delegations from developing countries to participate meaningfully in WTO processes must be strengthened through capacity-building and technical co-operation programmes. The WTO Secretariat should increase funding for such programmes and to implement the relevant programmes agreed on in Doha.

(ii) Inter-State and Internal Conflicts

- The UN should set up a Commission to study the recommendation on developing norms governing management of natural resources for countries emerging from or at risk of conflict.
- The UN and its Member States should also give particular consideration to all the other recommendations, especially recommendation 14 regarding development of frameworks for minority rights and the protection of democratically elected governments from unconstitutional changes. Member States should also undertake to negotiate an international instrument on this subject. The African Union and the United Nations should collaborate closely to implement the Lomé and Algiers Declarations on Unconstitutional Changes of Governments.
- Africa accepts recommendation 20 on the preventive deployment of peacekeepers and strongly urges that regional organisations apply the same strategy in their respective regions. However, the UN should not abdicate its responsibility for the maintenance of international peace and security.

(iii) Conventional Weapons

- The illicit transfer, manufacture and circulation of Small Arms and Light Weapons (SALW) and their excessive accumulation and uncontrolled spread as well as the utilisation of child soldiers in many regions of the world, particularly Africa, should be prohibited. Africa will collaborate with other regions for the negotiation of an international instrument on the identification and tracing of small arms and light weapons. The prohibition of antipersonnel land mines should also be stressed.

(iv) Nuclear, radio-active, chemical and biological weapons

- The recommendations of the Panel in this area do not fully address the concerns of the African Union. The notion of 'proliferation' should be defined in the context of the 'horizontal' and vertical proliferation of nuclear weapons. Further, the development of new types of nuclear weapons is in contravention of the assurances provided by the Nuclear-Weapon-States at the conclusion of negotiation of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).
- There is need for an international conference, at the earliest possible date, with the objective of reaching an agreement on a phased programme for the complete elimination of nuclear weapons within a specified timeframe to eliminate all nuclear weapons, to prohibit their development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and to provide for their destruction.
- Africa will collaborate with other regions, within the framework of multilateralism, to address the problem of disarmament and the nonproliferation of nuclear weapons, provided for under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), including the implementation of the African Nuclear Weapon Free Zone Treaty (The Treaty of Pelindaba).
- There is need to respect the inalienable rights of developing countries, including African countries, to engage in research, production and use

of nuclear energy for peaceful purposes without discrimination in conformity with the provisions of NPT. Further, the choices and decisions of each country in the field of peaceful uses of nuclear energy should be respected without jeopardising its policies or international co-operation agreements and arrangements for peaceful uses of nuclear energy. In this context, Africa commits itself to expedite the process of ensuring early entry into force of the Treaty of Pelindaba which contains very useful provisions for peaceful uses of nuclear energy.

- There is need to ensure that any action by the Security Council does not undermine existing international treaty regimes on weapons of mass destruction and conventional weapons and of international organisations established in this regard, such as the International Atomic Energy Agency (IAEA) and the Organisation for the Prohibition of Chemical Weapons (OPCW), as well as the role of the United Nations General Assembly.
- There is need to maintain the important role of the First Committee as a subsidiary body of the General Assembly and other multilateral disarmament machinery, in particular, the United Nations Disarmament Commission (UNDC) and the Conference on Disarmament (CD), in dealing with questions of disarmament and other related international security questions.

(v) Terrorism

- It is important for all Member States to sign, ratify or accede to the various international and regional instruments relating to the prevention and combating of terrorism. Member States that have not yet done so should be encouraged to sign, ratify or accede to, these instruments as the case may be.
- It is also important that Member States of the United Nations enhance their co-operation in the prevention and combating of terrorism, and to implement scrupulously continental and international instruments.
- Terrorism, in line with the Algiers Convention on Terrorism, cannot be justified under any circumstances. Political, philosophical, ideological, racial, ethnic, religious or other motives cannot be a justifiable defence against a terrorist act. However, there is a difference between terrorism and legitimate struggle waged by peoples for their liberation or self-determination in accordance with the principles of international law.
- The recommendation pertaining to the establishment of 'A Special Capacity-Building Trust Fund' is pertinent and should be supported, as it will enhance the capacity of the United Nations to provide technical assistance to Member States in their national efforts to prevent and combat terrorism. It should be stressed that the rules governing the fund should be democratic enough to help strengthen the regional counter-terrorism mechanisms, especially the operationalisation of the AU Convention on Terrorism and the Algiers based African Centre for Study and Research on Terrorism.
- There is particular value in achieving a consensus definition of terrorism within the General Assembly, given its unique legitimacy in normative terms. The Assembly should rapidly complete negotiation on a comprehensive convention on terrorism. The legal definition of

terrorism should be the subject of a treaty concluded by the General Assembly and is not a matter to be determined and imposed by the other organs of the United Nations. The appropriate definition must also address the root causes and conditions that impel people towards terrorist acts.

(vi) Transnational Organised Crime

- The recommendation aimed at preventing, suppressing and punishing human trafficking, especially regarding women and children, is pertinent. Member States should ratify or accede to the related Protocol to ensure its effective implementation.
- It is necessary for African countries to ensure that measures be taken to combat the use of mercenaries to overthrow democratically elected legitimate African governments.
- Special attention should be given to issues such as *money-laundering*, and *fiscal paradises*, as well as *modern slavery* and all forms of *human exploitation*.

The Role of Sanctions

- The recommendations on sanctions and related provisions are pertinent and it is necessary to appoint a Senior Official on the matter.
- The power of the Security Council to impose sanctions should be exercised in accordance with the United Nations Charter and international law. Sanctions should be considered only after all means of peaceful settlement of disputes under Chapter VI of the United Nations Charter have been exhausted and a thorough consideration undertaken of the short-term and long-term effects of such sanctions. Further, sanctions should be imposed for a specified time-frame and be based on tenable legal grounds and should be lifted as soon as the objectives are achieved. Sanctions should also be smart and targeted to mitigate their humanitarian effects. In this regard, there is need for the UN to define the objectives and guidelines for the imposition of sanctions.

B. COLLECTIVE SECURITY AND THE USE OF FORCE

(i) The Responsibility to Protect

- Authorisation for the use of force by the Security Council should be in line with the conditions and criteria proposed by the Panel, but this condition should not undermine the responsibility of the international community to protect.
- Since the General Assembly and the Security Council are often far from the scenes of conflicts and may not be in a position to undertake effectively a proper appreciation of the nature and development of conflict situations, it is imperative that Regional Organisations, in areas of proximity to conflicts, are empowered to take actions in this regard. The African Union agrees with the Panel that the intervention of Regional Organisations should be with the approval of the Security Council; although in certain situations, such approval could be granted 'after the fact' in circumstances requiring urgent action. In such cases, the UN should assume responsibility for financing such operations.

- It is important to reiterate the obligation of states to protect their citizens, but this should not be used as a pretext to undermine the sovereignty, independence and territorial integrity of states.

(ii) The Question of Legality

- With regard to the use of force, it is important to comply scrupulously with the provisions of article 51 of the UN Charter, which authorise the use of force only in cases of legitimate self-defence. In addition, the Constitutive Act of the African Union, in its article 4(h), authorises intervention in grave circumstances such as genocide, war crimes and crimes against humanity. Consequently, any recourse to force outside the framework of article 51 of the UN Charter and article 4(h) of the AU Constitutive Act, should be prohibited. Furthermore, it is important to define the notion of 'collective danger' which would justify collective action.

(iii) Peace Enforcement and Peacekeeping Capacity

- The present rules of the UN relating to the peacekeeping budget should be amended in order to give the UN the latitude to finance operations carried out by Regional Organisations on the basis of contributions to be recovered.
- It is necessary to maintain sustained interaction between the UN and the Regional Organisations in order to build particularly the operational capacities of the organisations. To this end, the UN, the developed countries and the other regional groupings, should continue to give logistic and financial support to the speeding up of the establishment of an African Standby Force for it to become operational as soon as possible, but not later than 2010. Any other initiative to build regional peacekeeping capacities should supplement the African Standby Force.

(iv) Post Conflict Peacebuilding

- It is important to speed up the proposed establishment of a Peacebuilding Commission. It is also necessary to consider thoroughly its mandate and structure. The said Commission should not be placed under the authority of the Security Council as it is important for it to benefit from the contributions of all the major organs, particularly, the General Assembly, the Security Council and ECOSOC. In this regard, a Trust Fund should be established to ensure its sustainability. The focus on peacebuilding must also stress the element of conflict prevention.
- There is need to promote closer co-operation and coordination between the General Assembly, the Security Council, ECOSOC, the major Funds and Programmes, the UN Specialised Agencies, the Bretton Woods Institutions, the Member States and the Regional Organisations throughout the cycle of the conflict. This would guarantee an harmonious transition from conflict management to long-term reconstruction until the danger of instability or the threat of resumption of the conflict has diminished. As part of the support of the international community to peacebuilding in post-conflict countries in Africa, there is need for the Bretton Woods institutions, in particular, to show sensitivity in demanding macro-economic reforms that have a potential for social upheaval. This underlines the necessity for the

Bretton Woods institutions, which are part of the United Nations system, to become more accountable, democratic and transparent in their structure so that their operation will enjoy the full confidence of the entire world community.

- It is important to lay down clear rules for the deployment of UN peacekeeping operations to avoid arbitrary use of the right of veto that may delay or obstruct such deployment when the need for deploying peacekeeping forces arises.

C. INSTITUTIONAL REFORM

(a) General Assembly

- The Report of the High-level Panel did not sufficiently address the role of the General Assembly. The General Assembly should be strengthened for it to play its proper role as the most representative and democratic body within the UN System and as the parliament of the world. The intergovernmental nature of the General Assembly should be preserved to ensure that it remains essentially a forum for intergovernmental dialogue.
- Measures must also be taken to enhance the effectiveness of the General Assembly, including its role in maintaining international peace and security, and to ensure the implementation of its decisions.
- There is also a need to improve on the balance of competence or relationship between the General Assembly and the Security Council.

(b) The Secretariat

- Africa strongly supports the call for a more professional and welltrained Secretariat whose skills and experiences are adapted to the tasks at hand, especially recommendation 96(e) on the provision that the General Secretariat should be provided with Sixty (60) new posts, or any other number required in critical areas, for the purpose of improving efficiency. Africa expects that a significant proportion of Africans would be recruited via this process, at middle and high managerial levels, especially in the peacekeeping and political affairs departments.
- Africa perceives the idea of having a second Deputy Secretary-General as one that may create a new layer of bureaucracy.

(c) The Economic and Social Council

- There is need to strengthen the role of the ECOSOC. It should not limit itself to policy coherence, research and coordination, but should also be engaged in finding ways of linking development and security and play a key role in economic development.
- ECOSOC should be the central mechanism for coordination of the activities of the UN system and its specialised agencies as well as supervision of subsidiary bodies in the economic, social and related fields to enable it play a pivotal role in furthering the achievement of the Millennium Development Goals (MDGs).

(d) The Commission on Human Rights

- The proposal to universalise the membership of the Commission on Human Rights (CHR) is not tenable, especially since it reports to ECOSOC which has limited membership. It may also impact on its efficiency. A universalised CHR could also duplicate the work of an already universal Third Committee which also deals with human rights. The *status quo* on the composition and location of the CHR should be maintained.
- The annual report of the Commissioner for Human Rights should be referred to the General Assembly and not to the Security Council, except where so requested or in cases of genocide, war crimes and crimes against humanity.
- Efforts should be made to address the selective nature of the funding of the CHR programmes to ensure effectiveness. Measures should be taken to address the selective nature and politicisation of the agenda of the CHR.
- The Commission must pay equal attention to economic, social and cultural rights as it does to civil and political rights.

(e) The Security Council

On the Security Council, the African Union:

Recalling that, in 1945, when the UN was being formed, most of Africa was not represented and that in 1963, when the first reform took place, Africa was represented but was not in a particularly strong position;

Convinced that Africa is now in a position to influence the proposed UN reforms by maintaining her unity of purpose;

Conscious of the fact that the Harare Declaration has made significant impact on the world community and has thus been fairly reflected in the proposed UN Security Council Reforms, adopted the following position:

1. Africa's goal is to be fully represented in all the decision-making organs of the UN, particularly in the Security Council, which is the principal decision-making organ of the UN in matters relating to international peace and security.
2. Full representation of Africa in the Security Council means:
 - (i) not less than two permanent seats with all the prerogatives and privileges of permanent membership including the right of veto;
 - (ii) five non-permanent seats.
3. In that regard, even though Africa is opposed in principle to the veto, it is of the view that so long as it exists, and as a matter of common justice, it should be made available to all permanent members of the Security Council.
4. The African Union should be responsible for the selection of Africa's representatives in the Security Council.
5. The question of the criteria for the selection of African members of the Security Council should be a matter for the AU to determine, taking into consideration the representative nature and capacity of those chosen.

2. Peace Support Operations

Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee (Part 1) (2003)

Adopted by the African Chiefs of Defence Staff at their 3rd meeting on 14 May 2003 in Addis Ababa, Ethiopia (Exp/ASF-MSC/2 (1)), and revised at their 4th meeting in January 2004 in Addis Ababa, Ethiopia. Available online along with Part 2 (appendices) at <http://www.saferfrica.org/DocumentsCentre/NEPAD/ASF/Index.php>

CHAPTER 1: Introduction

1.1 African Member States, in transforming the OAU to the African Union (AU), have created a Protocol to enhance peace and security on the Continent. Central to this is the Peace and Security Council (PSC).

1.2 In establishing the PSC, AU Member States have clearly indicated that they are willing to take additional concrete steps for peace and security in Africa. In particular, they have signalled their intention to expand their willingness to take risks for peace, and again indicated they are ready to accept their share of responsibility for ensuring durable development of the Continent, particularly in the area of peace and security.

1.3 The protocol establishing the PSC sought to create a number of structures, including the African Standby Force (ASF) and the Military Staff Committee (MSC). To advance consideration of these issues the AU has embarked on a process to prepare a Policy Framework. The Policy Framework was considered, improved and revised by the AU Regional Economic Communities and other African and External Partners at Addis Ababa on 14-15 April 2003, and subsequently by a meeting of Government Experts in Addis Ababa from 12-14 May 2003.

ACDS Recommendations

1.4 The Meeting noted that the African Chiefs of Defence Staff made a number of substantive recommendations in their Second Meeting, held in Harare, in 1997 (See Annex A). In particular, these included the following important recommendations relevant to this Policy Framework:

- (a) All Peace Support Operations in Africa should be conducted in a manner consistent with both the UN and the OAU Charters and the Cairo Declaration. This will enable the OAU to mobilise for action and to acquire UN support for the initiative.
- (b) The conflict situation should guide the level at which the OAU considers involvement. In an emergency situation, the OAU should undertake preliminary preventive action while preparing for more comprehensive action which may include the UN involvement. The emphasis here is for speed of action and deployment. As a principle, the OAU should take the

first initiative in approaching the UN to deploy a peace operation in response to an emergency in the continent. If the UN is unresponsive, the OAU must take preliminary action whilst continuing its efforts to elicit a positive response from the world body.

- (c) Where the OAU deploys a peace operation, this should be an all-African force.
- (d) Operational procedures for the planning and conduct of Peace Support Operations exist and are well documented at the level of the UN. The OAU should use these references and adapt them to unique continental and organisational factors.
- (e) The OAU could earmark a brigade-sized contribution to standby arrangements from each of the five African sub-regions as a starting point, which could then be adjusted upwards or downwards according to evolving circumstances.
- (f) The OAU should identify about 500 trained military and civilian observers (100 from each sub-region) as an appropriate starting point for standby capacity.
- (g) The OAU should devise a standard structure for battalions, brigades, and perhaps even a division for future OAU deployments.
- (h) Training should be conducted according to UN doctrine and standards, and should draw on the available training materials, training aids and courses available through the UN system. UN training manuals should be complemented by Africa specificity.
- (i) Centres of expertise for Peace Support Operations training should be established, which are capable of conducting research into training; formulating guidelines for training; producing common training syllabi; and conducting control and evaluation functions.
- (j) The Secretariat be tasked to establish a stand-by system to be based on Member States' indication of peace support capabilities. These would include information on size and types of forces on stand-by and their general standards of training, equipment and state of readiness.

Development of African Peace and Security Initiatives

1.5 The ACDS recommendations should be taken in the wider context of overall developments in African peace and security. The Meeting also noted that for some time now, in particular over the last decade, commencing with the Cairo Declaration of 1993, African Member States and Regions have increasingly addressed peace and security on the Continent, and developed the capacity to participate in peace operations at the continental and regional level. An outline of the history of this development, the existing operational capability, and a number of critical limitations to the conduct of peace operations are at Annex B.

Conflict and Mission Scenarios

1.6 A number of typical conflict scenarios, outlined below were used to develop the proposals in this document:

- (a) Scenario 1: AU/Regional Military advice to a Political mission.
- (b) Scenario 2: AU/Regional observer mission co-deployed with UN mission.
- (c) Scenario 3: Stand alone AU/Regional observer mission.
- (d) Scenario 4: AU/Regional peacekeeping force (PKF) for Chapter VI and preventive deployment missions.

- (e) Scenario 5: AU PKF for complex multidimensional PK mission-low level spoilers (a feature of many current conflicts).
- (f) Scenario 6: AU intervention - e.g. genocide situations where international community does not act promptly.

CHAPTER 2: Requirements, Issues and Options for the Conceptual Framework of the ASF

Generic Components of a Peace Operations Capability

2.1 The generic components of a valid multidimensional peace support operations capability comprise the following:

- (a) A legitimate political capacity to mandate a mission under the UN Charter.
- (b) A multidimensional strategic level management capability.
- (c) A mission HQ level multidimensional management capability.
- (d) Mission components for multidimensional peace operations.

Mandating Authority

2.2 As noted in the Chapter 3 of this Policy Framework dealing with African Goals, and particularly with regard to the provisions of the Protocol establishing the PSC, the AU PSC is a legitimate mandating authority under Chapter VIII of the UN Charter. This view is consistent with the endorsed recommendations of the Second African Chiefs of Defence Staff (ACDS) (of the Central Organ) Meeting, Harare 1997. However, due regard needs to be taken of the provisions of the UN Charter (Chapter VII article 51) on the inherent right of individual or collective self-defence, subject to such measures being reported to the UN Security Council, as well as the provisions of Chapter VIII on enforcement action by Regional Arrangements, in particular subject to authorisation by the Security Council, which shall also be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies (articles 53-54). In this context, it is to be expected that while the AU will seek UN Security Council authorisation of its enforcement actions, African Regions similarly will seek AU authorisation of their interventions.

Multidimensional Strategic Level Management Capability

2.3 Based on UN advice, instructive experiences of the OAU Mechanism for Conflict Prevention Management and Resolution, the Meeting recommends a series of strategic level HQ structures for the AU needed to manage operations for each of the Scenarios. These are provided at Annex C to this Report. These structures could be adapted by a Region, if it were authorised to manage an operation.

Mission HQ Level Multidimensional Management Capability

2.4 Given the goal contained in the Protocol establishing the PSC to involve the UN in the conduct of missions in Africa, any mission HQ level structure should be able to be handed over to, or incorporated into, a UN PSO with relative ease. UN structures are subject to rigorous consideration within the Secretariat and in various UN legislative and budgetary bodies. For this reason the Meeting has based its advice on structures used in UN Missions. This approach is consistent with the endorsed recommendations of the Second

ACDS Meeting. With the exception of Scenario 6 (intervention) the structures are shown at Annex D.

2.5 Based on the level of coherence required at the field HQ level for an intervention mission, particularly those involving an opposed early deployment, such operations are best conducted by a coalition under a lead nation. The initial entry may best be undertaken by the lead nation with rapid follow-up by the other nations in the coalition. This would mean that the lead nation HQ would need to deploy 'as is', with limited change to its existing structure to cater for multinational representation. For this reason a proposed structure for a mission HQ for Scenario 6 (intervention) is not shown. As a long term goal, the ASF should be capable of conducting such interventions without reliance on lead nations. This would require a standing AU multinational military HQ at above brigade level, plus the capability to assemble and deploy rapidly well prepared and capable military contingents.

Mission Components

2.6 **Military:** The Meeting endorses the recognition, contained in the recommendations of the Second ACDS Meeting, of the importance of the brigade level as the basis for a viable peace operations capability. The brigade is the first level of military command where multiple arms and services are grouped under one HQ. It is also the first level that is genuinely self-contained and capable of sustained independent operations. In addition, the number of manoeuvre units can be easily adjusted depending on the situation. It is a sound building block for the military component of Scenarios 4 and 5 [traditional and complex AU/Regional peacekeeping forces (PKFs)]. A reduced version of a brigade HQ can also provide the HQ for Scenarios 2 and 3 (co-deployed and stand-alone observer missions). Structures for the military component for each Scenario are shown at Annex D together with indicative strengths. The military component of Scenario 4 (AU/Regional PKF) is a model structure for a brigade deployed in the field.

2.7 **Other Components:** Scenario 5 (complex PKF) involves components other than the military. The UN is the most experienced organisation in these types of activities. Examples of typical UN mission structures for police, human rights, governance, DDR, and reconstruction components are shown at Annex D.

Goals, Priorities and Deployment Timelines

2.8 The speed with which forces will be required to deploy has particular implications for standby force structures and arrangements. Linked to this is the type of conflict into which they will deploy. Given the fluid and uncertain nature of conflict, particularly in Africa, coherence on deployment will be critical. This demands that units and HQ staff will have trained together prior to deployment. Significant implications of varying readiness levels are:

- (a) At 14 days readiness collective training involving field exercises with all units is essential prior to activation. At this level of readiness there is also a clear requirement for a standing fully staffed brigade HQ and HQ support. There is also a requirement for an established and fully stocked logistics system capable of sustaining the entire brigade. Apart from large military alliances such as NATO, individual Member States may be best placed to provide this capability;
- (b) At 30 days readiness collective training at least involving HQ command post exercises must occur prior to activation. At this level of readiness

there is also a clear requirement for at least a standing nucleus of a brigade HQ with its attendant HQ support as well as an established and fully stocked logistics system capable of sustaining the entire brigade. SHIRBRIG provides a good example of the HQ structure. In its system, contingents deploy fully self-sustained for 60 days. This is not normally the case with African contingents. In the African context ASF owned logistics bases will be required;

- (c) At 90 days readiness there may be time available to conduct collective training to develop a level of coherence prior to deployment. There is also time to establish a HQ and logistics stocks. A requirement does exist, however, for a small full-time staff to manage the standby system, and to standardise procedures and doctrine.

2.9 Bearing this in mind, the Meeting recommends the following long-term deployment targets for the ASF (all timings are from an AU mandate resolution):

- (a) Scenario 1-4 should be able to deploy in 30 days (possible only if pre-mandate actions have been taken);
- (b) Scenario 5 should complete deployment in 90 days, with the military component being able to deploy in 30 days (possible only if pre-mandate actions have been undertaken); and
- (c) Due to the nature of situations demanding intervention operations, Scenario 6, it will be important the AU can deploy a robust military force in 14 days.

2.10 The AU possesses a limited capability of deploying in Scenarios 1 and 2. The UN would normally be able to deploy in Scenarios 3 and 4 and Scenario 6 requires a capable nation that is prepared to assume leadership. Given this, development of the ASF should concentrate on Scenario 5, in particular the military component of this Scenario. The building block of this capability is robust coherence at brigade group level.

2.11 The Meeting emphasised that the issue of resource constraints was a key consideration in the achievement of the long-term deployment targets listed in paragraph 2.9.

Doctrine

2.12 To be effective, a multinational peace operations capability requires standardised doctrine. As in other areas of African capability, the Meeting endorses the recommendation of the Second ACDS Meeting that peacekeeping doctrine used by the ASF should be consistent with doctrine produced and used by the UN, and complemented by African specificity. In this respect, the Meeting notes that the UN has almost completed a Multidimensional Peacekeeping Handbook, with publication slated for August 2003 at the latest, which will serve as the base document for all UN peacekeeping doctrine. Doctrine for the ASF should be based on this UN document when it enters into circulation and use. The Meeting also notes that peace operations SOPs have already been drafted by the AU, as well as by ECOWAS. In this sense, the two organisations are ahead of the UN. The UN has indicated that it will comment on the AU SOPs and the outcome of this Report will affect the scope and content of the draft SOP. It is logical to suggest that draft Regional SOPs will have to be harmonised with that of the AU.

2.13 In the UN context, production of detailed doctrine for how units will complete normal military tasks, e.g. conduct of a reconnaissance patrol, is a national responsibility. The UN has produced policy for subjects that are

common in a multinational peacekeeping environment, such as civil-military coordination. These should be adopted by the AU. Doctrine for what could be termed multinational war fighting tasks is not available from the UN. Production of this type of publication is a major task for military alliances such as NATO, where there is a significant standardisation structure in NATO HQ. In the case of intervention, the AU may wish to seek NATO and European advice.

Training

2.14 Training for peace operations has a number of elements, both military and civilian. As far as peace operations are concerned, a basis for the military component is sound capability in the full range of normal military tasks. While this cannot be over stressed, training in these tasks is a national responsibility. Even in large military alliances, there is limited standardisation of this type of training, as a result of differing national doctrines, tactics, techniques and procedures. It may be impractical to try to develop standardised training at this level in the African context.

2.15 On the other hand, there is some degree of standardisation on issues specific to peace operations. In addition to doctrine, Africa should use UN training standards and material, modified as necessary, for Africa. The UN has made significant effort in recent months in this direction, particularly as part of its Standardised Generic Training Modules Project. Because African Member States have been, and will continue to be involved, this Project will be useful and should inform African peace operations training.

2.16 The relevant AU and regional training framework should provide for some amount of coordination of AU, Regional and national training, as well as for the establishment and designation of centres of excellence for peacekeeping training at the tactical, operational and strategic levels. An example of this is that, within ECOWAS, broad thinking is to designate the Zambakro PKTC (Côte d'Ivoire) as a tactical institution; the Kofi Annan International Peacekeeping Training Centre (Ghana) as an operational level centre; the National War College (Nigeria) as the strategic level institution. Other regions have their own training centres and institutions, both nationally and regionally, including the SADC Regional Peacekeeping Training Centre in Zimbabwe, the PSTC Kenya and the Cairo International PK Training Centre. Regionally the establishment, through the Training for Peace project of an African Chapter of African peacekeeping training centres may be useful in the pursuit of doctrinal harmonisation and sharing of lessons learnt.

2.17 While this arrangement does not seek to micro-manage issues of standardisation of doctrine and training, it provides a practical framework for standardisation based on UN doctrine and training standards, and the promotion of cohesion.

2.18 It is also to be recalled that national military training frameworks provide for training cycles normally incorporating progressive training activities. AU and subregional training should therefore be designed on the basis of a cycle that dovetails into these national arrangements. In this respect, there will be the need for some degree of harmonisation among Member States signing up to the standby arrangements. Such harmonised training cycles, if synchronised with UN and other external initiatives such as ACRI (as well as Operation Focus Relief and African Crisis Operations and Training Assistance - ACOTA), RECAMP, BPST, the Norwegian funded Training for Peace program, etc., should help to harness support for AU training for

PSO by channelling external assistance towards quality support at the centres of excellence. This will enhance African peacekeeping capacities, as well as provide a framework for joint tactical and operational field training exercises (FTX), command post exercises (CPX) and telephone battles to practice common doctrine and techniques and test readiness. It will be particularly useful if training is focused towards structures established as part of the ASF.

2.19 Troops that participate in peace support operations are placed under particular scrutiny regarding their adherence to the highest standards of international humanitarian law/Law of armed conflict. This subject should be covered in national training as well as by any regional peacekeeping training institutions. Reference could here be made to bulletin issued by the UNSG in 1999 on international humanitarian law.

Brahimi Issues

2.20 The recommendations of the Brahimi Panel have made collaboration with the UN System even more fundamental. It is instructive to call to attention the Brahimi Panel's view:

There are many tasks which United Nations peacekeeping forces should not be asked to undertake and many places they should not go. But when the United Nations does send its forces to uphold the peace, they must be prepared to confront the lingering forces of war and violence, with the ability and determination to defeat them.

2.21 The Brahimi Panel's Report and Recommendations raise serious challenges that have far-reaching implications for AU and Regional peace support efforts, especially in the areas of organisation, equipment, training, operational doctrine, and capacities for mandate accomplishment, including demobilisation, disarmament and reintegration (DDR), as well as for Quick Impact Projects (QIP). In operationalising the ASF, the AU should borrow extensively from the relevant lessons drawn in the Brahimi Report and give serious consideration to those issues relating to mission-capable forces within the UN Standby Arrangements System (UNSAS) for regional training, standardisation and organic logistical support. The rationale for this view is that the relevant recommendations impose a higher premium on standards and capacities that, if met, will facilitate the full participation of African countries in UN peace operations.

Issue of AU/Regional Consultations and Coordination

2.22 The need for consultations, harmonisation and coordination of the security mechanisms of the AU and Regions is predicated on the framework of the CAAU and relevant decisions of the Durban Summit (July 2002). Within the framework of the PSC Protocol, Regional security mechanisms should be envisioned as a crucial part of the regional security architecture.

2.23 Another pertinent reason for closer AU-Regional collaboration stems from the fact that there is a limit to the burden that sub-regions can bear for their own security, and the lack of subregional capacity may tend to prolong conflicts. The AU has provided diplomatic support for subregional interventions, but its financial and logistical contributions to such Regional efforts has been limited.

2.24 The lack of fully co-ordinated and harmonised regional security mechanisms and intervention efforts has also created competition among and between African regional organisations for external assistance, to the detriment of concerted efforts at building African and regional capabilities.

2.25 In reality, the more ambitious objectives of the PSC Protocol and the ACDS recommendations which envisage subregional components of the ASF demand the full participation of the Regions. Their respective security mechanisms need to be harmonised with that of the AU, in order to synergise African security efforts.

2.26 To achieve effective consultations between the AU and Regions on these subjects, as well as with external Partners, there is the need for clearly designated focal points at all levels.

Issue of Collaboration with the International Community

2.27 AU co-operation with the international community occurs in the areas of diplomatic, political and economic activities, in addition to resource (financial and material) mobilisation in support of its peace and security agenda. In the context of building African capacity for peacekeeping, the AU is expected to continue to be the recipient and beneficiary of external support programmes, such as support for the establishment of the Conflict Management Centre (CMC), and financial support for the establishment and sustainment of peace operations. In addition, the Union and Regions have benefited from other financial and material assistance programmes such as the ACRI (US), RECAMP (France), as well as support from the British (BPST), Norwegian, Canadian, Danish and other Nordic countries. These have helped to enhance skills, further doctrinal standardisation, and improve the logistics capacity for African peacekeeping.

2.28 Nevertheless, while external initiatives have helped to improve some African peace support capacities, the level of external assistance has been lower than expected, and has not always focused on key African concerns. In particular, the OAU/AU has not been fully involved in determining the nature and scope of the initiatives.

Sustainability and Logistical Support Requirements

2.29 In order to develop advice regarding sustainability, logistic support and funding, the Meeting adopted assumptions regarding rapid deployment, periods of self-sustainability and methods of providing logistic support. These are that:

- (a) Scenarios 1 to 3 will deploy with self sustainability for 30 days.
- (b) Scenarios 4 to 6 should ideally involve contingents deploying with self sustainability for 90 days.

2.30 The identification of broad sustainability, logistical support, and funding requirements are key components for the deployment of any peace operations. The UN has developed a number of documents which are used to establish these requirements. Examples are shown at Annex F. Past experience has indicated that the rates used by the UN may be too high for adoption by the AU. It is therefore recommended that the AU use the information in these documents as a guide and build on this information, making changes as appropriate in the scales of reimbursement, the consumption rates, etc., to fit the African environment. The resulting documents, formatted to fit AU parameters, will provide valuable planning tools to determine the sustainability, logistical support and funding requirements needed for peace operations. This will also assist a smooth transition to UN operations, if necessary.

AU Logistical Infrastructure for PSO

2.31 Considering that poor equipment and logistics have often undermined effectiveness of African PSOs, the AU should initiate an investigation into an appropriate concept for logistical infrastructure and resupply system, including ASF Military Logistical Depots (AMLDD), for Phase 2. During Phase 1 Member States should focus on national readiness (own reserves and stocks) while an appropriate and cost-effective concept for Phase 2 is investigated. In general, when involved in peace support operations, force projection and sustainment should be executed by outsourcing strategic lift capabilities from the international environment.

Equipment Standardisation

2.32 While standardisation of doctrine and procedures are both desirable and possible, it should be clear that due to different development processes of Member State defence forces, equipment standardisation will not be possible across the whole spectrum of ASF military equipment. However, the clear identification of key areas where interoperability is essential, such as inter-unit communications, is urgent. The issue of standardisation policy and the development of suitable technical solutions, where necessary, should be centrally managed at the AU. Apart from the possible impact that this could have on national government procurement practices, interoperability is also an issue to be taken on board by the various external capacity building initiatives listed elsewhere in this document.

Funding and Reimbursement

2.33 The parameters for financing the peace operations of the ASF and other operational activities related to peace and security (article 21) provide for the establishment of the AU Peace Fund, subject to relevant AU Financial Rules and Regulations. The Peace Fund also receives additional contributions from African and international partners. Excepting the regular budgetary appropriations that could be guaranteed, the AU has no guaranteed control over the other sources. The PSC therefore needs to be aware of the responsibility of making available such financial resources as are requisite for ASF mission accomplishment. In this regard, however, it is recalled that the Second Meeting of the ACDS made the following recommendations on funding:

- (a) Initiating an annual fund raising week.
- (b) Increasing contributions of Member States to the Regular Budget; increasing the percentage of the budget dedicated to the Peace Fund, that is, from six (6) to ten (10) percent.
- (c) Soliciting for individual donations in cash or kind, and involving insurance corporations.

2.34 The issue of reimbursement for troop commitments, movements and airlifts, and logistical, as well as other operational costs incurred by Member States, is one that needs careful consideration. Except for some coalition interventions, particularly in West, Central and Southern Africa, lack of central funding and reimbursement for peacekeeping costs have severely inhibited the full participation of less endowed Member States. This situation has undermined multinational efforts of Regions and engendered subregional polarisation.

2.35 An appropriate policy decision is required on reimbursement rates for Member State commitments to the ASF. In addition to reimbursement of

Member States, the contribution of the Region itself needs to be considered when formulating a system of reimbursement.

Command, Control and Communication Considerations

2.36 Multinational brigades raise legal as well as technical command and control issues that need to be resolved prior to deployment. This could be achieved through appropriate AU command and control policies, Letters of Exchange (LOEs), Letters of Intent (LIs) or MOUs. In general, the command of the brigades will need to reflect the multinational nature of the formation, and be combined with a system of rotation of staff appointments, having regard to the capacities, contributions, and professional competence levels in the respective defence forces of Member State.

2.37 Skeleton Rapid Deployment Headquarters. For rapid deployment of a multinational force, UN, African and other experience clearly indicate the need for an effective mission HQ to be functioning very early. As mentioned above for readiness at 30 days or less, experience indicates that this can only be achieved by the core of such a HQ already existing full time which is trained and competent in the appropriate command procedures. Standby procedures similar to the SHIRBRIG concept and the UNSAS 'on call' HQ described in Annex E will assist development of such a capacity.

2.38 Status of Affiliation of Contingents. It is likely that not all the units contributed to the ASF will be self-sufficient, and that some will lack adequate operational resources. Such units will have to be regrouped with much stronger contingents of the ASF. This may engender some amount of political and legal implications in placing units under command of foreign officers and practical issues at the tactical level that will need close attention.

2.39 Communications. The Meeting pointed out that deployed missions and operational activities require effective communications. This is one area requiring close examination to achieve a required level of standardisation and interoperability. While the use of satellite communications may be convenient in limited observer missions and between missions and the Commission/Secretariats, they are expensive and are not ideal for communications internal to peacekeeping force operations. Careful consideration therefore needs to be given to the types and mix of communications proposed for the respective mission scenarios.

CHAPTER 3: African Standby Force: A Suggested Action Plan

3.1 By the provisions of article 13 of the PSC Protocol, the ASF will be composed of standby multidisciplinary contingents, with civilian and military components located in their countries of origin and ready for rapid deployment at appropriate notice. It further states that the ASF shall, *inter alia*, perform functions in the following areas:

- (a) Observation and monitoring missions;
- (b) Other types of peace support missions;
- (c) Intervention in a Member State in respect of grave circumstances or at the request of a Member State in order to restore peace and security, in accordance with article 4(h) and (j) of the Constitutive Act of the African Union (CAAU);
- (d) Preventive deployment;

- (e) Peacebuilding, including post-conflict disarmament and demobilisation;
- (f) Humanitarian assistance to alleviate the suffering of civilian population in conflict areas and support efforts to address major natural disasters; and
- (g) Any other functions as may be mandated by the PSC or the Assembly.

3.2 As an approach, the development of the concept of the ASF must be informed by the dynamics of relevant conflict and mission scenarios, the instructive experiences of the existing Mechanism, as well as by the experience of the UN System in peace operations, and by other models evolved outside of Africa. As far as possible, the ASF will use UN doctrine, guidelines, training and standards. The concept will also need to be validated against pragmatic conflict scenarios.

3.3 There are clear, significant and fundamental gaps between the capabilities needed to realise the AU goals and current capacity. The main areas of concern being lack of political will and readiness; lack of financial resources; lack of equipment and logistical capacity; and in some areas, lack of training. For these reasons, the full development of the ASF will need to be viewed as a longer-term project.

3.4 Taking into account financial reality, previous ACDS guidance and experiences, in broad outline the Meeting recommends that the ASF be developed in phases to provide:

- (a) A reasonable level of staffing to develop a strategic level HQ (PSOD) capacity, managing an on-call individual reinforcement system to gain mission level (ASF) HQ capacity, and specialist mission level civilian components, such as those dealing with human rights;
- (b) In due course a system of subregionally managed standby brigade groups, eventually capable of deployment in 30 days, that maintains a small full time core planning staff (15) with individual on-call reinforcement of other brigade HQ staff positions, and a pool of units on standby in Member States that are supported by appropriate administrative, logistics and training infrastructures;
- (c) An AU managed high readiness brigade capable of deployment in 30 days comprising a HQ, including a full time planning staff of 15, plus a pool of units able to be committed by Member States from all sub-regions, supported by appropriate administrative, logistics and training infrastructures;
- (d) An AU-managed standby system of military observers and police capacity, preferably consisting of individuals nominated to on-call lists. Alternatively, if it is impracticable to provide names, Member States could also advise the numbers of appropriately trained and prepared military observers and police that they could provide.

3.5 The entire standby system would use as its basis for doctrine and training, concepts and material developed by the UN and SHIRBRIG and other organisations (as outlined in the Standby models described in Annex E). It should also be linked into the UNSAS.

Multidimensional Strategic Level Management Capability

3.6 While the AU should provide overall political direction to peace operations in Africa that are not commanded by the UN, it is clear that some missions could be managed at the strategic level by Regions, but with AU and UN sanction as appropriate. Indeed, such Regional-mandated missions should have the involvement of the AU and the UN, which should, to various degrees,

provide not only diplomatic support, but also direct financial and logistical assistance and assistance to mobilise material and financial support.

3.7 Financial constraints and a need to avoid duplication with the UN System dictate that, for the foreseeable future, full time strategic level HQ capacity in both the AU and Regions will be minimal. Besides ongoing efforts to enhance staffing levels within the relevant peace operations Directorates (this applies to the AU and ECOWAS, for instance), the AU and Regions should supplement their Commission/Secretariat HQ capacity by using UN and On-Call Member State personnel. It is possible reinforcements may also be available from other sources, e.g., external Partners and initiatives, the SHIRBRIG, etc. The AU should therefore explore avenues for the formulation of MOUs with these entities to that end. As far as the UN is concerned, the possibility of such an MOU exists.

3.8 Phases: The Meeting recommends that strategic level AU HQ management capacity should be developed in two phases:

(a) Phase 1. (Up to 30 June 2005):

(i) AU Capability: The AU should develop and maintain the full time capacity to manage Scenario 1 and 2 (military advice to political mission and co-deployed observer) missions, and establish a standby reinforcement system to manage Scenario 3 (stand alone observer) missions. The structure is at Annex C. Experience suggests that at this level, a senior officer of the rank of Brigadier will be required in the PSD to provide an appropriate level of strategic military advice. The AU should also commence to develop a high readiness brigade capability.

(ii) Regional Capability: Regions should within capacity develop their standby brigades within this phase. Where they can develop standby brigade groups, Regions should, by the end of this phase also develop the capacity to use a standby reinforcement system to manage Scenario 4 (AU/Regional PKF) missions.

(b) Phase 2. (1 July 2005 - 30 June 2010).

(i) AU Capability: In this period, while maintaining its full time capacity to manage Scenario 1 and 2, the AU should develop the capacity to manage up to Scenario 5 (complex PKF) missions. The structure is at Annex C. Experience suggests that at this level, a senior officer of the rank of Major General will be required in the PSD to provide an appropriate level of strategic military advice.

(ii) Regional Capability: All Regions should try to develop capabilities up to that of a standby brigade in this period, and those with existing brigades should increase their rapid deployment capability.

Mission HQ Level Management Capability

3.9 Even though the Director PSD should exercise overall responsibility for the establishment of the ASF, it is argued that the peculiarities of the standby arrangements and the initial requirements for its effective management, training and possible deployment, strongly suggest the need to develop a skeleton mission headquarters in Addis, under a Chief of Staff (COS), of the rank of Major General; this rank is considered appropriate for missions involving brigades or contingents drawn from more than one sub-region.

3.10 The COS and his skeleton HQ should be embedded with the Planning Element of the AU high readiness brigade. With the benefit of his peacetime command, control, training and administration of the standby arrangements, the COS could be redesignated as FC/CMO to deploy rapidly with the skeleton

HQ/Planning Element Staff to ensure that the impending mission is provided with effective operational management and guidance. Alternatively, the COS and his HQ could remain in the mission area for the first 3-6 months of an operation, to make for its gradual relief by a mission headquarters staffed by personnel recruited for that purpose.

3.11 The Meeting recommends that such capacity should be developed using an on-call system of individuals and standing logistics infrastructure as follows:

- (a) Phase 1. (Up to 30 June 2005).
 - (i) AU Capability: The AU should develop the capacity to deploy a mission HQ for Scenarios 1-3.
 - (ii) Regional Capability: Where they develop standby brigade groups, Regions should also develop the capacity to deploy a mission HQ for Scenario 4 (AU/Regional PKF).
 - (iii) Lead Nations and Coalitions: Especially in regions lagging behind with the establishment of peace and security protocols and mechanisms, the Meeting recommends that encouragement be given to potential lead nations to form coalitions of the willing as a stop-gap arrangement, pending the establishment of Regional standby forces arrangements. In addition, however, it is recommended that at the AU level, potential lead nations be identified for Scenario 6 (intervention) type operations. These lead nations would be those Member States with standing deployable HQ capacity of greater than brigade level, and with forces that are capable of seizing points of entry, ideally using airborne or airmobile assets.
- (b) Phase 2. (1 July 2005 - 30 June 2010).
 - (i) AU Capability: The AU should develop the capacity to deploy a mission HQ up to Scenario 5 (complex PKF).
 - (ii) Regional Capability: Regions should continue to maintain and improve on their capacity to deploy a mission HQ for Scenario 4 (AU/Regional PKF). The staff structure is at Annex C and logistics guidelines are at Annex F.

Mission Components

3.12 Military: The Meeting recommends the following:

- (a) Military Observers.
 - (i) The AU should centrally manage a standby roster of individual military observers in order to be able to establish up to two Scenario 3 (stand-alone observer) missions simultaneously. This would mean at least 300-500 officers in accordance with the ACDS recommendation. Those observers on the roster should be trained nationally and/or within regional Peacekeeping Training Centres (PKTC), to UN standards and be held in Member States at 14 days notice.
 - (ii) UN Guidelines for Military Observers should be used and modified as necessary for AU conditions. The Observers should be paid by their parent Member States, while the AU administers travel, mission subsistence, and other allowances in accordance with its established Administrative, Logistic and Financial Guidelines and SOPs.
 - (iii) AU observer missions should be supported from the AU logistical infrastructure, which should include equipment maintained centrally (AU MLD).

- (b) Formed Units.
 - (i) Where capable, by 30 June 2005, the AU and Regions should establish standby brigade groups (in the case of the AU this should be a standby high readiness brigade) that would consist of:
 - (a) A small full time Planning Element (PLANELM) of 15 staff, who should have the requisite experience and skills. They should be nominated as an entity for Group 1 of the UNSAS On Call List, and should be paid by their Member States with a post allowance being paid by the Region on the basis of the cost of living in the relevant HQ location. Facilities, common costs and staff helpers for operation of the PLANELM should be provided by the Region.
 - (b) Selected PLANELM staff officers could undertake on the job experience with the Copenhagen-based SHIRBRIG. The UN should be approached to use the Trust Fund for Conflict Prevention and Peacekeeping in Africa to fund this. Selection should be a consultative process involving the UN, the AU, Regions and SHIRBRIG.
 - (c) The remainder of the brigade staff would be on call in Member States. These must be individuals who are identified by name and who possess the requisite experience and skills. All should be nominated as an entity for Group 2 of the UNSAS On Call List.
 - (d) Identified brigade units would be on standby in Member States, but must be subject to verification visits by the PLANELM staff to identify standards and shortfalls. Units should be nominated for the UNSAS RDL. Where shortages of major items of equipment are identified, these should be addressed through the use of central Regional stocks (this is described below).
 - (e) The pool of units that are identified as part of the system should exceed that required for an operation. This redundancy will allow for Member State decisions not to deploy, as well as allow for rotations and possibly more than one simultaneous mission.
 - (f) Central AU/Regional logistics facilities. Regional MLDs should hold standard stocks to cover typical shortages for sustainment and key items of equipment. The stocking policy should cover a brigade level deployment for 180 days. The MLDs should be controlled through a joint AU/Regional mechanism, but operated by regional staff. Alternatively, they could be managed by a contractor. Stocks should only be used for UN/AU mandated or authorised missions.
 - (g) A system that would link the issue of equipment from the MLD, with final collective training, and certification that brigades/units are operationally deployable. Staff to support this collective training could be drawn from regional centres of excellence and/or from Member States. Ideally, if funding were available, dedicated collective training institutions could be established.
 - (h) The AU should jointly agree on locations of logistics infrastructure (MLDs) and training facilities with Regions, in order to maximise efficiency and effectiveness.
 - (ii) Where a sub-region does not possess the capacity to establish a multinational brigade group organic to the Region, or where for whatever reason a Member State wishes to contribute outside the brigade group framework, two options should remain open:
 - (aa) Option 1: A Member State may wish to offer to serve as a lead nation with an established brigade HQ. In this case other Member States could

provide additional units on standby in a manner similar to that described above, with bilateral support to bring the unit up to RDL level as required.

- (bb) Option 2: The AU should manage a central high readiness brigade and standby system of units similar to SHIRBRIG and UNSAS. Units should be able to reach RDL level standards, if necessary through bilateral assistance. In particular, the units providing enabling capability for rapid deployment, should be included in this option.
 - (iii) As regards employment, the Meeting noted that a brigade would not be restricted to undertaking missions in its own sub-region. Where a Regional standby brigade is employed within its own region, the Meeting is of the view that the command, control and management of such a brigade will be a Regional responsibility.
 - (iv) Two or more brigades could be linked to establish a Scenario 5 (complex PKF) mission. Where such brigades are drawn from more than one Region, or where a number of single nation standby units are composed for an ASF mission, the AU should assume command, control and administrative responsibility for such missions.
 - (v) Standby brigades could also be used as follow-on forces after the initial lead nation forced entry in a Scenario 6 (intervention) mission.
 - (vi) Solutions should cater for a multilingual environment. In this vein, the formation of brigade groups should not exacerbate linguistic division that can be exploited by external actors. Multilingual capacity should be developed in the staff of the Planning Elements, perhaps through in situ language training, and ideally with the non-permanent staff.
 - (vii) In some instances, Member States may offer specialised units that may be useful, but would not normally form part of a brigade group. To cater for this, the AU should include them in centralised arrangements managed at AU level.
- 3.13 Police: The Meeting recommends the following:

- (a) Individual Police Officers. By 30 June 2005, the AU should establish and centrally manage a standby roster of individual police officers in order to be able to establish the police component of up to two Scenario 5 (complex PKF) missions simultaneously. This would mean at least 240 officers, some whom would act as staff officers on the mission HQ. These individuals should be trained nationally to UN standards, or at regional and other centres of excellence, and be held in Member States at 14 days notice. UN Guidelines for Police Missions should be used and modified as necessary for AU conditions. Police Officers should be paid by their parent Member State, while the AU administers travel, mission subsistence and other allowances, in accordance with its Administrative, Logistic and Financial Guidelines and SOPs. Individual police standby arrangements should be linked to UNSAS.
- (b) Formed Units. Some Member States maintain formed units of police such as gendarmerie. By 30 June 2005 the AU should establish and centrally manage a standby system that would contain at least two company level units on 90 days notice, in order to be able to support two Scenario 5 (complex PKF) missions simultaneously. These would be managed in a similar fashion to the RDL arrangements with verification visits, and as required, use the central AU logistical infrastructure. In a manner similar to formed military units, Member States providing police units would be reimbursed under a system similar to the UN, subject to

necessary variations to suit AU conditions. The AU should be linked to UNSAS.

3.14 **Civilian Components.** The Meeting recommends that by 30 June 2005 the AU should establish and centrally manage a roster of mission administration, plus a roster of civilian experts to fill the human rights, humanitarian, governance, DDR and reconstruction component structure shown at Annex D. Qualifications should be similar to that required by the UN, while the AU roster should be linked to UN rosters. On deployment civilian experts should be paid by their parent Member States, while the AU administers mission subsistence and other allowances in accordance with its Administrative, Logistic and Financial Guidelines and SOPs. An alternative for some capabilities may be to establish partnerships with other organisations that have relevant expertise, e.g., UNDP, UNHCHR and World Bank, for reconstruction, governance, DDR, human rights, etc.

AU, Regional and Member State Responsibilities

3.15 While there is broad collective responsibility for the system, the establishment and maintenance of the ASF will involve specific responsibilities for the AU, Region and Member States as follows:

- (a) AU.
 - (i) Sole African mandating authority for peace operations in situations consistent with the UN Charter and the CAU.
 - (ii) Establishment and maintenance of a capacity for direct management of missions as required, with initial emphasis on Scenario 1-3 missions from 1 July 2005, and up to Scenario 5 (complex PKF) missions by 2010.
 - (iii) Overall supervision of the AU system of standby arrangements to ensure standardisation, currency of information and sound linkages with the UNSAS.
 - (iv) Establishment and detailed management of central standby arrangements for:
 - (aa) AU HQ reinforcement staff, including an MOU with the UN and other willing Partners and agencies.
 - (bb) Mission HQ staff and the Planning Element of an AU high readiness brigade.
 - (cc) Single nation military units in sub-regions where no subregional organisation or lead nation state has established a standby brigade group.
 - (dd) Specialised military units that would not normally form part of a brigade group.
 - (ee) Individual civilian police.
 - (ff) Formed police units.
 - (gg) Individuals for civilian components of missions.
 - (v) Review of UN doctrine and training material as necessary to suit African conditions and then promulgate this to Member States, Regions and the UN.
 - (vi) Coordination of efforts to establish a logistical infrastructure consisting of a central and regional MLDs, as well as efforts to mobilise external assistance towards the establishment and stocking of the MLDs.
 - (vii) Coordination of efforts to mobilise, harmonise and focus external initiatives (ACRI, RECAMP, etc.) towards standardisation of doctrine and quality peacekeeping training for peace operations.
- (b) Regions.

- (i) If within capability, establishment and maintenance of a capacity for direct management of missions, with emphasis on Scenario 4 missions.
- (ii) If within capability, establishment and maintenance of standby arrangements for:
 - (aa) HQ reinforcement staff, including an MOU with the UN, under the auspices of the AU.
 - (bb) Mission HQ staff for a Scenario 4 mission.
 - (cc) A standby brigade group, including training at brigade level.
 - (dd) Direct management of subregional logistical and training infra-structures.
 - (ee) Elements nominated to the AU high readiness brigade.
- (c) Member States.
 - (i) If within capability, provide individuals and units to AU high readiness and subregional standby arrangements, including permitting required verification visits by the AU, Regions and UN.
 - (ii) Train individuals and units in basic military tasks using national doctrine and procedures.
 - (iii) Train individuals and units in the particular tasks involved in peace operations, using UN standardised doctrine and training material, and where necessary, consistent with AU SOPs reflecting African situations.
- (d) Priority of Effort. The Meeting recommends that, where required, the following factors be taken into consideration in determining the priority of effort in establishing the subregional standby brigades:
 - (i) Regional volatility.
 - (ii) Regional political cohesion.
 - (iii) Existing security architecture and infrastructure.

Enhancing Co-operation with the UN

3.16 There are a number of areas where the ASF Concept and overall African peace and security agenda can be enhanced through co-operation with the UN. The Meeting recommends that:

- (a) HQ Capacity: In establishing high readiness and standby brigade groups, the AU and Regions should establish an MOU with the UN to reinforce strategic HQ capacity, using an on call UN Planning, Liaison, and Advisory Team. Additionally the UN should consider on request of the AU reinforcing the UNLO office in Addis with a peacekeeping specialist.
- (b) Standby Information: Where Member States approve, the AU should ensure African standby information is included in UN standby databases. The UN should share its detailed requirements for military, police and civilian standby with the AU.
- (c) Doctrine and Training Material: The AU should consult closely with the UN to gain access to the latest UN peace operations doctrine and training material and modify this as necessary to suit African conditions. Essentially, all African peacekeeping centres of excellence should have and use such material. The AU, Regions and Member States should actively participate in the activities of the DPKO Training and Evaluation Service Standardised Generic Training Module Project. To that end, the UN (DPKO) should be invited to participate in the planning and conduct of all forms of peacekeeping training and exercises, including those within the frameworks of external initiatives.
- (d) On the Job Experience. The AU and Regions should co-operate closely with the UN to gain experience at UN HQ, and with the Planning Element

of the Copenhagen-based SHIRBRIG. The UN should be approached to fund this through the appropriate Trust Fund.

- (e) Logistics Co-operation. Given the AU goal of handing over an operation to the UN as soon as possible, the AU should approach the UN with a view to co-operation in logistics support.
- (f) UN Consultations with TCCs. In order to take advantage of this provision, the Meeting recommends that one or more ASF operational brigades should be organised in accordance with UN standards to be fielded in UN peacekeeping operations along the lines of SHIRBRIG. The strategy of task-organising special contingents for UN missions is currently being adopted by some national defence forces—India is a good example—which have, as a result, reaped enormous benefits, including operational expertise and financial resources, from participation in UN peace operations. The funding of regional operations could thus be ‘subsidised’ with funds from ASF’s participation in UN missions. In addition to their being harmonised with commitments to the UNSAS, ASF databases will also benefit from that of the UNSAS and help provide a formal framework for bilateral MOU and/or LOEs between African TCCs and the AU Commission. This is consistent with the coherent brigade group concept contained in the Brahimi Report.

Command and Control Functions

3.17 Reiterating the assumption that the structures of the OAU Mechanism for Conflict Prevention, Management and Resolution are of relevance, the Meeting recommends the following command and control relationships and functions:

- (a) Strategic Chain of Command and Functions.
 - (i) In accordance with articles 6 (Functions) and 7 (Powers) of the PSC Protocol, the PSC, as the decision-making institution, should be the sole authority for mandating and terminating AU peace missions and operations.
 - (ii) In accordance with article 10 (The Role of the Chairperson of the Commission), political command and control of missions mandated by the PSC should be vested in the Chairperson, who should then submit periodic reports to the PSC on the progress of implementation of the relevant mandates of such operations and missions. The Reports of the Chairperson should include, but not be limited to the following matters:
 - (aa) Introduction.
 - (bb) Progress of implementation of the ceasefire and/or agreement.
 - (cc) Status of the mission.
 - (dd) Status of work of other commissions and agencies.
 - (ee) Humanitarian developments.
 - (ff) Human rights.
 - (gg) Confidence-building measures, etc.
 - (hh) Observations and recommendations.
 - (iii) The Chairperson should, however, delegate authority for the political direction and administrative control of AU peace operations and missions to the Commissioner for Peace and Security. As part of his functions, the Commissioner for Peace and Security, should exercise delegated authority for:
 - (aa) Enhancing the rapid and effective response of the Commission to conflict situations.

- (bb) Providing the Commissioner with early warning information and timely, informed analysis of current and potential conflicts, to facilitate appropriate and effective decisions and actions by the Commissioner and the PSC.
- (cc) Providing facilities for collection, collation and dissemination of early warning data, and communication linkage with Member States, Regions, peace operations and missions.
- (dd) Providing analysis of conflict – and security – related information, and research into the root causes of conflicts, for the formulation of specific-, medium- and long-term policy options.
- (ee) Providing facilities for collection, collation and dissemination of early warning data, and communication linkage with Member States and field missions.
- (ff) The detailed planning, preparation, conduct, direction and sustainment of AU peace operations and missions.
- (gg) Assisting Member States and Regions in any activity related to peace support missions, defence and security matters.
- (hh) Providing planning guidance for the implementation of post conflict reconstruction.
- (ii) Provide administrative and technical support for PSC meetings and dissemination of its decisions.
- (iv) Similarly, the PSOD should be responsible for the routine execution of all decisions and issues relating to the planning, deployment and sustainment of missions.

3.18 Chain of ASF Command.

- (a) In Scenarios 2 and 3 missions, overall political control and overall direction, as well as the activities of the mission and consultations with other organisations and agencies in the field, should normally be exercised and co-ordinated by an AU Special Representative (ASR) designated by the Chairperson. All heads of major components should report to him.
- (b) The Chairperson of the Commission will provide the ASR with legal and political advisers, and with a civilian administrative staff, as necessary.
- (c) Notwithstanding the designation of a Special Representative, command and control of the military components of an AU mission should be vested variously in an FC or CMO, who should be appointed by the Chairperson. He should be provided with appropriate HQ facilities based on the type of mission to be undertaken.
- (d) Military personnel of AU peace missions should be under the authority of the Chairperson of the AU, through the FC/CMO, and should be directly answerable to FC/CMO for the conduct and performance of their duties. Member States contributing contingents and other military and civilian staff components to AU missions shall allocate them under the command and control authority of the AU.
- (e) The outline chain of ASF command and control in a top-down mode should be:
 - (i) Commissioner, Peace and Security Department, supported by Director (PSD) and Head (PSOD).
 - (ii) Head of Mission (AU Special Representative).
 - (iii) FC/CMO.

This reporting channel should not preclude the Head of Mission, as and when appropriate, from direct access to the Chairperson of the Commission.

Communications

- 3.19 The Meeting recommends the following capacity for communications:
- (a) AU responsibility for providing communications will be focused at supporting the following:
 - (i) An HF digital encryption-capable communication systems linking the AU Commission with Regional Secretariats, Regional Offices and ASF Missions (administration and operations), combined with land/GSM telephones and faxes, as well as broadband and Internet facilities.
 - (ii) ASF HF digital encryption-capable communication systems (administration/operations) with rear link to the AU Commission, Regions and Regional Office(s).
 - (iii) Sector/contingent/detachment (combat net radio), communications, rear link to ASF HQ.
 - (iv) Broadband and cc-mail presence which should be provided by the ASF.
 - (b) Contingent responsibility for providing communications should be focused at supporting the following:
 - (i) Forward communications capable of maintaining the required command and control, security, and logistics nets required to support operations within the units' areas of responsibility.
 - (ii) Separate contingent rear link to home country.
 - (c) These links include telephone, VHF/UHF FM and HF communications available and meeting mission requirements.
- 3.20 Force Integrity: The Meeting recommends the following in order to ensure force integrity and morale:
- (a) Multinational Balance. As much as possible, staff appointments at ASF mission HQs should reflect the multinational nature of the force, and should be characterised by the same principle of geographical distribution, subject to technical aspects of levels of command, the size and attributes of contingents, and the rank structure of their staff. Appointments should also be rotated periodically (12 months) to ensure balanced national exposure and to forestall tendencies that excessive familiarity with particular appointments could breed.
 - (b) Consultations with Senior National Officers. Senior national officers within the mission should be consulted on issues pertaining to the operations of his/her contingent.

Enhancing Co-operation with Regions

3.21 In general, the Meeting recommends that in order to enhance AU Regional co-operation, consultative meetings between the PSC and Regional security organs should be formalised. Additionally, the appropriate subregional Departments responsible for security should be involved in ASF mission planning.

Enhancing Co-operation with the International Community

3.22 It is in the interest of the AU to maintain co-operation with its traditional Partners in accordance with the provisions of the Protocol on the PSC. Such co-operation should however be reviewed to allow for increased joint AU ownership of the relevant external initiatives and assistance. Towards this end, the Meeting recommends that:

- (a) The AU should negotiate with its Partners to share in the planning, objectives and conduct of external support initiatives; the objectives of training exercises should accord with requirements of the AU.
- (b) The AU should encourage its Partners and donors to meet UN equipment standards in their assistance and initiatives.
- (c) The AU should negotiate with the Partners and donors to have equipment donations through multilateral arrangements towards stocking, maintaining and managing MLDs.
- (d) Explore through MOU, the possibility of strategic airlift of ASF equipment and personnel to and from mission areas, from external Partners.

3.23 In general, the harmonisation of security mechanisms and collaborative multilateral regional and subregional security with the UN and international community will facilitate global African strategies for peace support and peacebuilding efforts. In terms of external assistance and initiatives, it may facilitate a shift or change in the competing nature of external initiatives, and a move away from bilateral arrangements towards multilateral regional assistance arrangements. The G8 approach emphasising multilateral regional arrangements with African ownership underscores this point.

Other Suggested Actions

3.24 The Meeting is of the view that the following additional actions need to be considered:

- (a) Mandates: Ceasefire or peace agreements negotiated by the AU, to be implemented by the ASF, should meet threshold conditions, such as consistency with international human rights standards and practicability of specified tasks and timelines.
- (b) Entry-Exit Strategies and Mandates.
 - (i) There is the need to highlight the requirement for a framework of entry and exit strategies informed by realistic criteria addressing the legal, political and moral dilemmas of intervention. The Fund for Peace (FfP) Seminar suggested that AU and Regional operations should be designed with the view to eventually handing over mandates and responsibilities to the UN, with or without the subsuming of regional forces. Where intervention takes place before appropriate authorisation, *ex post facto*, the approval of the AU and/or the UN should be sought. The PSC must be clear in its entry and exit strategies for each of the scenarios for which the ASF is being designed.
 - (ii) For intervention, the level of coherence and capability required is such that a phased concept of deployment is required, involving a lead or single nation to seize a point of entry(s) to stabilise the situation, followed by standby brigade group(s) deployment.
- (c) Staffing.
 - (i) Best Practices Capability. Although not included in currently approved structures (PSOD), similar to DPKO, the PSD should develop a Best Practices capability, possibly using serving as well as retired officers.
 - (ii) AU Military Advisory Staff: Considering the enormity of the military aspects of AU-UN consultations and the implications of AU/Regional peace operations, the Meeting is of the view that serious consideration needs to be given to the inclusion of a military liaison and advisory officer of appropriate rank on the staff of the AU Permanent Mission to

- UN HQ in New York, to facilitate appropriate military staff actions on issues relating to peace and security.
- (d) IT: IT needs to be considered as a vital tool for ASF command, control and communications. Ongoing improvements in IT resources and facilities at the AU Commission and some Regional Secretariats should therefore be extended to the ASF. The ASF must also be provided with appropriate reliable and effective multiple link communications, including Internet access and mission Intranet facilities. In this sense, consideration should be given to the need to establish a small IT/EDP cell at the Commission (within the PSD), Regional Secretariats and within the rapidly deployable ASF HQ, which resources could then be expanded during deployment.
 - (e) Quick Impact Projects. Even though the ASF will not be expected to undertake serious humanitarian projects, it should be endowed with appropriate resources and capacity in specialised units, to undertake QIP and limited post-conflict reconstruction. This accords with the recommendations of the Brahimi Panel for UN peace operations.
 - (f) Reimbursement. The meeting recommended that the AU should reimburse contributors. Indications are that some Member States would be unable to contribute to operations without adequate reimbursement. If reimbursement is determined, using the relevant UN scales of reimbursement as a guide, the AU, in consultation with Regions, should determine its own scales based on its capacity to fund the reimbursement regime. A sample of the UN scales of reimbursement is at Annex F. The meeting recommended that the AU establish a working group, comprising at least of one nominated member from each sub-region, to provide options for ASF re-imburement, guided by the following considerations:
 - (i) Re-imburement for personnel and equipment are considered separately.
 - (ii) Reimbursement follows the format of the UN.
 - (iii) The scale of reimbursement is determined for subregion actions, and AU mandated actions based on subregional and AU respective expert considerations
 - (iv) A mission may be initiated at subregional level, later receive AU mandate and thereafter UN – mandate and thus would move through three levels of re-imburement process.
 - (v) Preferably AU – mandated missions do not involve different scales for personnel and equipment within one mission.
 - (vi) Bilateral funding and/or resource allocations towards a subregional/ or AU mission is accommodated, not reimbursed but accounted for as per bilateral arrangement.
 - (g) AU Logistical Infrastructure for PSO. Any AU logistics support strategy should aim to enable rapid and effective deployment, on the one hand, and mission sustainability on the other. To this end, it is suggested that the AMLD should be incorporated into a system of subregional MLDs. In future, external logistical facilities in the region should be negotiated to support these MLDs. Alternatively, the AMLD could be centralised like the UNLB (Brindisi); this has the advantage of maximising the management and maintenance resources of the facility, even though it will also entail higher costs in strategic air and sea lifts.

- (h) Equipment Standardisation. This will probably involve various technical working groups in areas such as communications and IT, as well as key areas of logistics. Because of its very well developed system in this regard, NATO should be approached for advice on the systems they use.
- (i) Funding. To ensure availability of funds for the implementation of the Protocol, the Meeting suggests that consideration be given to additional means being considered by some Regions, such as the levying of a peace tax. Additionally, assessed supplementary quotas could be made to meet the cost of specific PKOs. Furthermore, to stretch the value and application of available funds, and strengthen the confidence of external supporters, stringent measures for probity, accountability and transparency, need to be maintained. Stringent inspection and verification regimes at all levels of missions, and by appropriate AU Departments and Offices, will help to ensure this.

CHAPTER 4: Military Staff Committee

Establishment

4.1 The Military Staff Committee (MSC) is to be established pursuant to article 13 of the PSC Protocol. In this respect, it should be established as a standing advisory military committee to the PSC.

Composition and Membership

4.2 According to the relevant article, the MSC shall be composed of Senior Military Officers of the Member of the PSC. It also provides that any Member State not represented on the MSC may be invited by the Committee to participate in its deliberations when it is so required for the efficient discharge of the Committee's responsibilities.

Regional Representation

4.3 Given that operational capacity of the ASF is largely based on subregional groupings, the views of the sub-regions should be represented in the MSC. This creates a responsibility for Member States to consult with their sub-region, in order to accurately reflect the subregional position, and to periodically invite Regional representatives as observers to

MSC meetings

4.4 Membership of the MSC should accord with those of the PSC. Members will serve the terms of their elected Member States serving on the PSC. In the event that an elected Member State of the PSC is not permanently represented by a sufficiently Senior Military Advisor in Addis Ababa, that Member State may authorise/designate another Member State which is not a Member of the PSC, to serve on its behalf on the MSC.

Functions

4.5 Having due regard to article 13 of the PSC Protocol and informed by the functions of the MSC of the UN Security Council (article 47), as well as similar provisions of NATO, the EU and the SHIRBRIG, the Meeting proposes the following military advisory functions for the MSC:

- (a) To advise and assist the PSC in all questions relating to military and security requirements for the promotion and maintenance of peace and security in Africa.
- (b) Similarly, to keep the Chiefs of Defence Staff (CDS) of Member States serving on the PSC and MSC well informed of all decisions of the PSC, and their implications on peace and security in Africa, in order to facilitate their deliberations and decisions during MSC meetings at the level of ACDS.
- (c) To ensure that policies and actions in the fields of conflict prevention, management and resolution are consistent with subregional mechanisms.
- (d) To enhance co-operation in the fields of early warning, conflict prevention, peacemaking, peacekeeping and post-conflict peacebuilding through consultations with the PSD (PSOD).
- (e) Prior to submission of plans to the Chairperson, co-ordinate with the PSOD.
- (f) Subject to the decision and authorisation of the PSC, participate in or undertake visits to ASF missions, and other peacemaking and peacebuilding functions for the resolution of conflicts.
- (g) Carry out any other functions, which the PSC may entrust to it.

Chairperson

4.6 The modalities of the Chairperson of the MSC should be guided by those of the PSC. Thus, the Member State holding the Chair of the PSC should also provide the Chair of the MSC.

4.7 In accordance with the Provisions of the PSC Protocol, the Chairperson of the PSC should take appropriate measures for convening meetings of the MSC at the level of the CDS. In all other cases, the Chair of the MSC will convene meetings and take appropriate follow-up measures.

Rules of Procedure

4.8 Agenda: The Meeting recommends that the MSC should derive the agenda of its meetings from two sources:

- (a) Members of the MSC should be given notification of all PSC meetings at the same time that members of the PSC are being notified, in order to facilitate their own deliberations, consultations, and provision of advice, prior to meetings of the PSC.
- (b) As and when it is necessary to convene on its own accord, the MSC should develop its own agenda. The provisional agenda of such MSC meetings should be determined by its Chairperson on the basis of items proposed by its Members, or advised/suggested by the PSD. The inclusion of any item in the provisional agenda may not be opposed by a Member.
- (c) In general, the draft agenda may include the following items:
 - (i) Adoption of the agenda.
 - (ii) Reading and adoption of the minutes of the previous meeting.
 - (iii) Chairperson's remarks and information.
 - (iv) Mission/Security Information briefing.
 - (v) Substantive points (to be presented by nominating Member).
 - (vi) Date and draft agenda of next meeting.
 - (vii) Any other business.

4.9 Meetings: The Meeting proposes that:

- (a) The MSC should be in permanent sessions and should meet at the level of Senior Military Officers and CDS. It should convene as often as required, prior to all meetings of the PSC at the level of the Senior Military Officers, but at least once a month, prior to meetings of the PSC, which they should also attend to offer any necessary clarifications and advice when invited to do so. The MSC should also convene normally once per year at the level of the CDS, and include Regional representatives, to discuss questions relating to the military and security requirements for the promotion and maintenance of peace and security in Africa, and to review the activities of the MSC.
- (b) Upon notification of PSC meetings, the MSC should meet to deliberate on the military security implications of all issues coming before the PSC, and formulate common understanding and position on such issues.
- (c) If and when necessary/possible, it should arrange consultative meetings with the PSD in order to seek further clarifications on issues, or to acquaint the PSD with the perspectives and/or position of the MSC on issues.
- (d) The MSC should prepare briefs detailing the perspectives and/or position of the MSC regarding issues coming before the PSC, in order to facilitate the deliberations and decisions of the PSC.

4.10 Quorum: The number of Members required to constitute a quorum should be two-thirds of the total membership of the MSC, that is, 10 out of the 15 Members.

4.11 Conduct of Business.

- (a) In line with the PSC, the MSC should hold closed meetings, during which any Member who is party to a conflict or a situation under consideration by the MSC should not participate, either in the discussion or in the decision-making process relating to that conflict or situation. Such a Member should be invited only to present its case to the MSC as appropriate, and should, thereafter, withdraw from the proceedings.
- (b) When the MSC decides to hold open meetings:
 - (i) Any Member which is not a Member of the MSC, if it is party to a conflict or a situation under consideration by the MSC, should be invited to present its case as appropriate, without the right to vote, in the discussion.
 - (ii) Any Member which is not a Member of the MSC may be invited to participate, without the right to vote, in the discussion of any question brought before the MSC whenever that Member considers that its interests are especially affected.
 - (iii) Any Regional Mechanism, international organisation or civil society organisation involved and/or interested to participate, without the right to vote, in the discussion of relating to that conflict or situation, may be invited.
- (c) In appropriate ways and with appropriate institutions, the MSC may hold informal consultations with parties concerned with or interested in a conflict or a situation under its consideration, as well as with Regional Mechanisms, international organisations and civil society organisations as may be needed for the discharge of its responsibilities.
- (d) The MSC may also establish such working or working groups as it deems necessary for the performance of its functions.

4.12 Decisions and Voting.

- (a) Each Member of the MSC should have one vote.

- (b) Decisions of the MSC should generally be guided by the principle of consensus. In situations where consensus cannot be reached, the MSC should adopt its decisions on procedural matters by a simple majority, while decisions on all other matters should be made by a two-thirds majority vote of its Members voting.

4.13 Other Rules of Business: Within the foregoing framework, the MSC should evolve and submit its own rules for the conduct of business, records of meetings and any other relevant aspect of its work, for due consideration and approval by the PSC. The Chairperson of the MSC may avail him/herself of the services of the PSC Secretariat for the production of the records of meetings and any other relevant aspects of the work of the MSC. The MSC will further be guided by the relevant traditions of the PSC.

Accountability

4.14 The MSC should be an advisory Committee accountable to the PSC, even though it may consult with other institutions as explained in these provisions. It should have no executive powers of its own except as and when assigned by the PSC.

CHAPTER 5: Recommendations and Way Forward

The African Standby Force

(1) The Basics of the Force

5.1 It is recommended that an ASF be established in two phases, with Phase 1 to 30 June 2005, and Phase 2 to 30 June 2010. The Meeting confirmed the importance of the brigade level as the basis for a viable peace operations capability. Taking into account financial reality, previous ACDS guidance and experiences, in broad outline the Meeting further recommends that the ASF be developed in phases to provide:

- (a) A reasonable level of staffing to develop a strategic level HQ capacity, managing an on-call individual reinforcement system to gain mission level (ASF) HQ capacity, and specialist mission level civilian components.
- (b) System of Regionally managed standby brigade, eventually capable of deployment in 30 days and a pool of units on standby in Member States that are supported by appropriate administrative, logistics and training infrastructures.
- (c) An AU Strategic HQ located at the AU Commission capable of managing, planning and conducting all necessary arrangements for employment of the Standby Force. The Strategic HQ must be supported by necessary systems capable of rendering appropriate support for its operations and functions.
- (d) An AU-managed standby system of military observers, civilian and police capacity.

(2) Goals, Priorities and Deployment Timelines

5.2 The Meeting recommends the following long-term deployment targets for the ASF from an AU mandate resolution:

- (a) Simpler missions (scenarios 1-4) should be able to deploy in 30 days;
- (b) Complex missions (scenario 5) should complete deployment in 90 days, with the military component being able to deploy in 30 days; and

(c) Due to the nature of situations demanding intervention operations, (scenario 6), it will be important the AU can eventually deploy a robust military force in 14 days.

(3) Multidimensional Strategic Level Management Capability

5.3 The Meeting recommends that strategic level HQ management capacity should be developed in two phases:

(a) Phase 1 (Up to 30 June 2005).

(i) AU Capability: The AU should develop and maintain the full time capacity to manage Scenario 1 and 2 (AU/Regional military advice to political mission and co-deployed observer) missions, and establish a standby reinforcement system to manage Scenario 3 (stand alone observer) missions. The AU should also develop a system of communication with the Regions.

(ii) Regional Capability: Regions should within capacity develop/evolve their standby brigades within this phase. Where they can develop standby brigade groups, Regions should by the end of this phase also develop the capacity to use a standby reinforcement system to manage Scenario 4 (AU/Regional PKF) missions.

(b) Phase 2 (1 July 2005 - 30 June 2010)

(i) AU Capability: In this period, while maintaining its full time capacity to manage Scenario 1 and 2, the AU should develop the capacity to manage up to Scenario 5 (complex PKF) missions.

(ii) Regional Capability: All Regions should try to develop a standby brigade in this period, and those with existing brigades should increase their rapid deployment capability.

(4) Mission HQ Level Management Capability

5.4 Although the Director PSD should exercise overall responsibility for the establishment of the ASF, it is recommended that a skeleton mission headquarters be developed in Addis Ababa.

(5) Mission Components

5.5 The Meeting recommends the following:

(a) Military Observers

The AU should centrally manage a standby roster of individual military observers, consisting of at least 300-500 officers at 14 days notice.

(b) Formed Units

Where capable, by 30 June 2005, the AU and Regions should establish standby brigade that would consist of:

(i) A small full time Planning Element (PLANELM).

(ii) Selected PLANELM staff officers could undertake on the job experience with the Copenhagen-based SHIRBRIG. The UN should be approached to use the Trust Fund for Conflict Prevention and Peacekeeping in Africa to fund this.

(iii) Identified brigade units would be on standby in Member States, but must be subject to verification visits by the PLANELM staff to identify standards and shortfalls.

(iv) The pool of units that are identified as part of the system should exceed that required for an operation. This will allow for Member State decisions not to deploy, as well as allow for rotations.

(v) Regional MLDs should hold standard stocks to cover typical shortages for sustainment and key items of equipment. The stocking policy should cover a brigade level deployment for 180 days.

(vi) The AU should jointly agree on locations of logistics infrastructure (MLDs) and training facilities with Regions, in order to maximise efficiency and effectiveness.

(c) Police

The Meeting recommends that by 30 June 2005, the AU should establish and centrally manage a standby roster of at least 240 police officers in order to be able to establish the police component of complex PKF missions. These individuals should be trained nationally to UN standards, or at regional and other centres of excellence, and be held in Member States at 14 days notice. By 30 June 2005 the AU should also establish and centrally manage a standby system that would contain at least two company level formed police units on 90 days notice, in order to be able to support complex PKF missions.

(d) Civilian Components

The Meeting recommends that the AU should establish and centrally manage a roster of mission administration, plus a roster of civilian experts to fill the human rights, humanitarian, governance, DDR and reconstruction components of a complex PKF mission. Qualifications should be similar to that required by the UN, while the AU roster should be linked to UN rosters.

(6) Doctrine

5.6 The Meeting endorses the recommendation of the Second ACDS Meeting that peacekeeping doctrine used by the ASF should be consistent with doctrine produced and used by the UN, and complemented by African specificity.

(7) Training

5.7 The Meeting endorses the recommendation of the ACDS that Africa should use UN training standards and material, modified as necessary. This training shall include International Humanitarian Law. The UN has made significant effort in recent months in this direction, particularly as part of its Standardised Generic Training Modules Project.

5.8 The AU and regional training framework should provide for some amount of coordination of AU, Regional and national training, as well as for the establishment and utilisation of existent centres of excellence for peacekeeping training.

(8) Equipment Interoperability

5.9 The Meeting noted that clear identification of key areas where interoperability is essential. It is therefore recommended that the issue of standardisation policy and the development of suitable technical solutions, where necessary, should be centrally managed at the AU.

(9) Enhancing Co-operation with the UN

(a) HQ Capacity

In establishing high readiness and standby brigade groups, the AU and Regions should establish an MOU with the UN to reinforce strategic HQ capacity, using an on call UN Planning, Liaison, and Advisory Team. Additionally the UN should consider on request of the AU reinforcing the UNLO office in Addis with a peacekeeping specialist.

(b) Standby Information

Where Member States approve, the AU should ensure African standby information is included in UN standby databases.

(c) Doctrine and Training Material

The AU should consult closely with the UN to gain access to the latest UN peace operations doctrine and training material and modify this as necessary to suit African conditions. The UN should also be invited to participate in the planning and conduct of all forms of peacekeeping training and exercises.

(d) On the Job Experience

The AU and the Regions should co-operate closely with the UN to gain experience at UN HQ, and with the Planning Element of SHIRBRIG. The UN should be approached to fund this through the appropriate Trust Fund.

(e) Logistics Co-operation

Given the AU goal of handing over an operation to the UN as soon as possible, the AU should approach the UN with a view to co-operation in logistics support.

(f) UN Consultations with TCCs

The Meeting recommends that ASF operational brigades should be organised in accordance with UN standards along the lines of SHIRBRIG.

(g) AU Military Advisory Staff

Serious consideration needs to be given to the inclusion of a military liaison and advisory officer of appropriate rank on the staff of the AU Permanent Mission to UN HQ in New York.

(10) Command and Control Functions

5.10 The Meeting noted that an agreed AU command and Control policy needed to be developed based on the existing UN command and control guidance, and including the following relationships and functions:

(a) Overall political control and overall direction, as well as the activities of the mission and consultations with other organisations and agencies in the field, should normally be exercised and co-ordinated by an AU Special Representative (ASR) designated by the Chairperson. All heads of major components should report to him.

(b) Command and control of the military components of an AU mission should be vested variously in an FC or CMO, who should be appointed by the Chairperson.

(c) Military personnel of AU peace missions should be under the authority of the Chairperson of the AU, through the FC/CMO, and should be directly answerable to FC/CMO for the conduct and performance of their duties.

(11) Enhancing Co-operation with Regions

5.11 The Meeting recommends that in order to enhance AU/Regional co-operation, consultative meetings between the PSC and regional security organs should be formalised.

(12) Enhancing Co-operation with the International Community

5.12 The Meeting recommends that:

(a) The AU should negotiate with its Partners to share in the planning, objectives and conduct of external support initiatives in accordance with requirements of the AU.

(b) The AU should encourage its Partners and donors to meet UN equipment standards in their assistance and initiatives.

(c) The AU should negotiate with the Partners and donors to have equipment donations through multilateral arrangements towards stocking, maintaining and managing AU/Regional MLDs.

(13) Reimbursement, Logistics and Funding

(a) Reimbursement

5.13 Past experience has indicated that the reimbursement rates used by the UN may be too high for adoption by the AU. The AU should make appropriate changes to the UN scales of reimbursement, the consumption rates, to fit the African environment. The Meeting recommends that the AU establish a working group, comprising at least of one nominated member from each Region, to provide options for ASF reimbursement, guided by but not limited to the following considerations:

- (a) Reimbursement follows the format of the UN. Reimbursement for personnel and equipment are to be considered separately, and take into account the capacity of the AU.
- (b) The AU should determine the standard scales of reimbursement for troops and equipment.
- (c) A mission may be initiated at Regional level, later receives AU mandate and thereafter UN mandate and thus would move through three levels of reimbursement process.
- (d) Preferably AU mandated missions do not involve different scales for personnel and equipment within one mission.
- (e) Bilateral funding and or resource allocations towards a Regional or AU mission is accommodated, not reimbursed but accounted for as per bilateral arrangement.

(b) AU Logistical Infrastructure for PSO

5.14 Any AU logistics support strategy should aim to enable rapid and effective deployment and mission sustainability. To this end, it is suggested that the AMLD should be incorporated into a system of regional MLDs. During Phase 1 Member States should focus on national readiness (own reserves and stocks) while an appropriate and cost-effective concept for Phase 2 is investigated. In general, when involved in peace support operations, force projection and sustainment should be executed by outsourcing strategic lift capabilities from the international environment.

(c) Funding

5.15 Excepting the regular budgetary appropriations that could be guaranteed, the AU has no guaranteed control over the other sources. The PSC should therefore be aware of the responsibility of making available such financial resources as are requisite for ASF mission accomplishment. In this regard it is recalled that the Second Meeting of the ACDS recommended increasing contributions of Member States to the Regular Budget; increasing the percentage of the budget dedicated to the Peace Fund from six (6) to ten (10) percent. To ensure availability of funds for the implementation of the Protocol, the Meeting suggests that consideration be given to additional means being considered by some Regions, such as the levying of a peace tax. Additionally, assessed supplementary quotas could be made to meet the cost of specific PKOs.

Military Staff Committee

5.16 The Military Staff Committee should be established as a standing advisory military committee to the PSC. It should have no executive powers of its own except as and when assigned by the PSC.

5.17 The MSC shall be composed of Senior Military Officers of the members of the PSC. Members will serve the terms of their elected Member States serving on the PSC.

5.18 The following military advisory functions are proposed for the MSC:

- (a) to advise and assist the PSC in all questions relating to military and security requirements for the promotion and maintenance of peace and security in Africa;
- (b) to keep the Chiefs of Defence Staff (CDS) of Member States serving on the PSC and MSC well informed of all decisions of the PSC;
- (c) to ensure that policies and actions in the fields of conflict prevention, management and resolution are consistent with regional mechanisms;
- (d) to enhance co-operation in the fields of early warning, conflict prevention, peacemaking, peacekeeping and post-conflict peacebuilding through consultations with the PSD (PSOD);
- (e) prior to submission of plans to the Chairperson, co-ordinate with the PSOD;
- (f) subject to the decision and authorisation of the PSC, participate in or undertake visits to ASF missions, and other peacemaking and peacebuilding functions for the resolution of conflicts.

5.19 The modalities of the Chairmanship of the MSC should be guided by those of the PSC. Thus, the Member State holding the chair of the PSC should also provide the chair of the MSC.

5.20 The MSC should derive the agenda of its meetings from two sources:

- (a) members of the MSC should be given notification of all PSC meetings at the same time that members of the PSC are being notified, in order to facilitate their own deliberations, consultations, and provision of advice, prior to meetings of the PSC;
- (b) as and when it is necessary to convene on its own accord, the MSC should develop its own agenda.

Follow-Up

5.21 By August 2003, the Chiefs of Defence Staff in the five regions should meet on a regional basis to set in motion regional processes.

5.22 Workgroups should be established in the regions to identify standby forces; rapid reaction elements; centres of excellence for peace support operations training; list of military and civilian observers; regional logistics support required; location of early warning (situation rooms for region); and communication/IT capabilities.

5.23 At the same time, Member States/Regions should nominate members to the AU to determine feasibility and/or options regarding the following:

- (a) SOPs and doctrine for PSOs (drafts to be finalised);
- (b) Communications and IT;
- (c) Early Warning (situation room) and its links to Regional Early Warning (situation room);
- (d) Reimbursement policy and SOPs;
- (e) Financial management systems;
- (f) Logistic support during AU missions;
- (g) Command and control for AU missions.

5.24 Regional work groups must conclude their work by December 2003, including draft doctrine SOPs, list of terminologies etc.

5.25 Preferably by January/February 2004, the 4th meeting of the ACDS should be convened.

Roadmap for the Operationalisation of the African Standby Force (2005)

Produced at an Experts Meeting on the relationship between the AU and the Regional Mechanisms for Conflict Prevention, Management and Resolution held in Addis Ababa from 22 to 23 March 2005. Available online at http://www.saferAfrica.org/DocumentsCentre/NEPAD/ASF/ASF_Roadmap2005.pdf

I. Introduction

1. At its 3rd meeting in Addis Ababa, Ethiopia, from 15 to 16 May 2003, African Chiefs of Defence Staff (ACDS) agreed on the document titled: 'Policy Framework for the Establishment of the African Standby Force (ASF) and the Military Staff Committee (MSC),' which provides a framework for the establishment of the ASF. The key conclusions and assumptions that underpin the ASF emanating from this meeting are summarised in Annex A.
2. The relevant recommendations of the 3rd Meeting of the ACDS were submitted to the Third Extraordinary Session of the Executive Council [Decision Ext/EX/CL/Dec.2-3 (III)], which was held in Sun City, South Africa, from 21 to 24 May 2003. Among others, the Executive Council recommended that 'further consultations be undertaken with all relevant stakeholders to consolidate the proposals contained in the Policy Framework adopted by the ACDS. Subsequently, the AU Summit in Maputo, Mozambique (July 2003), adopted Decision Assembly/AU/Dec.16(II), which, *inter alia*, took note of the Framework Document for the Establishment of the ASF and the MSC.
3. The Framework Document called for the establishment of the ASF in two phases:
 - (a) Phase One (up to 30 June 2005): The AU's objective would be to establish a strategic level management capacity for the management of Scenarios 1-2 missions, while Regional Economic Communities (RECs)/Regions would complement the African Union (AU) by establishing regional standby forces up to a brigade size to achieve up to Scenario 4.
 - (b) Phase Two (1 July 2005 to 30 June 2010): It is envisaged that, by the year 2010, the AU would have developed the capacity to manage complex peacekeeping operations, while the RECs/Regions will continue to develop the capacity to deploy a Mission Headquarters (HQs) for Scenario 4, involving AU/Regional peacekeeping forces.
4. The ACDS held its 4th meeting in Addis Ababa from 17 to 18 January 2004. The meeting was followed by the 1st meeting of African Ministers of Defence (AMOD), on 20 January 2004. The purpose of this meeting was to institutionalise the structures requisite for the African security architecture and, particularly, to involve the Ministers in the process of establishing the ASF.
5. Even though the 4th ACDS meeting and the 1st meeting of the Ministers of Defence took place on schedule, the absence of substantive follow-up consultations and exchange of information between the AU and the RECs/regions as well as the fact that the continental policy framework for the establishment of the ASF was not translated into practical steps on the way forward, delayed the process. In order to move the ASF project forward, the AMOD set a new deadline of October 2004. By that deadline, it was agreed

that the AU and RECs/Regions should meet to establish multinational and multidisciplinary work groups to identify standby forces, rapid reaction elements, centres of excellence, regional logistical support requirements, location of early warning centres, etc. Furthermore, it was agreed that the AU and RECs/Regions would conclude work on outstanding issues, including agreements on the establishment of the ASF, the MSC and the Continental Early Warning System (CEWS).

6. Since then, the RECs/Regions have taken steps to establish the structures provided for in the Framework Document. Progress at regional level includes the following:

- (a) Eastern Africa
 - (i) In eastern Africa, the Intergovernmental Authority on Development (IGAD) was mandated on interim basis to co-ordinate the efforts of the region towards the establishment of Eastern African Standby Brigade (EASBRIG).
 - (ii) The Eastern Africa Chiefs of Defense Staff (EACDS) met in Junja, Uganda, from 13 to 14 February 2004, and adopted a Policy Framework and a Legal Framework to operationalise EASBRIG, which was approved by the meeting of Ministers of Defense held on 16 to 17 July 2004, in Addis Ababa, Ethiopia.
 - (iii) Towards funding EASBRIG, the Ministers at their meeting in Kigali, Rwanda, approved a 2,5 million USD budget. The Ministers further approved the location and staffing of the Planning Element (PLANELM) and the Brigade HQs. The EASBRIG now has three components: the brigade HQs to be located in Addis Ababa, the Planning Element to be based in Nairobi and the Logistic base to be collocated with the Brigade HQs in Addis Ababa. The Ministers further adopted nominations of the Brigade Commander and the Chief of Staff of the Planning Element.
 - (iv) Additionally, EASBRIG military experts have made recommendations on the Host Agreement, which is awaiting the approval of the Council.
 - (v) The Summit of the Heads of States of the EASBRIG is scheduled to meet in Addis Ababa on 11 April 2005 to consider the recommendations of the Council of Ministers on the Policy Framework, the Legal Framework, the Budget and the Host Agreement.
 - (vi) The Eastern Africa Community (EAC) has also made progress in the area of peace and security, particularly with the formulation of a draft Memorandum of Understanding (MoU) on Co-operation in Defence and the development of a concept paper towards upgrading the MoU into a Protocol. In view of this progress, the EAC was advised to harmonise its efforts in a collaborative manner with IGAD and COMESA, towards the establishment of EASBRIG.
- (b) Western Africa: The Economic Community of West African States (ECOWAS) has also made considerable progress in the standby force development. These include the approval of the Military Vision and Strategy, Force Structure, the 2-Approach Depot Concept and Concept of Development. Other areas are pledging by Member States of Units and Personnel of a Task Force (TF) and Main Brigade (MB) of 6,500 men and Headquarters Staff Personnel. The Mission Planning and Management Cell (MPMC) has also been established and 10 Military Officers from ECOWAS Member States recruited to work in the MPMC.
- (c) Southern Africa

- (i) In compliance with AU's decision to establish the ASF and Regional Standby Brigades, the Inter Defence and Security Sub-Committee (IDSC) held a meeting in Maseru, Kingdom of Lesotho, to consider base documents for the establishment of SADC Standby Force, i.e. SADC Standby Brigade and SADC Civpol.
- (ii) Consequently, a Ministerial Defence Sub-Committee was mandated by IDSC to set up a technical team to plan the establishment of the SADC Standby Force. The Sub-Committee recommended that the process of establishing SADC Civpol should move in tandem with SADC Brigade.
- (iii) The Military Planners have completed the preliminary planning process for the establishment of the Standby Force. Further to that, the Military Planners fielded a Task Team mission to the Secretariat to assess the conditions and requirements for the establishment of SADC Standby PLANELM. The proposals of the Military Planners were submitted to SADC Member States for comments.
- (iv) Another meeting of the Planners is scheduled for the first week of April 2005, where final decision would be taken on the modalities of establishing the interim PLANELM that will lead to the permanent PLANELM.
- (v) As part of the establishment of the SADC Standby Force, SADC is expediting action on the resumption of the activities at the Regional Peacekeeping Training Centre (RPTC).
- (d) Central Africa
Progress has equally been made towards the establishment of Central Africa Regional Standby Brigade. From July 2003 to December 2004, the Economic Community of Central African States (ECCAS) held six meetings at the levels of experts, Chiefs of Defence Staff and Ministers of Peace and Security Council of ECCAS (COPAX). During these meetings, the following were adopted:
 - (i) The structure of regional headquarters of ECCAS PLANELM;
 - (ii) The structure and TOE for ECCAS Standby Brigade (including strength of the brigade of 2,177);
 - (iii) Action Plan for the establishment of the ECCAS PLANELM and ECCAS Standby Brigade;
 - (iv) Exercise paper for multinational training exercise known as 'Exercise Bahl El Ghazel 2005'.

The next meeting of the Chiefs of Defence Staff will be held in Luanda, on 13 to 14 April 2005.

II. Aim

7. The aim of the Roadmap is to provide clarity on the key steps required for the operationalisation of the ASF in Phase 1 (i.e. up to 30 June 2006).

III. Scope

8. The Roadmap will focus on the following components of the ASF as set out in the ASF Policy Framework:

- (a) The requirement for a Legitimate Political Capacity to Mandate a Mission, either at the level of the UN, the AU and/or RECs/Regions, in accordance with relevant provisions of the UN Charter.
- (b) The Multidimensional Strategic Level Management Capability of which the core requirement during Phase 1 is twofold:

- (i) A PLANELM within the Peace and Security Department of the AU Commission; and
 - (ii) A PLANELM for each of the five brigades at regional level.
 - (c) The Mission HQ Level Multidimensional Management Capability, of which the core requirement during Phase 1 is a brigade HQ for each regional brigade and an expanded PLANELM at AU level capable of planning and supporting AU mandated Peace Support Operations (PSOs).
 - (d) The Mission Components for PSOs, with immediate emphasis on military units on standby that are earmarked, trained and ready for employment as part of the ASF; CivPol and MILOBs on call to the AU.
9. Subsequent sections would deal with:
- (a) Training and doctrine;
 - (b) Logistic sustainability and logistical infrastructure;
 - (c) Command, Control, Communications and Information Systems (C³IS);
 - (d) Funding;
 - (e) Collaboration and co-operation;
 - (f) Follow-up and harmonisation.

IV. Legitimate Political Capacity to Mandate a Mission

10. At the strategic level, and in terms of the provisions of the Protocol establishing the PSC, the AU constitutes a legitimate mandating authority under Chapter VIII of the UN Charter. In this regard, the AU will seek UN Security Council authorisation of its enforcement actions. Similarly, the RECs/Regions will seek AU authorisation of their interventions.

V. Multidimensional Strategic Level Management Capability

11. To provide for multidimensional strategic level management capability, the ASF Policy Framework requires the establishment of 15-person PLANELMs at the AU HQ and at each of the RECs/Regional HQs.

12. Against this background, the following has been agreed on the establishment and tasks of the AU HQ PLANELM:

- (a) The AU Commission would request the secondment of five experienced officers from African Member States for an initial period of one year from 1 July 2005 to 30 June 2006. One officer each should be an expert on: communications and information technology, operations, logistics, standby plans and coordination, and training. These seconded officers would be located at the AU Commission in Addis Ababa and will constitute the AU PLANELM for Phase 1, working under the PLANELM Chief of Staff. In order to achieve set targets for Phase 1 of the ASF, the AU PLANELM is expected to complete the following tasks before 30 June 2006:
 - (i) Convening of Workshops to provide a costed continental logistic system, continental Command, Control, Communication and Information System (C³IS) and continental training concept and the initiation of key recommendations in this regard;
 - (ii) Determine Standard Table of Organisation and Equipments (TOEs), in conjunction with RECs/Regions;
 - (iii) Development and implementation of a continental standby system, including linking it to the United Nations Standby Arrangement System (UNSAS);
 - (iv) Initiate and co-ordinate the drafting of MoUs and Letters of Exchange;
 - (v) Drafting Standard Operating Procedures (SOPs) for the ASF;

- (vi) Elaborate/draft doctrine for the ASF;
 - (vii) Elaborate/develop standardised training modules, including participation in planning of Command Post Exercise (CPX).
 - (b) This will also involve the convening of Workshops covering doctrine development, SOPs, C3IS, logistics system and training and evaluation, in collaboration with the RECs/Regions between July and December 2005. The detail of the Workshops is contained in Annex B.
 - (c) The AU will negotiate with the UN/SHIRBRIG/G8 and other partners, as necessary, to provide expert advice to support the workshops and PLANELMs.
13. As far as the RECs/ Regional PLANELMs are concerned, the following tasks have been agreed upon:
- (a) That RECs/Regions be guided by the functions and structure of the PLANELMs as reflected in Annex C. The core function of the PLANELMs is planning, preparation and training, including the verification of Brigade HQs and standby elements. This is considered a full-time requirement.
 - (b) That RECs/Regions PLANELMs collaborate with the AU PLANELM in the tasks listed in paragraph 12, and the execution of the functions as set out in Annex C.
 - (c) Where possible, the RECs/Regional PLANELMs should be collocated with the RECs/Regional Brigade HQ for ease of command, control and communications.
 - (d) AU Partners should be approached to contribute to the building and sharing of expertise with the RECs/Regions PLANELMs in a co-ordinated manner.
 - (e) PLANELMs would be task and content oriented, and their selection should be based on competence.
 - (f) Identification of shortfalls in the resources contributed by Member States; this could be undertaken by regional brigades HQs and PLANELMs, through verification visits and staff checks.
 - (g) Rectification of short falls in the resources of regional brigades.

VI. Mission HQ Level Management Capability

14. The ASF concept requires the establishment of a mission HQ level management capability in the form of a brigade HQ within each REC/Region. During Phase 1, it was agreed that the nucleus of three officers augmented by non-permanent brigade HQ staff on standby be formed in the respective Member States. Some regions may decide to combine their PLANELMs with this nucleus, while others may wish to base the standby brigade HQ on an existing Brigade HQ in a Member State. Other regions may decide in favour of a skeleton Brigade HQ based on an existing Brigade HQ in a Member State.

15. Each of the RECs/Regions will communicate to the AU the appellation of its Brigade. However, it should be understood that the mandating authority will provide an appropriate appellation for any Mission it mandates.

16. Against this background the following has been agreed:

- (a) That each REC/Region confirms the location, concept and staffing of the Brigade HQ and its relation to the RECs/Regional PLANELMs by 1 July 2005, and communicate its decisions in this regard to the AU.
- (b) That the RECs/Regions constitute a nucleus Brigade HQ capacity under a Chief of Staff of the rank of Brigadier General by 31 December 2005 and provide appropriate office space and associated facilities.

- (c) That the nucleus of the Brigade HQ verify and report on the operational readiness of the Brigade, in conjunction with the REC/Regional PLANELMs, for Phase 1 requirements, to the AU PLANELM before 30 June 2006.
- (d) That the AU and Regions/RECs negotiate with donors for support to cover the costs for sub-para b above.

VII. ASF Components

17. In the case of military and police capabilities required for Phase 1, each category of ASF mission component is to consist of observers, individuals and formed units, on standby in their countries of origin ready to be deployed, using a system of On Call Lists. The AU PLANELMs will undertake the development of the ASF standby system (see par 12.a.iii above).

18. Against this background, it was agreed that following tasks would be completed before 31 October 2005:

- (a) Member States should nominate and name the Standby Brigade HQ staff and populate the standby database, and forward same to the RECs/Regions;
- (b) Member States should nominate standby units, including the completion of the standby database, and forward same to the RECs/Regions;
- (c) Member States should nominate, name and populate CivPol standby database, and forward same to the RECs/Regions;
- (d) Member States should nominate, name and populate MILOBs standby database, and forward same to the RECs/Regions;
- (e) The RECs/Regions will forward all databases collected from Member States to the AU.

19. The routine selection system, preparation and training of the ASF components would be a national responsibility.

VIII. Training and Doctrine

20. A multinational peace operations capability of the ASF requires standardised doctrine that is consistent with that of the UN (such as the UN Multinational Peacekeeping Handbook), and complemented by African specificity. To achieve effective ASF training:

- (a) The AU will organise workshops to develop a set of standardised SOPs based on its Draft Generic SOPs, as well as those existing within the regions.
- (b) The AU will facilitate doctrinal coherence and dissemination of lessons learnt. This could be done through the African Peace Support Trainers Association (APSTA).
- (c) The AU and RECs/Regional PLANELMs will harmonise ASF training cycles with UN and external initiatives, as well as feed into these initiatives, to enhance and synergise ASF capacities.
- (d) RECs/Regions will adopt an appropriate training policy providing for cycles of national, regional and AU-wide training; this could be co-ordinated with major external initiatives. While ASF training is to be consistent with UN doctrine with a view to standardising doctrine, based on the Standard Generic Training Modules (SGTM), ASF training beyond this level would be regionally co-ordinated and enhanced through regional peacekeeping centres of excellence.
- (e) RECs/Regions should streamline the establishment of centres of excellence/use of existing national training institutions within the

various regions and regionalise training at these centres to optimise their regional profile and use.

- (f) While awaiting the publication of the UN SGTMs, efforts of the PLANELMs would be deployed to develop all aspects of the ASF training policy, including the development of ASF SOPs, TOEs and other training manuals, which could then be updated when the SGTMs become available.
- (g) The AU would seek appropriate advice for the production of doctrine for intervention Missions as envisaged in Scenario 6 of Annex A.
- (h) Where necessary, the UN (DPKO) would be requested to assist with training-the-trainer and pre-deployment training for ASF brigades and units.

IX. Logistical Sustainability and Logistical Infrastructure

21. The ASF Policy Framework provides that missions deployed for Scenarios 1-3 should be self-sustainable for up to 30 days, while Scenarios 4 to 6 missions and operations should deploy with up to 90 days self-sustainability. After the initial 30 days of self-sustainment, the mandating authority must take responsibility for the sustainment of the missions or, lacking that capacity, the readiness and ability to start reimbursing TCCs in order for the latter to continue to sustain their respective contingents.

22. The Policy Framework also proposed a system of AU Military Logistical Depots (AMLDD), consisting of the AU Military Logistical Depot and regional logistical bases, aiming at rapid deployment and mission sustainability.

23. A key task of the AU PLANELM during Phase 1 is to initiate and complete a study to present a costed continental logistic system for the ASF that outlines the appropriate concepts and plans for preparing, deploying and sustaining the ASF.

24. During Phase 1, and until the ASF achieves a viable and sustained logistical capability following the implementation of the ASF logistic concept, the AU system for logistical sustainability should be guided by the following:

- (a) ASF mission sustainment should be based on UN rates as a guide, while the actual consumption and reimbursement rates are adjusted in accordance with the African reality. The AU PLANELM will take the lead to determine AU reimbursement rates based on UN rates, but informed by relevant experiences. A workshop on logistics system will be convened to elaborate on this issue. The workshop could consider the following:
 - (i) The necessity for Member States contributing resources to the ASF to focus on national (stocks and reserves) readiness during Phase 1, while external logistical facilities are negotiated to support the establishment of the AMLDD. These should involve arrangements for the committal of prepositioned equipment and/or on-call donor equipment, within the framework of appropriate MoU. This will involve RECs/Regions and the AU PLANELMs.
 - (ii) The need for the AU and Regions/RECs to negotiate strategic movements and lifts from external Partners within multilateral regional arrangements.
 - (iii) Based on previous experiences, Member States wishing to contribute resources to ASF deployed missions would be advised to aim at nearly 100 percent wet lease capacity.

- (iv) AMLD stocks should be used partly to beef up the requirements of ASF brigades and units on deployment, and the rest held centrally in second line mission level bases.
- (b) While Member States deploy national contingents with the required national operational and logistical capabilities, in accordance with the required deployment and sustainability guidelines, the Mandating Authority would take step to reimburse Troop-Contributing Countries at appropriate rates and in a timely manner.

X. Command, Control, Communications and Information System (C³IS)

25. Effective command and control of the ASF will depend upon the installation of an appropriate Africa-wide interoperable C³IS integrated infrastructure, linking deployed units with mission HQs, as well as with the AU, PLANELMs and Regions/RECs. To meet this requirement, a technical workshop on C³IS will be convened to elaborate on ASF strategic and operation requirement in these areas.

XI. Funding

26. Funding is important for the success of any mission. In this regard, it is agreed that, before 31 October 2005, the AU/RECs should:

- (a) Assess the detailed cost of the structures of the ASF, including predeployment activities, such as training and the activities of the PLANELMs and regional brigade groups;
- (b) Assess the cost of the types of ASF missions, based on the relevant levels of forces, including mandate, with an average mission timeframe of between one and two years, which is long enough a period for the follow-on deployment of a UN mission or operation, and more limited operations in support of peace processes of between six months and one year only;
- (c) Encourage AU Member States to contribute to the endowment of the AU Peace Fund;
- (d) Sustain negotiations with external Partners for assistance.

27. Additionally, external multinational regional arrangements would be used to harness assistance towards the establishment, stocking, maintenance, and strategic airlift of equipment and vehicles for ASF pre-deployment training and missions.

XII. Collaboration and Co-operation

28. The AU's traditional collaboration with its bilateral and multilateral partners, should be maintained and deepened. The collaboration will seek to meet the aspirations and needs of the AU/RECs/Regions and in order to bridge the gap in the capabilities of the AU/RECs/Regions systems. The collaboration with the international community will aim at the following broad priority areas:

- (a) Establishment of the pre-deployment structures of the ASF, namely PLANELMs and regional brigade HQs, including the relevant activities and running cost of these structures;
- (b) Establishment of AMLDs, including the AU and REC/Regional MLDs (after the workshop) and, in default, mechanisms for the committal of donor-held equipment to ASF missions, including strategic air and sealifts;

- (c) ASF training of regional brigade groups, including support to regional centres of excellence for training, planning and conduct of CPX as well as allocation of vacancies to ASF staff for external training;
- (d) Endowment of the Peace Fund/accessible financial support to support short-term ASF deployments and sustainment contingencies, as and when necessary, pending deployment of a UN force.

XIII. Follow-up and Harmonisation

29. The establishment of the PLANELMs by the AU and the RECs/Regions is fundamental to the realisation of all the remaining priorities and the execution of the key steps towards the operationalisation of the ASF. In this regard, the AU, in collaboration with the RECS/Regions, will carry out timely periodic review of the implementation of the ASF Road Map.

30. Towards this end, it has been agreed that:

- (a) There would be constant exchange of information between the AU and RECs/Regions. The RECs/Regions will provide periodic quarterly (3-monthly) progress reports on their efforts at operationalising the ASF Road Map;
- (b) The AU would disseminate the information received to the RECs and other stakeholders as necessary;
- (c) The AU would undertake visits to the RECs/Regions in order to assess the progress made in the establishment of the Standby brigades.

31. Noting that the RECs/Regions were already inviting each other for their respective activities, the meeting encouraged RECs/Regions to attend each others activities, as observers, particularly as it relates to the establishment of Regional Standby brigades, in order to exchange ideas and share experiences.

32. The AU will take necessary steps to facilitate the exchange of such visits between RECs/Regions.

Annexes:

- A: Key Conclusions and Assumptions that underpin the ASF from the 3rd ACDS Meeting (May 2003).
- B: Details of Workshops to be convened towards the operationalisation of Phase 1 of the ASF.
- C: Proposed Functions and Structure of the PLANELM at Regional Level.

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3. Reports of the Chairperson of the African Union Commission

Report of the Interim Chairperson of the Commission on Conflict Situations in Africa (2003)

Delivered at the 7th ordinary session of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution at Heads of State and Government Level in Addis Ababa, Ethiopia, on 4 February 2003 (Central Organ/MEC/AHG/2 (VII)). The Chair of the AU Commission reports regularly on the status of conflict situations to the PSC (at Heads of State level) and the Assembly. Available online at http://www.iss.co.za/af/regorg/unity_to_union/pdfs/centorg/hos7feb03rep.pdf

I. Introduction

1. This current session of the Central Organ, coming after the launch of the African Union in Durban in July last year, is being held at a time of significant progress in our search for solutions to the numerous conflicts which continue to beset our Continent. Whether in the Democratic Republic of Congo, Burundi, The Sudan, Somalia or in the Central African Republic, the prospects for a return to peace and reconciliation have never been so promising. This is equally true for the conflict that erupted in Côte d'Ivoire in September 2002. As a matter of fact, a little less than six months thereafter, the parties concerned have just signed an agreement in Paris known as Linas-Marcoussis Accord, implementation of which will pave the way for lasting reconciliation in Côte d'Ivoire.

2. Yet, despite the progress made so far made, the overall situation remains fragile with the attendant risk of jeopardising the very real achievements that have been accomplished. This session of the Central Organ therefore offers the opportunity to map out the most appropriate strategies to consolidate the results so far attained, facilitate implementation of the agreements concluded and encourage the parties in conflict to move forward in their peace efforts. Beyond specific conflict situations, the Central Organ will also have to reflect on how best to strengthen the African Union's contribution to the initiatives geared to enhancing peace, security and stability on our Continent. Since the launch of the Union, the Commission and the Central Organ have focused their efforts on giving fresh impetus into their activities in the areas of conflict prevention and resolution by articulating and implementing an indicative work programme for 2002 to 2003.

3. This Report covers the situations in Côte d'Ivoire, CAR, DRC and Burundi. It also presents an account of developments in the peace process in The Comoros, The Sudan, Somalia and Angola, and between Ethiopia and Eritrea, as well as the situations in Liberia, between The Sudan and Eritrea and in Madagascar.

II. Situation in Côte d'Ivoire

4. This Central Organ session is taking place at a time when the crisis prevailing in Côte d'Ivoire since 19 September 2002 - the most acute since that country's independence - is moving towards peaceful resolution with the signing of a peace agreement in Linas-Marcoussis, France, on 24 January 2003. This agreement is a culmination of all the efforts deployed by the region since the eruption of the crisis, with support of the African Union and the International Community, to reach a negotiated settlement.

5. Following the ECOWAS Extraordinary Summit and the Summit of the ECOWAS Contact Group, held in Accra and Abidjan, on 29 September and 23 October 2002 respectively, negotiations began in Lomé, between the Ivorian Government and the Patriotic Movement of Côte d'Ivoire (MPCI), the rebel movement controlling the northern part of the country. The negotiations were held under the aegis of President Gnassingbe Eyadéma, Coordinator of the Contact Group, with the active support of the African Union. The objective was to build upon the agreement on cessation of hostilities concluded on 17 October 2002, and to arrive at a peaceful and negotiated solution.

6. The negotiations, which began on 30 October 2002, faced many difficulties. While consensus was quickly reached on some of the rebels demands, including their reintegration into the army, no substantial progress was made in respect of the political issues. Initially, the MPCI insisted on the resignation of President Laurent Gbagbo. Following sustained efforts by the Mediators, the MPCI dropped that demand, and called instead for the establishment of a new political order, including the holding of early legislative elections; the rejection of the concept of *ivoirité*, which they regard as discriminatory against some sections of the population, as well as the dismantling of the legislative framework supporting it; and the revision of the Constitution to delete the provisions they deem unfair and unfounded, notably those related to the criteria for eligibility to stand as presidential candidate.

7. In the course of the negotiations, additional problems surfaced that deepened the distrust between the parties, further compounding the search for a solution. These include the assassination, in Abidjan, of the brother of Mr Dacoury Tabley, MPCI Coordinator for External Relations, and reports of the presence of mercenaries recruited by the Ivorian Government. Furthermore, the continuity of the negotiations was disrupted as the team representing the MPCI had to shuttle between Lomé and Bouaké, the rebel stronghold, for consultations.

8. It should also be noted that a higher degree of cohesion and coordination amongst the countries of the region would have sent to the parties a stronger message on the determination and unity of purpose of ECOWAS, thus increasing the prospects of bringing the conflict to a swift end.

9. After nearly two months of discussions, no agreement was reached on the successive versions of the draft peace agreement submitted to the parties. As a result, the negotiations were indefinitely suspended at the end of December 2002.

10. In the meantime, sustained efforts were being made by ECOWAS to deploy a regional peacekeeping mission, as agreed upon during the Abidjan Summit of the Contact Group. A number of meetings were convened for this purpose. The force, which is headed by General Papa Khalif Fall from Senegal, will initially be composed of 1,264 soldiers from Benin, Ghana, Niger, Senegal

and Togo, with the mandate to monitor the cessation of hostilities and ensure the safety of observers and humanitarian workers. An advance ECOWAS military team arrived in Côte d'Ivoire on 17 November 2002, while the bulk of the force started deployment only recently, because of the financial and logistical constraints facing the troop contributing countries. I am pleased to note that a number of partners have already made formal commitments to support the ECOWAS peacekeeping endeavour. Pending the full deployment of the regional force, and at the request of the Ivorian Government, the French troops were given the task of monitoring the 17 October 2002 Ceasefire Agreement.

11. It is against this background that the situation on the ground seriously deteriorated. Two new rebel groups (*the Mouvement populaire du Grand Ouest - MPIGO - and the Mouvement pour la justice et la paix - MJP*) emerged in the west of the country, bordering Liberia - region of origin of the former junta leader, General Robert Gueï, who was killed in the early hours of the *coup d'état* of 19 September 2002, having been accused of masterminding the plot to overthrow the Government. As these two groups were not party to the Ceasefire Agreement of 17 October 2002, fighting intensified in that part of the country, including, at times, against the French troops. It was only on 13 January that a cessation of hostilities agreement was signed in Lome between MPCl and MJP on the one hand, and the Ivorian Government on the other. In addition, cease-fire violations were reported along and beyond the cease-fire line between the government forces and the MPCl. As a result, the strength of the French force in Cote d'Ivoire was increased to an estimated 2,500 troops.

12. The conflict has created an acute humanitarian crisis. Millions of people, Ivorians and nationals from neighbouring countries alike, are severely affected. In addition, grave abuses of human rights and international humanitarian law have been committed. It is worth noting that the group of ECOWAS Heads of State that met in Kara, Togo, on 16 December 2002, had requested the African Commission on Human and People's Rights to investigate these abuses. The conflict has also seriously affected the economies of the region, threatening the gains made in regional integration as well as the prospects for growth and socio-economic progress.

13. It is equally important not to lose sight of the tension generated by the crisis in the relations between Burkina Faso and Côte d'Ivoire. The two countries have traded accusations over the alleged support provided by Burkina Faso to the MPCl and the alleged mistreatment of Burkinabé nationals in the hands of the Ivorian security forces and officials. The meeting in Bamako, held in early December, between Presidents Blaise Compaoré and Laurent Gbagbo, and facilitated by President Amadou Toumani Touré of Mali, did little to ease this growing tension.

14. Throughout this period, the AU lent its full support to the ECOWAS peace efforts, building on the momentum created by President Thabo Mbeki's participation in the Accra and Abidjan Summits. Either at my level or that of other officials, the Commission has participated in every one of the initiatives to address the crisis.

15. The Special Envoy of the African Union, former President Miguel Trovoada of Sao Tome and Principe, spent nearly two months in the region. He arrived in Abidjan early October, where he worked closely with the ECOWAS representatives to end the crisis, and maintained regular contacts with the Ivorian authorities, including President Gbagbo, and the MPCl.

Subsequently, he travelled subsequently to Lomé, participating actively in the negotiations between the Ivorian Government and the MPCJ and giving the AU's full support to President Eyadéma.

16. On my part, I have endeavoured to facilitate a speedy and negotiated solution to the crisis and to give the Commission's full support to ECOWAS efforts, including a contribution of US\$100,000 from the Peace Fund to support the Lomé negotiations. Within this framework, I have been in close contact with the Government of Côte d'Ivoire and the other parties concerned. In these contacts, while reaffirming the well-known principles of our Organisation on unconstitutional changes of Government, I have also encouraged the parties to engage in dialogue as the only means for achieving a lasting solution to the crisis.

17. Furthermore, I have continuously urged the leaders of the region to strengthen their cohesion. I have also been in contact with the leaders of other Member States and with the African Union's partners to promote a peaceful resolution of the crisis.

18. Considering the difficulties faced by ECOWAS in deploying its force, I wrote, on 28 October 2002, to the Ministers of Foreign Affairs of AU partner countries, to formally request their financial and logistical support to the region's peacekeeping efforts.

19. Towards the end of November, I went to Lomé, where I exchanged views with President Eyadéma on the negotiation process. I also met with the Ivorian Government as well MPCJ delegations to discuss issues that were still in dispute and ways of settling them.

20. It should also be noted that the Central Organ has met on three occasions at Ambassadorial level to consider the situation prevailing in Côte d'Ivoire. At its session of 4 December 2002, the Central Organ approved my recommendation on the establishment of an African Union Liaison Office in Abidjan to be composed of civilian and military officers. Furthermore, in mid-November, the AU Commission on Refugees and Internally Displaced Persons dispatched a delegation to Côte d'Ivoire and other countries of the region, to undertake an evaluation of the humanitarian crisis and to consider, together with the authorities of the countries concerned and the appropriate humanitarian agencies, the modalities of assistance to the affected populations.

21. It was against this context, characterised by deadlock in the negotiations and deterioration of the situation on ground, and following a visit to Côte d'Ivoire by the French Foreign Minister Mr Dominique de Villepin, that a Round Table of the political forces in Côte d'Ivoire was held in Linas-Marcoussis from 15 to 23 January 2003, at the invitation of the French President. I sent the AU's Special Envoy, Mr Miguel Trovoada, to participate in the talks and to lend our Organisation's backing to the initiative.

22. I am glad that the Round Table has resulted in an agreement known as the Linas-Marcoussis Accord. The Round Table reaffirmed the need to preserve the territorial integrity of Côte d'Ivoire, respect for its institutions and restoration of State authority. It also affirmed its adherence to the principle of accession to and exercise of power by democratic means. To this end, the Round Table agreed on the following:

- a Government of national reconciliation shall be established to ensure the return to peace and stability, and to establish an electoral timetable with a view to organising credible and transparent elections;

- the Government of national reconciliation shall be led by a consensual Prime Minister who shall remain in office up to the next Presidential election, for which he shall not present himself;
- the Government shall consist of representatives appointed by the Ivorian delegations that participated in the Round Table;
- to carry out its mission, the Government shall exercise executive powers in conformity with the provisions of the Constitution;
- the Government shall restructure the defence and security forces, and organise the regroupment of existing forces to be followed by their disarmament.

23. The Round Table decided to establish the Paris Agreement Implementation Follow-up Committee to ensure compliance with the commitments made by all the parties. It was recommended that this Committee should be comprised mainly of representatives of the European Union, the Commission of the African Union, the ECOWAS Executive Secretary, the United Nations Secretary General and the Francophonie.

24. The Agreement also contains an Annex on the programme of the Transition Government which, among other things, embraces issues of nationality, identity and condition of foreigners; the electoral law; eligibility for election to the office of the President of the Republic; land reform; the media; human rights and freedoms; the encampment, disarmament and demobilisation of existing forces.

25. The Linas-Marcoussis Agreement was followed by a Summit of Heads of State in which I participated. The Summit approved the Agreement and hailed the announcement by President Gbagbo to establish a national reconciliation government to be led by Mr Seydou Diarra, in conformity with the balancing criteria stipulated by the Agreement. The Summit also underscored the need to implement expeditiously the Agreement, gave its support for the establishment of a Follow-up Committee and called for its immediate establishment in Abidjan. The Summit further recommended that the United Nations Secretary General should submit to the Security Council recommendations regarding the deployment of civilian and military observers to assist in supervising the implementation of the Agreement throughout the territory of Côte d'Ivoire.

26. Following the signing of the Agreement, violent demonstrations erupted in Abidjan in protest at some of the provisions thereof. In this connection, some of the signatory parties, without casting doubts on the Agreement, expressed opposition particularly to the provision whereby the defence and interior portfolios were allocated to the MPCl. The Chief of Staff of the Ivorian Armed Forces also voiced opposition to the allocation of the Defence Ministry to the MPCl, as well as to the provisions of the Agreement pertaining to the encampment and disarmament of the army.

27. Despite these difficulties, the Linas-Marcoussis Agreement marks a turning point in efforts to resolve the crisis, and it is now necessary to begin implementing its provisions. I invite all the Ivorian parties to continue to demonstrate political will. The African Union, for its part, being a member of the follow-up Committee shall spare no efforts to facilitate implementation of and respect for the commitments made. Similarly, the African Union should take appropriate steps to get more closely involved alongside the countries of the Region to contribute to the enhancement of peace and reconciliation in Côte d'Ivoire. To this end, it is proposed that a Committee of the African Union be put in place to monitor the situation in Côte d'Ivoire.

III. Situation in the Central African Republic (CAR) and on Relations between the CAR and Chad

28. The situation in the CAR and the recurrent instability witnessed in that country has been cause for serious concern to the African Union during these last years. Thus, in January last year, the Central Organ held a Ministerial Session in Tripoli, Libya, devoted to the CAR. During the Sessions of Council and the Summit in Durban, in July 2002, I reported on the developments which took place in the CAR. On that occasion, I highlighted the different initiatives taken by both the CEN-SAD and the CEMAC as well as the OAU and the United Nations to hasten the return of stability and security to the CAR. Since then, I have continued to monitor closely developments and the efforts made towards the promotion of peace and stability in that country and to diffuse the heightened tension in the relations between the CAR and Chad.

29. It is pertinent to note that after the meeting of November 2001 in Bangui, and the fighting which took place between the loyalist forces and the rebel elements, General François Bozizé, who had been relieved of his post as Chief of Staff of the Central African Republic Armed Forces (FACA), retreated the North of the country, before taking refuge in Chad. The Central African Authorities who had instituted judicial proceedings against him requested his extradition. Invoking the pertinent provisions of the Chadian Constitution and the International Conventions to which Chad is party, the Chadian Government refused to grant the request.

30. Despite the efforts made by the CEMAC and the CEN-SAD which held Summits in December 2001 in Khartoum and Libreville respectively, the tension between the two countries heightened and the military situation gave more cause for concern. On 6 August 2002 the Chadian village of Sido was attacked and on 10 August 2002, the Central African town of Kabo was attacked and was temporarily occupied. The authorities of the two countries accused each other of supporting those responsible for these attacks on either side of their common borders: Chad accused Abdoulaye Miskine, of a Central African ancestry and Chadian nationality, for planning the attack on Sido, while the CAR accused General Bozize and his followers.

31. By mid-August 2002, the Heads of State of CEMAC who met in Brazzaville during the investiture of President Denis Sassou Nguesso, decided to establish a Committee to monitor and assess the situation prevailing along the Chad - CAR border. The Committee, chaired by Mr Jean Ping, Minister of State, Minister of Foreign Affairs, Co-operation and Francophonie of the Gabonese Republic, and including representatives of the CEMAC, Mali, the African Union and the United Nations, visited the CAR and Chad from 22 to 24 August 2002.

32. At the end of its mission, the Committee prepared a report which it submitted to the CEMAC Extraordinary Summit for consideration in Libreville, on 2 October 2002. This Summit, in which I participated, adopted a communiqué, whose main elements are as follows:

- Abdoulaye Miskine shall be sent far away from the CAR territory and François Bozizé far away from Chadian territory;
- Chad and CAR agreed to deploy their regular forces each on their own side, along their common borders, and to carry out joint patrols;
- Within a period of one month, and for a renewable period of six months a contingent of 300 to 350 Gabonese, Cameroonian, Congolese, Equato-Guinean and Malian soldiers shall be deployed in the CAR. A Special Force shall be responsible for the security of President Ange-Félix Patassé while observers will monitor and ensure that security was

maintained along the Chadian - CAR border and assist in restructuring the Armed Forces of the Central African Republic (FACA);

- President El Hadj Omar Bongo shall be responsible for the coordination of activities between the CEN-SAD and the CEMAC;
- Chad and CAR agree to resume co-operation between each other by reactivating existing structures to this effect.

33. The 88th Session of the Central Organ held on 11 October 2002, welcomed the results of the Libreville Summit and encouraged the CAR and Chadian leaders to take the necessary measures to implement, without delay, the decisions reached at that Summit. The Central Organ asked me to establish the required measures to enable the African Union to contribute to the on-going efforts. On its part, the Security Council of the United Nations, in a statement on 18 October 2002, expressed the hope that other confidence building measures would be taken to normalise relations between the two countries.

34. It was against this backdrop that General Bozizé's men staged an attempted *coup d'état* on 25 October 2002. In a Press Release issued on 26 October 2002, I condemned this resurgence of violence which was hindering efforts at consolidating peace in the CAR. The 86th Ordinary Session of the Central Organ, held on 29 October 2002, also condemned this attempted *coup de force* and reiterated the readiness of the African Union to contribute to the implementation of the Libreville Communiqué. The Central Organ urged me to assist in resolving this crisis and to this end to send, as soon as possible, a delegation to that region.

35. As a follow-up on the decisions of the Central Organ, I sent Professor André Salifou, former Minister of Foreign Affairs of Niger, to Gabon, Central African Republic and Chad from 13 to 29 November 2002. The mission's objective was, *inter-alia*, to express the concern of the African Union at the situation prevailing in that region and the tension existing in the relations between the CAR and Chad; to reiterate the support of the African Union to CEMAC efforts; and to re-state the readiness of the African Union to contribute to implementation of the measures contained in the Libreville Communiqué.

36. In Libreville, the African Union delegation was received by the Minister of State, Mr Jean Ping. The discussions centred on the modalities for a more effective support by the African Union to the efforts deployed in the region. In Bangui, where my envoy was received by President Ange-Félix Patassé, the discussions, focused, *inter-alia*, on the need to resume dialogue with Chad, the need for the CAR authorities to institute an amnesty law to allow for the return of exiled CAR citizens, and the need to encourage a political dialogue between all citizens of CAR. In N'djamena, where my envoy held talks with President Idriss Deby, the discussions were mainly on developments in Chad - CAR relations and implementation of the Libreville Communiqué.

37. Following the mission report presented to me by Prof. André Salifou, I wrote to President El Hadj Omar Bongo, as well as to Presidents Ange-Félix Patassé and Idriss Deby. I seized the opportunity to express my appreciation at the laudable efforts made by President Bongo to build confidence and restore peace and stability in the region. I encouraged Presidents Deby and Patassé to lend their support to CEMAC in order to consolidate trust and foster stability in the region.

38. On 9 December 2002, the United Nations Security Council held a meeting on the situation in the CAR. The Prime Minister of Central African

Republic and the Permanent Representative of Chad to the United Nations participated in the debates. The two parties, on that occasion, made a commitment to resolve their differences through dialogue and to implement the Libreville Communiqué without delay. Council, for its part, encouraged the two governments to take advantage of the deployment of CEMAC forces to normalise relations.

39. Several significant and encouraging developments have taken place in recent weeks. In this connection, it would like to mention President Patassé's mid-January 2003 statement calling for calm in the Chad-CAR relations and reaffirming his country's commitment to abide by the Libreville Communiqué. Furthermore, following the 25 November 2002 announcement of the convening of a National Dialogue, President Patassé on 28 December appointed coordinators for the Committee charged to prepare and manage the Dialogue, and contacts were established with a broad spectrum of CAR political and social players.

40. I would like further to point out that the deployment of CEMAC forces is underway, and shall replace CEN-SAD forces in place since February 2002 to support the Central African Republic's legal institutions, whose withdrawal from the country had been announced in the last week of December 2002.

41. At its 89th Ordinary Session held on 15 January 2003, the Central Organ took note of the results of the visit of my envoy Prof. André Salifou. It reaffirmed its support for the Libreville Communiqué, expressed satisfaction at the measures already taken by the Central African Republic and Chadian leaders to implement its provisions, and encouraged them to persevere in that direction. The Central Organ urged Presidents Déby and Patassé to meet under the auspices of CEMAC and the African Union to discuss the problems affecting relations between their two countries. It welcomed the deployment of CEMAC forces, and took note of the withdrawal of CEN-SAD forces to which it paid tribute for their role in maintaining peace and security and in providing support to the legislative institutions. The Central Organ also called for the convening of the national dialogue announced by President Patassé under optimum conditions.

42. During his talks in Bangui, my envoy's attention was drawn to the serious economic situation in the CAR, which has contributed to the heightening of political tensions in that country. It was against this backdrop that on 28 November 2002, I addressed a letter to the President of the World Bank and the IMF Director General to encourage these two institutions to work resiliently towards early resumption of their assistance programme in the CAR to boost the efforts being deployed by the countries of the region.

43. In response to my letter, the Director of the Africa Department at the IMF indicated that his institution fully shared my concerns at the serious socio-economic situation prevailing in the CAR. He informed me that the IMF Board of Directors meeting originally slated for 13 November last year to study the possibility of a new triennial programme backstopped by the poverty reduction and growth facility (PRGF), was subsequently cancelled following the political and military events of October 2002. He however indicated that the IMF remained open to the idea of a programme with the CAR, and that to ensure the effectiveness thereof, certain conditions had to be met, in particular a demonstration of the authorities' commitment and capacity to continue to ensure satisfactory macro-economic performance and to implement structural reforms; an end to hostilities, and security guarantees;

and preparation of a comprehensive arrears clearance plan for donors, in particular the ADB.

44. The Central Organ meeting of 15 January appealed to international financial institutions, especially the World Bank and the IMF, for an early resumption of their programme of assistance to the CAR and, to this end, to re-examine the conditions laid down for the resumption of these programmes, taking due account of the political, social and economic situation in the country. The Central Organ, in the same vein, urged the CAR government to implement the economic reforms agreed with the relevant international institutions.

45. May I add that the Prime Minister of the Central African Republic, Mr Martin Ziguelé, on 19 December transmitted to me a plan of action for socio-economic recovery in the CAR drawn up by his government in the aftermath of the events of October 2002. As of the time of finalisation of this report, the plan was under consideration to determine the Commission's possible contribution to its implementation.

46. I would like, in conclusion, to reaffirm the African Union's determination to continue to support CEMAC's initiatives to promote peace and stability in the region. To this end, the Commission, thanks to European Union financial support, will open a Liaison Office in Bangui with a view to establishing closer contacts with the Central African Republic authorities and other actors, and sustaining the reconciliation process, including national dialogue. It was also in that connection that the Commission decided to make a contribution of US\$100,000 in support of the deployment of CEMAC forces.

IV. Situation in the DRC

47. At the 76th Ordinary Session of the Council of Ministers held in Durban, South Africa, in July 2002, I reported on the developments in the Peace Process in the DRC, as well as on efforts deployed by the OAU, the UN and the International Community to implement the Lusaka Ceasefire Agreement. For its part, Council adopted Decision CM/Dec. 663(LXXVI), in which, among others, it urged the Parties to the Peace Process to fulfil their obligations under the Lusaka Agreement.

48. On the margins of the OAU Assembly of Heads of State and Government in Durban, Presidents Joseph Kabila and Paul Kagame met, in the presence of President Thabo Mbeki and the UN Secretary General. This meeting led to the establishment of a Committee of Experts of the two countries, which prepared a Memorandum of Understanding that was signed by the two Presidents on 30 July 2002, in Pretoria, in the presence of President Thabo Mbeki, a representative of the UN Secretary General and myself. The Agreement which centred on the withdrawal of Rwandan troops from the DRC territory and the disbanding of the ex-FAR forces and the Interhamwe by the DRC, was accompanied by an Implementation Programme spread over 90 days as effective from the date of its signing.

49. In conformity with commitments made by President Kagame, the first batch of the Rwandese army left Kindu on 17 September for Kigali. On 5 October 2002, Rwanda announced the complete withdrawal of its 23,000 troops from Congolese territory. The departure of the Rwandese troops from the DRC was carried out in the presence of MONUC and South African observers.

50. For its part, on 24 September 2002, the Congolese government announced that it was ending the activities of the Rwandese armed

movements on the DRC territory, and had declared 'persona non grata' the 25 political leaders of the Democratic Forces for the Liberation of Rwanda (FDLR), called upon to leave the Congo within 72 hours. Furthermore, it arrested and transferred to the International Criminal Court for Rwanda (ICTR), Colonel Tharcisse Renzaho, former prefect of Kigali, suspected of having committed acts of genocide.

51. Even though, in general, the withdrawal of Rwandan troops from the DRC took place without any major incidents, it should be noted, nevertheless, that the Mai-Mai have repeatedly tried to take advantage of the departure of the Rwandese troops to occupy the territories under RCD/Goma control. On 12 October 2002, the town of Uvira was occupied by the Mai-Mai. Reacting to the capture of the town by Mai-Mai forces, the RCD/G authorities decided to suspend their participation in the on-going negotiations with the Government.

52. I am however gratified by the fact that the serious incidents which occurred in the town of Uvira in no way undermined the will of the Congolese and Rwandese governments to implement the Pretoria Agreement. Consequently, Presidents Kabila and Kagame met in Pretoria on 1 November 2002, in the presence of President Thabo Mbeki, in their monthly Summit to evaluate implementation of the Agreement.

53. Furthermore, on 15 August 2002, in Luanda, the Governments of the Democratic Republic of Congo and Uganda concluded an Agreement on 'the withdrawal of Ugandan troops from the DRC territory, the resumption of co-operation and establishment of diplomatic relations' between the two countries. The Agreement was signed on 6 September in Luanda by Presidents Joseph Kabila and Yoweri Museveni, in the presence of President Eduardo dos Santos, President of the Republic of Angola, in his capacity as Facilitator, 'Third Party' to the Agreement.

54. On 28 August 2002, Uganda began the withdrawal of its troops in the DRC; withdrawal has already been completed in Gbadolité and Béni. At the request of MONUC, the Congolese and Ugandan governments agreed that some troops of the Ugandan armed forces should remain in Bunia to assist in maintaining order in the town. Pursuant to the Lusaka Ceasefire Agreement, Zimbabwe and Angola began the withdrawal of their troops from the DRC. It should also be noted that in a Communiqué issued at the end of the visit to Bujumbura, by the Congolese Foreign Affairs Minister on 12 and 13 October 2002, the Government of Burundi committed itself to withdraw its two battalions, which were still in the DRC territory.

55. On 4 December 2002, the UN Security Council adopted Resolution 1445(2002) on the DRC, in which it took note of the encouraging developments on the ground, and adopted the recommendations made by the Secretary General in his special report in September. In particular, Council endorsed the new Concept of Operations of MONUC and authorised its expansion. Its military personnel could be increased to 8,700 troops.

56. I wish to inform Council that there had also been positive developments in the process of resolution of the internal aspect of the Congolese crisis. On 17 December 2002 in Pretoria, the parties concluded a global and inclusive agreement on transition in the Democratic Republic of Congo.

57. The entry into force of this Agreement is, however, subject to its ratification by the signatory parties, during an official ceremony of the Inter-Congolese Dialogue, which will be presided over by the Facilitator, Sir Ketumile Masire. The modalities for organising this procedure will be

determined by the Facilitator in consultation with the broad spectrum of Congolese society.

58. During the period under review, my Special Representative in the Democratic Republic of Congo, Mr Martin Bongo, remained in contact with the Congolese players in the Peace Process and the Inter-Congolese Dialogue, encouraging them to facilitate the on-going process. A delegation of the African Union Office participated in Phases II and III of the negotiations which led to the 17 December 2002 Agreement.

59. For its part, the Political Committee for Implementation of the Lusaka Ceasefire Agreement, at its 15th Session held on 18 December 2002, in Kampala, acknowledged the significant progress achieved in the peace process in the DRC, but expressed concern at the situation in the East of the country, particularly in Ituri, as well as the lack of progress in the Disarmament, Demobilisation, Reintegration, Repatriation and Resettlement of armed groups (DDRRR).

60. At the military level, the principal warring parties have generally respected the ceasefire. However, within the territories under the control of some armed movements, the security situation has at times seriously deteriorated. Violent clashes have been followed by atrocities against the populations and serious human rights violations.

61. On 24 December, I issued a Press Release in which I expressed my deep concern over this situation, and condemned the resumption of fighting and acts of violence perpetrated against the Congolese peoples. The UN Security Council met and deliberated on the situation. It condemned the resumption of hostilities, demanded an immediate end to fighting and called upon the warring parties to exercise restraint.

62. On 30 December 2002, at the initiative of the Special Representative of the UN Secretary General in the DRC, the Presidents of the MLC, RCD/ML and RCD/National met in Gbadolité, at the invitation of Mr Jean Pierre Bemba. The meeting took place in the presence of representatives of permanent members of the UN Security Council and South Africa. On that occasion, and following the concerns expressed on 24 December by the Security Council, the parties agreed, *inter alia*, to respect the principles enshrined in the Pretoria Agreement and committed themselves to observing an immediate and general ceasefire on all fronts and cooperating with MONUC.

63. Meanwhile, and as part of efforts to achieve peace and security in the North-East region of the Congo, President Yoweri Museveni brought together in Kampala, on 15 November 2002, the Presidents of the RCD/ML and the UPC, to end the tribal war dividing the Ituri region and create favourable conditions for the launch of the Ituri Commission provided for in the Luanda Agreement. The Communiqué issued after the meeting indicated that the two parties had agreed to an immediate cessation of hostilities on all fronts.

64. I note with great satisfaction that the peace process in the DRC has evolved positively thanks to the political will of the major actors and the sustained efforts of the international community. There is need to single out the decisive contribution to this process of Presidents Thabo Mbeki and José Eduardo dos Santos, Facilitators respectively of the Pretoria and Luanda Agreements. I also pay tribute to the Special Representative of the UN Secretary General for the Inter-Congolese Dialogue, Mr Moustapha Niasse, whose determination and patience, alongside President Thabo Mbeki, Chairperson of the African Union, facilitated the conclusion of a global and inclusive agreement.

65. However, for various reasons, the process remains fragile. In that regard, I wish to express my profound abhorrence of the serious massive human rights violations, including the crime of cannibalism, committed in the Ituri region, and to underscore the urgent need for the international community to sanction the perpetrators. The success of the process calls for a greater commitment by all the parties concerned, as well as the international community.

66. I propose that the Central Organ examine how best to strengthen the role of the African Union in enhancing implementation of the peace and reconciliation process in the DRC, including the possibility of establishing a Committee to follow up on the issue in a sustained manner.

V. Situation in Burundi

67. In its decision CM/Dec. 678(LXXVI) on the situation in Burundi, adopted during its session in Durban in July last year, Council had, *inter alia*, underscored the need to intensify efforts aimed at bringing about a cessation of hostilities, followed by a cease-fire agreement. To this end, Council requested that I, in close collaboration with the Mediation and the Regional Initiative, intensify my contacts with the different armed groups with a view to encouraging them to seriously pursue negotiations with the Government of Burundi and contribute to the search for lasting peace in Burundi.

68. Pursuant to this decision, the Commission, immediately after the Durban sessions, addressed correspondence to the different armed groups to brief them on the contents of the Council decision and to assure them of the readiness of the AU to deploy all efforts to facilitate the restoration of peace and security in Burundi. On 31 July 2002, I wrote to President El Hadj Omar Bongo and to the Deputy President Jacob Zuma, in their capacity as co-mediators, as well as to Presidents Yoweri Museveni and Benjamin Mkapa. In these letters, I stressed that the situation prevailing at the time in Burundi, in particular the escalation of violence, was such that it demanded renewed efforts to give fresh impetus to the peace process and to ensure full implementation of the Arusha Agreement. I expressed my willingness to work with them in order to facilitate the rapid return to peace and stability in Burundi.

69. During the period under review, several rounds of negotiations on the cease-fire in Burundi took place in Dar es Salaam, between August and November 2002. The negotiations were held under the auspices of the Mediation team comprising Deputy President Jacob Zuma and Mr Jean François Ndongou, Minister Delegate in the Gabonese Foreign Affairs Ministry, representing President El Hadj Omar Bongo, as well as representatives of the Tanzanian authorities. The African Union was represented throughout the negotiations by a delegation led by my Special Representative in Burundi, Ambassador Mamadou Bah.

70. The negotiations culminated in the signing in Dar es Salaam, on 7 October 2002 during the 18th Summit of the Regional Initiative for Peace in Burundi, of a cease-fire agreement between the transitional government on the one hand, and the CNDD-FDD of Jean Bosco Ndayikengurukiye and Alain Mugabarabona's PALIPEHUTU-FNL on the other. With regard to the other armed groups, namely Pierre Nkurunziza's wing of the CNDD-FDD and the PALIPEHUTU-FNL (A. Rwsa's wing), the Summit gave them 30 days within which to conclude a cease-fire agreement with the transitional government, without pre-conditions and conditionalities. I was

represented at this Summit by a delegation led by Ambassador Saïd Djinnit, Interim Commissioner in charge of Peace, Security and Political Affairs. During its session of 29 October, the Central Organ, after expressing its support for the decisions of the 18th Summit of the Regional Initiative, encouraged the parties in Burundi to co-operate fully with the Mediation in order to conclude a cease-fire agreement within the stipulated period.

71. Cease-fire negotiations resumed on 21 October in Dar es Salaam, between the transition government and Nkurunziza's CNDD-FDD, and continued until 7 November 2002. Despite sustained efforts deployed by the Mediation and special representatives of the African Union and the United Nations, Agathon Rwasa's PALIPEHUTU/FNL which had dispatched a delegation to Dar es Salaam, refused to enter into any negotiations whatsoever with the government, so long as its pre-conditions were not met.

72. At the time of expiry of the 30 days deadline set by 18th Summit of the Regional Initiative to conclude negotiations, substantial differences still existed between the two parties. These differences concern mainly the CNDD-FDD's demand that the Burundi armed forces should be encamped and disarmed concurrently with its own combatants. Following consultations with the President of the Regional Initiative, President Yoweri Museveni, Deputy President Jacob Zuma secured an extension of the negotiation period. Negotiations resumed in Dar es Salaam on 26 November 2002, and ended in Arusha during the 19th Regional Summit on Burundi, held from 1 to 2 December 2002 at which I was represented by Ambassador Mamadou Bah, my Special Representative to Burundi.

73. At the meeting, the government and the CNDD-FDD, with the support and assistance of the Heads of State and Government in attendance, the Mediation and the Special Representatives of the African Union and the United Nations, reached a compromise on the issues which had been referred to the Summit for want of agreement. On 2 December 2002, the transitional government and CNDD-FDD signed the cease-fire agreement.

74. The agreement stipulated that the cease-fire should take effect on 30 December 2002, the date on which the combatants were expected to have concluded their movement to the assembly areas. Cessation of hostilities, also known as a truce, became effective 72 hours after the signing of the agreement. The agreement provided for a verification process led by an African mission process. It should be noted that, in the first instance, the combatants would move to the assembly areas with their weapons; they would only be disarmed at a later stage. Finally, the agreement spelt out the issues on which the parties agreed to pursue negotiations, including the return to constitutional legality, the transition period, democracy and good governance.

75. In the final Communiqué issued at the end of the meeting, the Summit welcomed the signing of the agreement, and agreed that the CNDD-FDD should be transformed into a political party and be integrated into the transitional government. The Summit made an appeal to the international community to provide all necessary assistance towards the encampment, disarmament, demobilisation and integration of the combatants into the new defence and security forces of Burundi, as well as the rehabilitation of demobilised combatants and soldiers.

76. Since the signing of the cease-fire agreements of 7 October and 2 December 2002 respectively, sustained efforts have been deployed to create conditions for their rapid implementation. On 4 December 2002, Deputy

President Jacob Zuma held a meeting with the United Nations Security Council in New York. In his address to the Council, Mr Zuma called on the UN to back the African Mission and more generally, the cease-fire implementation process.

77. President Thabo Mbeki, in his capacity as Chairperson of the African Union, also took a number of initiatives with a view to supporting the cease-fire implementation process. In this connection, we had consultations on the issue of deployment of the African Mission and on the countries to be approached to contribute troops.

78. On 11 December 2002, my Special Representative in Burundi was received in audience by President Buyoya. Discussions centred on the African Mission and the need for its rapid deployment to maintain the momentum generated by the 2 December agreement. The urgency of deploying the African Mission was reiterated by the Burundi Foreign Affairs Minister, Mr Therenice Sinunguruza on the occasion of his visit to the Headquarters of the Commission in Addis Ababa on 21 December 2002. The same issue was at the centre of the talks held between my Special Representative in Burundi and many other Burundian political actors, including Vice President Domitien Ndayizeye and CNDD-FDD's Legal Advisor Pierre Nkurunziza.

79. On 4 January 2003, I addressed correspondence to Presidents Thabo Mbeki, Chairperson of the African Union, Yoweri Museveni Chairman of the Regional Initiative, El Hadj Omar Bongo as well as Deputy President Jacob Zuma in their capacity as Mediators. In the correspondence, I underscored the fragility of the situation in Burundi and the urgent need to deploy the African mission. I suggested in this regard that a meeting be convened in Addis Ababa bringing together all the top officials of the Mediation, both political and technical, officials of the Regional Initiative and the Commission, to exchange views on the nature of the African mission, the practicalities of its deployment, its *modus operandi*, its funding as well as on the contribution expected from the African Union. The meeting took place on 15, 16 and 17 January 2003 at the Headquarters of the African Union, and its recommendations were transmitted to Deputy President Jacob Zuma.

80. In the meantime, at my invitation, Deputy President Zuma visited Addis Ababa for discussions with the Commission on the peace process in Burundi and the ways and means of speeding up the process. Deputy President Zuma seized the opportunity to address the Central Organ, meeting in its 88th Ordinary Session on the 14 January 2003. In his address, he underscored the need for the renewed support of the African Union for the peace process, with a view to bringing it to a successful conclusion. In particular, he highlighted the urgency of deploying a team of observers from the African Union who would help to consolidate the truce accepted by the warring parties pending the deployment of the African Mission, to be made up of contingents from South Africa, Ethiopia and Mozambique.

81. For its part, the Central Organ emphasised the urgent need to deploy the African Mission. Meanwhile, it authorised me to establish, as soon as possible, an African Union team of observers responsible mainly for facilitating communication between the warring parties, with a view to reducing the risks of violations of the truce and carrying out any other duties accepted by the parties which could create and strengthen trust between them. The Central Organ urged Agathan Rwasa's PLIPEHUTU-FNL to join in the peace process and put an end to its attacks.

82. Since the adoption of the decision of the Central Organ, the Commission has worked tirelessly to ensure the rapid deployment of African Union observers. Communication was addressed to Tunisia, Burkina Faso, Togo and Gabon with a view to them providing military observers for the Commission. Measures are also being taken to convey the requisite hardware to Bujumbura. Likewise, the parties in Burundi have been contacted officially to co-operate with the team of observers and to facilitate its mission. Lastly, the Commission contacted partners of the African Union with a view to obtaining the necessary logistic and financial assistance.

83. For his part, Deputy President Jacob Zuma, after his stay in Addis Ababa, visited Bujumbura, where he held talks with President Pierre Buyoya and other officials of the transition government. He also met members of the Arusha Agreement Implementation Monitoring Commission (CSA), which was then holding its 11th Ordinary Session. At the time of finalising the present report, a meeting was scheduled to be held in Pretoria, between President Pierre Buyoya and officials of the armed movements signatory to the agreements of 7 October and 2 December 2002 respectively, in the presence of Deputy President Jacob Zuma, in order to come to an agreement on measures likely to facilitate implementation of the cease-fire.

84. The sense of emergency has heightened, the more so as the situation on ground remains tense. Confrontations between government forces and CNDD-FDD combatants have been reported in different areas of the country, compounded by the fact that the crucial issue of pre-encampment and supplies to CNDD-FDD combatants was still not settled. In this connection, the United Nations mission, that of the African Union, and members of the international community in Bujumbura got together and contacted the Government and the CNDD-FDD, as well as donors and humanitarian agencies, in order to facilitate food supplies to CNDD-FDD combatants. With regard to distribution, after initial prevarication and reticence on the part of the NGOs approached, GTZ, the German Co-operation Agency, expressed its willingness to procure and deliver food commodities. It is within this context that a delegation comprising President Buyoya's Diplomatic Adviser, my Special Representative, the MIOB Military Adviser, the United States Ambassador in Bujumbura as well as officers of the Burundi army and of the CNDD-FDD, on 30 December 2002, proceeded to Musigati in the Bubanza province, 60 km north of Bujumbura, to look into the logistics of moving supplies to CNDD-FDD combatants.

85. I call on the parties in Burundi to refrain from any action likely to undermine the progress achieved. For its part, the African Union will continue fully to support the on-going peace process and Mediation efforts. Finally, I would like to avail myself of this opportunity to express my sincere gratitude to Burundi's bilateral and multilateral donors for pledges made during the Round Table held in Geneva on 27 and 28 November 2002, and urge them to rapidly translate their pledges into concrete action. The quest for lasting peace and reconciliation in Burundi would thereby be greatly facilitated.

VI. Other Conflict Situations

(a) The Sudan

86. Sustained efforts have been made in recent years to end the civil war in The Sudan, the longest running conflict in Africa. The conflict has claimed the lives of hundreds of thousands of people, triggered untold human suffering, including the displacement of millions of civilians, and destroyed the

infrastructure of the country. It has also been a major source of instability in the region.

87. During the Durban sessions of Council and Summit, I reported on the evolution of the peace process in that country, in particular the efforts being spearheaded by former President Daniel arap Moi and his Special Envoy, Lt. Gen. Lazaro K. Sumbeiywo, on behalf of IGAD, with the support of the observers, in particular the USA, the United Kingdom and Norway. It should be recalled that the 9th IGAD Summit, held in Khartoum in January 2002, mandated former President arap Moi to rejuvenate the IGAD-led peace process, and to explore ways of harmonising other existing peace initiatives with the IGAD peace process.

88. In the period that followed the Durban sessions, an important milestone was reached with the signing, by the Government of The Sudan (GOS) and The Sudan People's Liberation Movement/Army (SPLM/A), of the Machakos Protocol on 20 July 2002. The Protocol, which was the result of sustained negotiations that began on 18 June 2002 under the auspices of IGAD, reaffirmed the commitment of the two parties to a negotiated, peaceful and comprehensive resolution of The Sudanese conflict. It addressed two central issues in the ongoing Sudan conflict: self-determination for Southern Sudan and separation of State and religion. Regarding the issue of self-determination, the Machakos Protocol stipulates that, at the end of the six-year interim period provided for in the agreement, there shall be an internationally monitored referendum, organised by the GOS and the SPLM/A for the people of South Sudan either to confirm the unity of The Sudan or to vote for secession. In the meantime, both parties agreed to work towards making the unity of The Sudan attractive to the people of South Sudan.

89. Moreover, under the Protocol, the parties agreed to a broad framework which sets forth the principles of governance, the general procedures to be followed during the transitional process, and the structures of government to be created under the legal and constitutional arrangements to be established. They also agreed to resume negotiations in August 2002, with the aim of resolving outstanding issues toward the realisation of a comprehensive peace in The Sudan.

90. In a statement issued on that occasion, I welcomed the signing of the Protocol and urged the parties to work vigorously for the resolution of the remaining issues and to arrive at a speedy resolution of the conflict. I also wrote to President Daniel arap Moi to assure him of the support of the African Union, and of my readiness to contribute, in whatever ways deemed appropriate, to The Sudanese peace process. Subsequently, in mid-August, President Omar Hassan Ahmed Al Bashir's Adviser on Peace Affairs, Dr. Ghazi Salahudin Atabani, visited the AU Headquarters for discussions on the evolution of the negotiations.

91. The second round of the Machakos talks began on 14th August and ended on 1st September 2002, when the Government of The Sudan suspended the negotiations after the SPLM/A captured the town of Torit. Following sustained efforts by the mediators and after The Sudanese army regained control of the town, the GOS and the SPLM/A signed, on 15 October 2002, a Memorandum of Understanding (MoU) in which they agreed to resume the negotiations. They also agreed to create and to maintain a conducive atmosphere throughout the negotiations, undertaking to cease hostilities in all areas of The Sudan, and to ensure a military stand-down of their own forces.

92. I dispatched a delegation to Machakos to participate in the talks. Subsequently, and following his appointment as my Special Envoy for The Sudan, Ambassador Baba Gana Kingibe, former Foreign Minister of Nigeria, joined the AU delegation in Machakos to follow the proceedings and to lend the AU's support to the IGAD led efforts. I also seized the opportunity of the resumption of the negotiations to send letters to both President El Bashir and the Chairman of the SPLM/A, Colonel John Garang. In those letters, I commended them on the achievements made thus far, and encouraged them to continue demonstrating the required political will and to extend full co-operation to IGAD, so as to ensure the success of the talks.

93. During the resumed second round of negotiations, the parties put forward four items on the agenda: (i) the structures of government, particularly as it relates to power sharing, wealth sharing, human rights, the judiciary and the rule of law; (ii) security arrangements; (iii) modalities for implementing the Peace Agreement; and (iv) regional and international guarantees. The talks ended on 18 November 2002, with the signing of a Memorandum of Understanding outlining the general principles of power and wealth sharing, and stipulating that free and fair general elections shall be held during the first half of the six-year interim period, provided for in the Machakos Protocol. The parties also agreed to extend the 15 October MoU on the cessation of hostilities to the 31st March 2003.

94. One of the most difficult issues of the negotiations relates to the status of the disputed areas of Abeyi, Southern Blue Nile and Nuba Mountains. The Government opposes the discussion of these areas in the IGAD framework, stressing that the mandate of the regional body is limited to the South as defined at independence in 1956. The SPLM/A holds a contrary view, and demands that these areas be addressed within the IGAD framework. A compromise was struck by the mediators at the conclusion of the third round of talks, namely that the three disputed areas would be discussed separately under the aegis of Kenya and not IGAD. It was on this basis that the 15th January - 5th February period was fixed for the talks. Eventually, some discussions took place in mid-January in Nairobi at a three-day symposium. This was to conform with the Government's view that any negotiations over these areas can only be between them and the SPLM members from these areas.

95. Further substantive talks on power and wealth sharing resumed in Nairobi on 23 January 2003. Among the key issues to be discussed are those relating to structures of all levels of Government - National, Regional and State; Human Rights and the Judiciary; and wealth sharing, including the ownership and management of land, and equitable revenue sharing formula especially for revenue from oil. Appropriate mechanisms are also being considered for a discussion of the vexed issues of the three disputed areas and security arrangements. I am hopeful that satisfactory solutions will be found for both.

96. Discussions on all these commenced and were proceeding satisfactorily when on the 26th January, following an alleged capture of the town of Ler by Government forces, the SPLM suspended the talks on the grounds that Government has thus violated the Memorandum of Understanding on the cessation of hostilities. Indeed, the Ler incidence was the culmination of a series of incidences in Western Upper Nile between 31 December 2002 and 15 January 2003 in the Bentui-Lara and Bentui-Ler axis. Both parties accused

each other of violations of the Memorandum of Understanding, violations which at the time of finalising this report are being verified.

97. Whatever the outcome of these investigations, both sides must be urged to adhere strictly to the terms of the Memorandum of Understanding on the cessation of hostilities, especially now that the mechanism for verification has been strengthened by the agreed addendum of 29 January 2003. These acts of violation which are capable of derailing the peace process must stand condemned.

98. Since his appointment, my Special Envoy has maintained close contacts with the parties. In the course of the talks, he has interacted closely with representatives of both the GOS and the SPLM/A. He held talks with SPLM/A Chairman, Col. J. Garang. On 11 December 2002, he met with President El Bashir in Abuja, while the latter was attending a NEPAD Summit on Food Security, and they exchanged views on the peace process. From 28 December 2002 to 1st January 2003, the Special Envoy undertook a visit to the three disputed areas, to assess the situation on the ground and to gain a better understanding of the issues involved. Finally, on 23 January, Amb. Kingibe travelled to Khartoum where he held further constructive consultations with The Sudanese authorities.

99. During the period under review, my Special Envoy has also maintained close contacts with members of the IGAD Partner's Forum (IPF) attending the talks. In this regard, he visited Washington, DC, from 6 to 9 January 2003, where he held productive discussions with senior US Administration officials, including the Deputy Assistant Secretary of State for African Affairs. On every occasion, the Special Envoy reiterated the African Union's determination to play a more active role in The Sudan peace process, and exchanged views on how to sustain the momentum for peace. While in Washington, he also held consultations with the resident Ambassadors of IGAD countries, including the Ambassador of The Sudan, who provided his Government's perspective on the evolution of the peace process and the crucial role being played by the USA. My Special Envoy is in continuous consultations with the representative of the other IGAD Partners, especially the UK and Norway, to exchange views on the best way to move the peace process forward.

100. Although significant progress has been made, there is still a long way to go before the parties reach a comprehensive agreement. It is, therefore, crucial that the parties remain committed to the search for peace and continue to co-operate fully with IGAD.

101. In conclusion, I wish to reiterate the African Union's determination to continue supporting the ongoing negotiations. In this respect, the Commission is in the process of strengthening the AU delegation at the talks, through the provision of additional human resources to support the work of the Special Envoy. Consideration should be given to the participation of the AU to the monitoring and verification mechanism of the Memorandum of Understanding. Finally, the Commission is also making a financial contribution to support the work of the IGAD Peace Secretariat on The Sudan.

(b) Sudan-Eritrea

102. On 8 October 2002, on the basis of media reports of an escalation of the fighting in Eastern Sudan, along the border with Eritrea, I issued a press release in which I:

- reiterated the appeal I had made to the parties to the Sudanese conflict to cease all hostilities as a mark of their commitment to the Machakos peace process, in Kenya;
- called upon Eritrea and The Sudan to exercise maximum restraint and, as members of the African Union, to uphold the spirit of good neighbourliness, which is a *sine qua non* for peace in the Horn of Africa, a region that has seen so much turbulence and the traumatising of its peoples from civil war and conflict.

103. By *Note Verbale* dated 8 October 2002, the Embassy of The Sudan in Addis Ababa transmitted a letter, dated 6 October 2002, which the Sudanese Minister of Foreign Affairs had addressed to me. In that letter, the Minister informed me that, on 3 October 2002, the Eastern border of The Sudan was the target of a military offensive launched from within Eritrean territory and that established facts proved that the Eritrean regime had provided military equipment and intensive artillery support.

104. The Minister consequently appealed to the African Union to assume its responsibilities and bring to an end the disastrous practices of the Eritrean regime. He reiterated the commitment of the Sudanese Government to the principles of International Law and to dialogue, and pointed out that the Sudanese Government would exhaust all peaceful means to achieve peace in the entire region. At the same time, the Minister informed me that his Government reserved the legitimate right to defend its people and its territorial integrity by all the means at its disposal.

105. On 8 October 2002, President Isaias Afwerki addressed a letter to me in which he drew my attention to the events in The Sudan, including the promising progress in the peace process in Machakos and, in particular, the signing, on 18 August 2002, of the Machakos Protocol. President Isaias stressed Eritrea's commitment to that process, which addressed the root causes of the civil war in The Sudan. He also drew my attention to the accusations of the Sudanese authorities regarding the alleged involvement of Eritrea in the civil war in The Sudan.

106. President Isaias stressed that Eritrea had refrained from responding to the provocations of the Sudanese Government. Finally, he expressed his conviction that there was a need for effective and concerted action to persuade both parties to the Machakos process to resume negotiations with the requisite sincerity and seriousness, in order to achieve a comprehensive peaceful solution.

107. Relations between Eritrea and The Sudan were considered during a session of the Central Organ at ambassadorial level, held on 11 October 2002. At the end of the deliberations, the Central Organ issued a Communiqué in which it:

- expressed its grave concern about tension in the relations between the two countries and the threat posed by the situation to peace and security in the region;
- appealed urgently to the leaders of the two countries to exercise restraint, to refrain from all acts that would heighten the tension, and to resolve their differences through dialogue, in conformity with the relevant principles of the Constitutive Act of the African Union; and
- expressed satisfaction at the decision of the Interim Chairperson of the Commission to dispatch a mission to The Sudan and Eritrea.

108. Pursuant to that decision of the Central Organ, I dispatched to The Sudan and Eritrea a delegation led by Ambassador Said Djinnit, Interim

Commissioner in charge of Peace, Security and Political Affairs with the objective to:

- collect information from the authorities of The Sudan and Eritrea on the situation obtaining between the two countries;
- reiterate the appeal for restraint made by the Central Organ to the two Governments;
- offer the good offices of the African Union to defuse the lingering tension and to facilitate the normalisation of relations between the two countries.

109. The delegation expressed its readiness to meet all the authorities and all the persons the two Governments would place at its disposal to give it the information they wished to bring to the attention of the African Union. At the same time, it specified to the two Governments that, in order to assess the humanitarian situation prevailing in The Sudan and Eritrea before and after the events of 3 October 2002, it intended to hold discussions with the representatives of the UNHCR and ICRC in the two countries.

110. The delegation first travelled to Khartoum, where it stayed from 20 to 23 October 2002. During its stay, it met with the Minister for Foreign Affairs, Dr. Mustafa Osman Ismail, with his advisors, and with the Adviser to the President on Peace, Dr Ghazi Salah Edin. It was received in audience by President Omar Hassan Ahmed El Bashir. The delegation also held a number of meetings with Sudanese Officials, including members of the security apparatus, during which various persons were presented who introduced themselves as follows: two persons who introduced themselves as officers of the Eritrean army, who had defected; one person who introduced himself as an SPLA Officer who had been made prisoner before the events of 3 October; one person who introduced himself as an Eritrean officer captured during the incidents of 3 October; two persons who introduced themselves as SPLA soldiers who were made prisoners during the events of 3 October; as well as other persons who introduced themselves as NDA/SPLM/A dissidents. The Sudanese officials handed over to the delegation one document and a CD Rom containing statements of four alleged Eritrean prisoners of war reportedly captured during the events of 3 October. Finally, the delegation seized the opportunity to hold talks with the representatives of the UNHCR and ICRC on the humanitarian situation before and after the events of 3 October 2002.

111. The delegation visited Asmara from 23 to 25 October 2002. It met with the Minister for Foreign Affairs, Mr Ali Said Abdallah, and was received in audience by President Isaias Afwerki. It also met with the Commissioner in charge of Relief and Refugees, Mrs Hewit Zemichael. It held talks with representatives of the National Democratic Alliance (NDA). Finally, it met with the representatives of the UNHCR and ICRC to discuss the humanitarian situation prevailing in the country before and after the events of 3 October 2002.

112. During the different talks, the two parties expressed their positions as follows:

The Sudan

- reiterated its commitment to the Machakos peace process;
- accused the Eritrean Government of sabotaging the Machakos process;
- expressed its preference for a peaceful resolution of the tension between the two countries but did not exclude, if necessary, the use of force to defend its territory;

- accused Eritrea of supporting the NDA-SPLM/A and of being involved, alongside them, in the military activities carried out in Eastern Sudan, including in the attacks of 3 October;
- in support of those accusations, presented individuals – including NDA dissidents and alleged Eritrean military defectors and prisoners of war – who testified about the support of Eritrea to the Sudanese armed opposition, as well as its involvement in the hostilities in Eastern Sudan, including during the events of 3 October 2002;
- stressed the role that the African Union could play in the search for a peaceful solution to the tension between The Sudan and Eritrea;
- requested the establishment of a joint verification or control mechanism at the common border, under the auspices of the African Union.

Eritrea

- stressed the primacy of the Machakos peace process and the need to include the NDA in the negotiations, and expressed its support for that process;
- expressed doubts about the commitment of The Sudan to the Machakos process;
- denied any military involvement of the Eritrean forces, along with the NDA-SPLM/A, in the hostilities in Eastern Sudan (the NDA-SPLM/A representatives, who were met in Asmara, affirmed that Eritrea did not give military support and was not involved in the fighting);
- rejected the so-called proof given by the Sudanese authorities about the involvement of the Eritrean armed forces elements, which were neither brought to its attention nor presented to public opinion;
- stressed the destabilising role of The Sudan and its support for international terrorism;
- considered that the problems between the two countries should be dealt with through dialogue and the existing bilateral channels, making resort to a third party unnecessary;
- considered that a verification/control mechanism was not necessary - the observance of the ceasefire, including in Eastern Sudan, made such a mechanism superfluous.

113. The UNHCR and ICRC representatives briefed the delegation on the humanitarian situation prevailing in The Sudan and in Eritrea before and after the events of 3 October 2002. In particular, they noted that those events resulted in the suspension of the repatriation operation of Eritrean refugees in The Sudan, which had begun immediately after the signing, in May 2001, of a Tripartite Agreement between Eritrea, The Sudan and UNHCR. The first phase of that operation had led to the repatriation of 51,000 Eritrean refugees out of a total of 168,000 refugees in the camps. The UNHCR and ICRC representatives appealed for the opening of the border between the two countries and for a resumption of the repatriation activities.

114. At its 87th Ordinary Session at Ambassadorial level held in Addis Ababa on 4 December 2002, the Central Organ reiterated its appeal to the leaders of Eritrea and The Sudan to exercise restraint and refrain from any action likely to heighten the tension and undermine the efforts deployed to foster peace and stability in the region, particularly the Machakos Peace Process.

115. The Central Organ further called upon the two countries to take immediate steps to re-establish trust including along their common border,

and requested the Commission to assist the parties in working out acceptable modalities and mechanisms to attain that objective. The Central Organ also called upon the Chairperson of the African Union, with the support of the Commission, to take appropriate steps to facilitate the initiatives aimed at defusing the tension between the two countries.

116. At the time of finalising this report, arrangements had been made for an African Union delegation led by the South African Foreign Minister and including representatives of the Commission, to proceed to The Sudan and Eritrea as part of the organisation's efforts to defuse the tension in the relations between the two countries.

Somalia

117. Since the July 2002 Durban Summit, the Somalia peace process has witnessed significant developments. Indeed, following months of steady preparations carried out by the IGAD Technical Committee on Somalia, comprising the frontline states, under the chairmanship of Kenya, the Somali Peace and Reconciliation Conference convened, under the auspices of IGAD, on 15 October 2002, in Eldoret, Kenya.

118. I participated in the opening ceremony, along with Presidents Daniel arap Moi, Omar Hassan Ahmed El Bashir and Yoweri Museveni, Prime Minister Meles Zenawi and representatives of the Presidents of Djibouti and Eritrea. In my address to the Conference, I urged the participants to display the required spirit of compromise and to arrive at a genuine and all-inclusive reconciliation. I subsequently dispatched a team from the AU Commission to follow the proceedings and assist IGAD in its efforts.

119. On 27 October 2002, the Somali participants signed a Declaration on the Cessation of Hostilities and the Structures and Principles of the Somalia National Reconciliation process. In that Declaration, the Somali delegates agreed to create federal governance structures for their country; to abstain from the conduct of hostilities and to maintain that state of affairs during the peace process and subsequently; to guarantee the security of all humanitarian and development personnel and installations; to undertake political negotiations and technical discussions in good faith and in a spirit of co-operation during each phase of the Somali national reconciliation process; and to combat terrorism. The Declaration invites IGAD, the African Union and the wider international community to support and monitor its implementation and all future agreements.

120. The second phase of the Eldoret Conference was launched on 29 November 2002. Since then, six Committees have been established to deliberate on the core issues of the Somali conflict. These include constitution and federal government; land and property rights; disarmament, demobilisation and reintegration of fighters; local/regional conflict resolution; economic recovery; and regional and international issues.

121. Although commendable progress has been made, the Eldoret Conference faces serious obstacles. Some of these are related to the formula used to determine the allocation of seats for the various Somali parties. It should be stressed that, instead of the 300 delegates envisaged by IGAD, over 800 delegates initially participated in the first phase of the Conference. The challenge was to reduce the number of delegates to a manageable size, whilst at the same time ensuring fair representation of all Somali interest groups. Eventually, a consensual formula was adopted at the end of November, enabling the second phase to get off the ground. However, disputes around

representation could re-emerge, especially in light of the issues that would be tackled in the third phase of the Conference, namely power sharing and the establishment of a new government.

122. In fact, from the start, the various Somali parties involved in the Eldoret Conference had registered misgivings with the handling of the process by the Technical Committee. Generally, the Somali parties accused the Technical Committee of imposing issues and of not being neutral, and of mismanagement of administrative issues. Furthermore, the lack of coordination among the various Somali factions has adversely affected the discussions. The situation was further compounded by differences within the Technical Committee on the conduct of the process.

123. A meeting of Ministers from the IGAD Frontline States, with the participation of the AU, was held in Nairobi in mid-January to address the problems faced by the Conference. The meeting addressed and acted upon those issues relating to the management of the Conference. However, in Djibouti's absence, the Minister's did not address the other relevant aspects of the Conference. At the time of finalising this report, another meeting of Foreign Ministers has been scheduled for Addis Ababa.

124. It is against this backdrop that the newly-elected Kenyan President, Mr Mwai Kibaki, decided to replace Special Envoy Elijah W. Mwangale, appointing, on 18 January 2003, Ambassador Bethuel S. Kiplagat. Mr Kiplagat and the new Kenyan Foreign Minister have since addressed the Conference and have discussed a number of the obstacles that are hampering proceedings.

125. As part of AU's efforts to support the peace process, and following the decisions of the 87th ordinary session of the Central Organ, held on 29 October 2002, I appointed, on 21 November 2002, Ambassador Muhammed Ali Foum, of the United Republic of Tanzania, as my Special Envoy. Since his appointment, my Special Envoy has been travelling regularly to Eldoret to attend the Conference. He has maintained constant and intensive consultations with all Somali delegations, the IGAD Technical Committee and Chairman, as well as with representatives of the United Nations, the European Union, the League of Arab States and others, in order to consolidate the progress this far achieved.

126. In spite of the problems encountered, the Eldoret Conference holds great promise. The potential for success of current efforts are premised on the fact that Somalis have expressed a clear desire to reconcile their differences, to resolve their problems and to embark on the reconstruction of their war-ravaged country. It is encouraging to note that most of the major Somali political actors are present. Clearly, the Eldoret process represents the best chance for peace since the outbreak of the conflict. Although the responsibility for achieving a lasting solution lies first and foremost in the hands of Somalis themselves, the international community, in particular the neighbouring countries and the AU, have a political and moral responsibility to seize this window of opportunity to restore peace and security and bring to an end the suffering of the Somali people.

127. The African Union, for its part, will continue to do its utmost to help the process, and I urge the parties to continue their talks in a spirit of accommodation to attain a genuine and all-inclusive national reconciliation for the country.

Angola

128. The Durban sessions of Council and Summit welcomed the signing, in April 2002, by the Military Chiefs of the Angola Armed Forces and UNITA troops, of the Memorandum of Understanding – supplementary to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of Pending Military issues, as well as progress made in its implementation. They also welcomed the commitment of the Angolan Government to establish a lasting peace and to undertake reconciliation efforts in the country in accordance with the Lusaka Protocol. They took note of the Report of the OAU/AU Ad-hoc Committee on the Monitoring of the UN Security Council Sanctions Against UNITA, and commended the efforts of the Committee.

129. Council and Summit reiterated the readiness of the OAU/AU to support the efforts of the Angolan people and their leaders in seeking a lasting peace and sustainable development in their war-devastated country.

130. During the period under review, I wish to report that progress continued to be made in the promotion of peace and stability in the country. In this regard, I received on 26 December 2002 a statement from the Government of Angola, noting in particular the imminent disbandment of the MPLA/UNITA Joint Commission charged with implementing the 1994 Lusaka Peace Agreement between the Government and UNITA. The Government stressed that the conclusion of the activities of the Joint Commission marked the start of a new era in the country's history. The statement also outlined the sustained efforts of the Government in cooperating with UNITA to consolidate peace and national reconciliation in the country.

131. In the meantime, the UN Security Council, recognising the changed political situation in Angola, especially after the disbanding of the military wing of UNITA on 2 August 2002, adopted, on 21 October 2002, Resolution 1439 (2002). In this resolution, the Security Council, among other things, decided to end, with effect from 14 November 2002, the ban on travel of UNITA cadres.

132. Since the signing of the Agreement between the Government and UNITA, about 5,000 of the 85,000 UNITA forces, including all of UNITA's senior military officers, have now been absorbed into the military and national police. But the task of addressing the needs of the 3 million internally displaced Angolans as well as the 450,000 refugees in the neighbouring countries still poses a serious challenge to the Government.

133. I wish to express my satisfaction with the pace of the peace process and the continuing integration of UNITA forces into the military and civilian life of the country. The progress made thus far can only be sustained with the help of external assistance and in this regard, I wish to appeal to Member States and to the international community at large, to increase their assistance aimed at helping Angolans to demobilise, disarm, de-mine, reintegrate, and in other aspects of the rehabilitation process of their country.

134. During the period under review, the AU Ad-hoc Committee on Sanctions against UNITA made a successful visit to Angola from 16 to 19 January 2003. The purpose of the visit was to consult with the Government of Angola on the sanctions against UNITA, in light of the progress made in the peace process and relevant resolutions adopted by the UN Security Council. The Ad-hoc Committee held consultations with senior Angolan Government officials on the peace process and ways to strengthen it. It was the unanimous view of the Committee that, since UNITA had been defeated and its army disbanded, the

Committee had already achieved its objectives and would, therefore, cease to exist.

Peace process between Ethiopia and Eritrea

135. In my report to Council, last year, I provided an overview of the progress made in the implementation of the Algiers agreements of June and December 2002. In particular, I highlighted the decision of the Eritrea-Ethiopia Boundary Commission (EEBC) regarding the delimitation of the border between the two countries.

136. Since then, I have continued to follow closely developments in the peace process. During the period under review, the situation in the Temporary Security Zone (TSZ) has remained generally calm. Aside from some allegations by both parties accusing each other of cattle rustling, especially around the Irob area, and the normal deployment and rotation of forces, the parties have continued to respect the TSZ. Most recently, on 13 January 2003, I received a communication from the Ethiopian Foreign Affairs Ministry, forwarding a letter addressed by Minister Seyoum Mesfin to the United Nations Secretary General's Special Representative drawing the latter's attention 'to acts of provocation by Eritrea along the common border and expressing the hope that UNMEE would take speedy measures to help avoid unnecessary complications'. Although restrictions on freedom of movement of United Nations Mission in Ethiopia and Eritrea (UNMEE) peacekeepers have persisted, their numbers have declined. Landmines and unexploded ordnance (UXO) still pose a major threat, in the TSZ and adjacent areas, both to the UN personnel and to the civilian populations of the two countries.

137. I am happy to report that, in accordance with the Geneva Conventions and the Algiers Peace Agreement of December 2000, Ethiopia, on 29 November 2002, released the last 1,130 Eritrean detainees who had been registered with the International Committee of the Red Cross. This action followed the announcement by Ethiopia and Eritrea, in August 2002, of their commitment to release all the remaining POWs. Eritrea had released 279 POWs on 29 August 2002.

138. I also would like to report that the Military Coordination Commission (MCC), whose activities had been halted since April 2002, met in Nairobi on 11 December 2002, under the chairmanship of the new UNMEE Force Commander, Major General Robert Gordon. The African Union was represented by Brigadier General E. N. Kamteni, Senior Military Representative of the AU Liaison Mission in Ethiopia-Eritrea (OLMEE). Discussions during the meeting centered around, *inter-alia*, the establishment of the institution at the sector and battalion levels, as an extension of the MCC. The objective is to share information on security issues and to deal with cattle rustling problems. Both parties agreed to the suggestion that each state nominate two representatives who would work with UNMEE Sector Commanders to resolve such problems at sector level.

139. On 6 and 7 November 2002, the EEBC met in London. The OLMEE Senior Political Representative attended that meeting, which gave ruling and answers to some pending issues raised by the parties and to put in place the EEBC's programme of work for the implementation of the demarcation to be carried out from November 2002 to October 2003.

140. As part of the implementation of the EEBC's demarcation programme, maps for the sector West have already been presented to the two parties and the work to complete the maps for the remaining two sectors was continuing,

though not as planned. The demarcation work, scheduled to begin in May 2003, is planned to be conducted sector by sector, starting with sector West, followed by sector Center and finally by sector East. It is anticipated that each sector will take approximately one month. If all goes as planned, the demarcation work should be completed by the end of August 2003. Final documents indicating positions of all the pillars and a small-scale index map are expected to be ready sometime in mid-October 2003.

141. It should also be noted that, following consultations with the parties, the EEBC has introduced amendments to its rules of procedure. Accordingly, each party is requested to ensure the security of all Field Offices of EEBC Staff involved in the demarcation exercise in the areas under its control and to notify its local authorities of the staff's presence.

142. The cost of the demarcation exercise now stands at about US\$ 7,6 million. So far, the UN Trust Fund established for that purpose has only US\$3 million, leaving a shortfall of US\$4.6 million. The EU, Norway and the USA have each pledged to contribute US\$1 million. When this amount is received, the shortfall will be US\$1,6 million. I wish to appeal to the international community for further contributions to facilitate the completion of the demarcation exercise.

143. Over the reporting period, OLMEE has continued to maintain close contacts with the two parties, with UNMEE and with other institutions involved in the peace process. OLMEE Liaison Teams continue to deploy and to patrol the TSZ together with UNMEE on a monthly basis.

144. In spite of the difficulties encountered, the peace process is making progress. I urge both parties to remain committed, especially as the implementation of the Algiers agreements is entering a new and crucial phase with the border demarcation. I also call upon the international community to continue supporting UNMEE and OLMEE, as well as providing assistance to the drought stricken populations in Ethiopia and Eritrea.

The Comoros

145. At the Council and Summit sessions in Durban, I reported on the implementation status of the Fomboni Framework Agreement of 17 February 2001 and developments in the reconciliation process in The Comoros. In particular, I highlighted various elections organised in the Archipelago that facilitated the adoption of the Constitution of the Union and the basic laws of the Islands, as well as the election of the President of the Union and the Anjouan, Mohéli and Grande Comore Executives.

146. Since then, the process for the return to institutional normalcy has experienced many difficulties with the attendant danger of undermining the progress achieved after many years of sustained efforts.

147. Indeed, soon after the investiture of the President of the Union and the Presidents of the Islands in May 2002, a fresh crisis erupted in Grande Comore, seat of the Union President and headquarters of the autonomous Island of Ngazidja, as a result of a conflict of powers between these two institutions. In the absence of laws defining and determining the areas of competence between the Union and the Islands, the Union felt that it was its duty to ensure continuity and management of the State administrative services, particularly in Grande Comore capital of the Union and the country's economic lifeline. The Union had the support of the autonomous Island of Mohéli in this regard.

148. For its part, the autonomous Island of Grande Comore held that, the people having freely voted the Constitution of the Union and the basic laws of the Islands which gave wide autonomy to the Island entities, each Island should inherit and manage the existing infrastructure on its territory without interference from the Union pending the establishment of the legislative institutions. Grande Comore had the unconditional support of Anjouan in this contention.

149. As time went on, positions hardened. The President of the autonomous Island of Ngazidja and the President of the Union descended into destructive policies issuing decrees and counter decrees appointing their own heads of public institutions, parastatals and state companies in Moroni. This resulted in several weeks of paralysis of the administrative services, in particular the state financial institutions which all found themselves with two directors: one appointed by the Union, and the other by the Island. The Union had to resort to the law enforcement agencies to establish its dominance of all the services.

150. In the face of this endless competition for power, President Abdou Soulé El Bak, pointing to the provisions of the basic law of the autonomous Island of Ngazidja, decided to create a corps of security forces for the Island whose responsibility would be *'to ensure the internal security of the citizens and their property as well as respect for public order and peace'*. President El Bak justified his decision by the refusal of the President of the Union to place the police and the gendarmerie at the disposal of his Island.

151. As the situation began to deteriorate, the international community, in particular the African Union and its Special Envoy, deployed efforts to get the various parties to act responsibly and to agree on interim mechanisms to enable the institutions to function normally pending the establishment of the Assembly and the adoption of organic laws to define the areas of shared responsibilities. The Bretton Woods institutions and the African Development Bank also tried to convince the parties to reach an understanding that would enable their country to obtain a monitoring programme and open the way for it to secure the HIPC, but without success.

152. In the face of the impossibility of reaching an agreement to overcome the impasse, and following the mission to the Island by my Special Envoy, Mr Francisco Madeira, in August/early September 2002, all the parties were called upon to call legislative elections with a view to establishing the National Assembly, the only institution capable of resolving this conflict of powers. The deadline set by the Constitution for establishment of the institutions necessitated this approach.

153. Other initiatives were undertaken to defuse the crisis; for instance, the Paris meeting of the Technical Commission, in October-November 2002, to draw up preliminary draft laws, came up with a framework guideline and a consensual decision on the management of public affairs. That meeting was to be followed by a Conference of the Union President and the Presidents of the Islands, in Port Louis, Mauritius, in the third week of December 2002, not only to validate the Paris consensus but also to establish a timetable for the legislative elections. The Mauritius meeting was postponed because of differences over its agenda.

154. The Presidents of Mohéli, Grande Comore and Anjouan met at Patsy, Anjouan, on 27 December 2002. In the resolution adopted at the end of this meeting, the Presidents of the Islands, considering the precariousness of the political climate and the obstacles hampering the establishment of the new

institutions of the Union of The Comoros, called for a meeting of the President of the Union and the Presidents of the Island Executives in Mohéli, before 5 January 2003, to be attended by the international community, and to resolve the outstanding differences, in particular security-related issues. They further demanded that all the necessary steps be taken to ensure that the timetable for the legislative elections for the Islands and the Union, as proposed by the Follow-up Committee, be scrupulously respected. Lastly, they expressed their full support for the areas agreed to at the Paris meeting, the conclusions and recommendations of the *Aide-Memoire* of the IMF Mission dated 19 December 2002, and the proposals made by the Follow-up Committee at its 9th extra-ordinary session, and called for their strict application.

155. Following the Patsy meeting, another meeting was held in Mohéli, in early January, but made no progress. The delegations that attended left Mohéli in an atmosphere of heightened tension. The Grande Comore and Anjouan autonomous Islands chastised the Mohéli Island authorities, accusing the latter of having been manipulated by the Union with a view to aborting the meeting. On his return to Anjouan, the leader of the Anjouanese delegation ordered the law enforcement agencies to pull down the Union flag which, for nearly two months, had been flying at the Ouani airport.

156. For his part, soon after his return from Mohéli, the President of Grande Comore proceeded to Anjouan where he held talks with President Mohamed Bacar, after which issued a joint Press Statement denouncing the dictatorial excesses of President Azali Assoumani and emphasised that the Fomboni Framework Agreement of 17 February 2001, the conclusions of the November 2002 Paris meeting, the 19 December 2002 IMF *Aide Memoire* and the deliberations of the Follow-up Committee were crucial instruments capable of guiding The Comoros to a peaceful resolution of the conflict of powers.

157. Tension very quickly mounted in Moroni. Throughout the week of 13-19 January 2003, Grande Comorans lived in fear of armed confrontation between the Union and the Island. The community leaders of Grande Comore, fully aware of the serious consequences of such a clash, decided to convene a general assembly bringing together delegates from all the villages of the Island. That Forum called upon the political leaders to exercise moderation and restraint. The Forum also warned against rejecting the recommendations it hoped to come up with to resolve the crisis.

158. With a view to settling these differences, a ministerial meeting of countries of the region and the Central Organ Troika was held in Moroni on 28 and 29 January 2003, presided over by Mrs. N. C. Dlamini Zuma, South African Foreign Affairs Minister. Ambassador Djinnit, Interim Commissioner in charge of Peace, Security and Political Affairs, represented me at the meeting.

159. Following its deliberations, the meeting underscored the need to conclude the establishment of the institutions of the New Comorian Entity, by holding legislative elections in the Union and the Islands as well as establishing the Constitutional Court. More specifically, the meeting recommended as follows:

- The parties should agree to a timetable for elections proposed by the Follow-up Committee;
- The army should remain neutral during the conduct of the electoral process;
- The African Union should deploy a mission of civilian and military observers before the commencement of the electoral campaign, to

promote trust between the parties and create an environment conducive to holding legislative elections.

160. The Ministerial Meeting expressed satisfaction at the progress made in the implementation of the Constitution and budgetary procedures. It encouraged the Comorian parties to pursue discussions within the framework of the Follow-up Committee to enable the Legislative Assemblies of both the Union and the Islands to resolve these issues without delay, as soon as they have been established.

161. It is my hope that the Comorian parties will take on board these recommendations and co-operate with the African Union and its partners, with a view to rapidly concluding the reconciliation process.

Liberia

162. I continue to be concerned about the grave situation in Liberia which persists in the security, political, socio-economic and humanitarian domains.

163. Council will recall that in the second half of September 2002, there had been reports of a resumption of intense fighting between government forces and the LURD. The fighting continued into October and November 2002 and, by the middle of November, the northern part of Liberia was still the scene of violent fighting between government forces and LURD. Subsequently, in the first week of January 2003, there were reports of clashes between government troops and rebels for control of the diamond and gold producing north-western towns of Wesia and Wieuju. I wish at this juncture to reiterate my position, and that of the Central Organ when it met on 29 October 2002, that the Government of Liberia and LURD should 'immediately put an end to their hostilities' in order to pave the way for negotiations. This is especially critical as the elections which are scheduled for October draw near.

164. The security situation in Liberia continues to have regional dimensions. The fighting in Liberia poses a security threat to Sierra Leone's fragile peace. Reports have been received of minor guerilla activities by Liberian rebels in Sierra Leonean border villages, largely in search of food. It is reported, further, that heavy gunfire is often heard in Liberian villages near the border with Sierra Leone but that there have been no major incidents yet.

165. Regarding the Ivorian/Liberian border, there has been heightened concern in recent weeks that while the conflict in Côte d'Ivoire could spill over into Liberia, that of Liberia could also spill over into Côte d'Ivoire.

166. Subsequently, the Government of Liberia was accused by the Government of Côte d'Ivoire of sending regular Liberian troops across the Liberian/Côte d'Ivoire border, to fight on the rebel side. The Liberian Government denied this, saying that there was no member of the Liberian regular army fighting either on side in the Ivorian conflict.

167. Against the background of approaching elections in October, the standoff between the government and its political opponents, both at home and abroad, assumes special significance. On November 2, President Charles Taylor was reported as having said that even though the Liberian Government was facing repeated attacks by LURD, the elections would not be postponed. In the Liberian Government's efforts to ensure the smooth organisation of the elections, President Taylor reportedly held a meeting with some opposition party leaders in mid-December 2002, to discuss the country's impending presidential and general elections. The President also reportedly signed into law a bill passed by parliament, increasing the membership of the Electoral Commission from 5 to 7. He has reportedly asked the opposition parties to

submit a short-list of nominees for appointment to the Commission. There are however concerns over the fact that recent interpretations or amendments to the Electoral Act would exclude key opposition leaders from participating in the elections, thus raising questions over the credibility or legitimacy of the electoral process.

168. Recently there have been calls on the Liberian Government to take additional efforts to create an environment conducive to the holding of the elections. The President of the Security Council, in a Press Statement issued on 17 January 2003, called on the Government of Liberia to create the conditions for free, fair and transparent legislative and presidential elections and to allow international observers to monitor the electoral processes.

169. In the meantime, Council may wish to note that on 5 December 2002, President Taylor wrote to me, requesting the African Union to provide the Government of Liberia with technical assistance to facilitate the October 2003 electoral process. The President also expressed the readiness of his Government to receive a needs-assessment mission from the AU which could work with the Elections Commission and other stakeholders, to determine the technical assistance required. In this regard, I wish to recall that during the first working session of the International Contact Group on Liberia, held on 19 December 2002 in Dakar, the Foreign Minister of Liberia, in addition to informing the Group of the above-mentioned request made by the Liberian Government to the AU, also stated that a request would soon be made by the Liberian Government to the UN for assistance in the provision of security during the elections. The Minister further stated that the Government was discussing with the EU on a number of issues regarding the elections, including the proposed expansion of the Electoral Commission. In the light of the above, it is my intention to consult with all the concerned Liberian stakeholders as well as with those key members of the International Community, who could collectively help to facilitate the process aimed at holding successful elections.

170. In late October 2002, three human rights activists were arrested in Liberia. They were released without charge in November 2002. The arrests followed a campaign by the Coalition of Human Rights Defence to secure the release of two other human rights activists, Hassan Bility and Sheikh KM Sackor, and about two dozen others, mainly Mandingos, allegedly detained with them.

171. In early November 2002, Aloysius Toe, a human rights activist was reportedly arrested and, in the middle of December, charged with treason when he appeared before court. Earlier, in March 2002, following the imposition of the State of Emergency in February 2002, Mr Toe and others had been arrested and detained for four days.

172. On 30 December, 2002, the Inter-Religious Council, a body which groups together Christian and Muslim organisations, announced that two of its top officials, namely the Secretary General and an Assistant Secretary General, had been arrested and detained by state security agents, on allegations that they were collaborators of LURD. Subsequently, the two men were charged with treason on 8 July 2002, for conniving with LURD rebels to overthrow the government. However, two days later, they were released from detention because the authorities said they lacked the evidence to try them.

173. The intermittent fighting in Liberia, which has occurred since September 2002, has only served to aggravate the already grave humanitarian situation. In his press statement of 17 January 2003, the President of the

Security Council 'called upon the Government of Liberia and LURD to ensure that humanitarian aid workers are allowed free access to displaced civilians and refugees.' In the meantime, another aspect of the regional dimension to the humanitarian situation has developed as a result of the fighting neighbouring in Côte d'Ivoire: Thousands of Liberians living in Côte d'Ivoire, who earlier had fled the civil war in their own country for their safety 12 years ago, have been forced back home. Fleeing along with them were 25,000 Ivorians who are now refugees in Liberia.

174. The Security Council has met and issued press statements, through its President, on a number of occasions. On 25 November 2002, members of the Council considered the report of the Committee established pursuant to paragraph 14 of Resolution 1343 (2001), the report of the Panel of Experts on Liberia pursuant to paragraph 16 of Resolution 1408 (2002) and the report of the Secretary General pursuant to paragraph 11 of Resolution 1408 (2002). They 'expressed their concern' that the Government of Liberia continued to violate the sanctions, including importing arms in breach of the arms embargo and that it had not met the Council's demands in Security Council Resolution 1343. Members of the Council also noted that prohibitions on the sale and supply to Liberia of arms and related material imposed under Resolution 1343 (2001), as extended by Resolution 1408 (2002), 'applies to any recipient in Liberia, including all non-state actors such as the LURD.'

175. Members of the Council further noted that the Panel's report had stated that sanctions had a 'negligible impact on the humanitarian situation in Liberia;' and expressed 'regret' that the Government of Liberia had 'used the sanctions as an excuse for its failure to improve services and reform.' In this regard, Members of the Council urged the Government of Liberia to direct its resources towards addressing the humanitarian crisis in Liberia. Members of the Council renewed their call on the Liberian Government to commission independent audits of timber and shipping revenue and 'to ensure that these were only used for social, humanitarian and development purposes, pursuant to paragraph 10 of Resolution 1408 (2002).'

176. In a subsequent meeting of the UN Security Council, held on December 14, 2002, that body, inter-alia, took note of the positions of the AU and ECOWAS on the sanctions regime in Liberia. The Security Council reiterated its demand to the Government of Liberia to comply with resolutions 1343 (2001) and 1408 (2002) and to all parties to respect the measures which those resolutions imposed and extended, and stressed that for those measures to be terminated, the demands referred to in those resolutions must be met in accordance with those resolutions. The Council said that it would keep the sanctions under review, to ensure that they were consistent with the statements and resolutions 1343 (2001) and 1408 (2002), and, further, that it would continue to monitor whether sanctions were having any humanitarian impact on the population of Liberia.

177. The International Contact Group on Liberia held its first working session in Dakar, Senegal, on December 19, 2002. The meeting was chaired by the Foreign Minister of Senegal. During the meeting, it was decided to nominate the EU (which was also represented) as the Co-chair of the Group. The African Union was represented by a delegation from its Commission. In attendance also were the Representatives of Nigeria, Morocco, France, the United Kingdom, the United States of America, and ECOWAS.

178. The group expressed its deep concern over the on-going war in Liberia which posed a threat to the peace and stability of the Mano River Union

countries. It was also of the view that continuing instability in Liberia could exacerbate the crisis in Côte d'Ivoire. The Group further expressed its determination to tackle all aspects of the crisis in Liberia, including obtaining a ceasefire, and an agreement for the disarmament of all non-state armed groups and militia, ensuring free and fair elections, respect for the rule of law, human rights and good governance. The Group thus decided that, to that end, it would hold regular meetings and collaborate with the Government of Liberia and all Liberian stakeholders, towards building a peaceful, stable and democratic country.

Madagascar

179. Following the inconclusive results of the December 2001 presidential elections and the subsequent self-proclamation of Marc Ravalomanana as president of Madagascar, our Organisation took a position in consonance with its values and guiding principles, particularly those related to the rejection of unconstitutional changes of government. On 21 June 2002, the Sixth Ordinary Session of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution, at the level of Heads of State and Government, met in Addis Ababa and discussed the situation in Madagascar. In the Communiqué issued at the end of its deliberations, the Central Organ, *inter alia*, stressed the need for a political and negotiated solution of the crisis through:

- The holding, with the assistance of the UN, the OAU, the EU and the international community at large, of free and fair elections to enable the people of Madagascar choose their leader;
- The setting up of transitional arrangements, the modalities of which should be agreed upon by both parties.

180. The Central Organ also considered that the 15 December 2001 legislative elections did not result in a constitutional and legally constituted Government, and, therefore, recommended to the Assembly of Heads of State and Government that, in the interim, neither Mr Ratsiraka nor Mr Ravalomanana should be allowed to represent the Republic of Madagascar at the OAU and that the seat of the Republic of Madagascar should remain vacant.

181. The Assembly of Heads of State and Government also debated the issue extensively during its session in Durban, in July 2002 and endorsed the above-mentioned Communiqué, requesting the Current Chairman of the African Union and the Interim Chairperson of the Commission to assist the Malagasy parties in seeking a peaceful and constitutional solution to the crisis in conformity with the principles enshrined in the Constitutive Act of the African Union.

182. As part of the efforts to implement the Durban Decision, the Current Chairman of the AU, together with President Mwanawasa of Zambia and the Prime Minister of Mozambique, representing President Chissano, met with President Marc Ravalomanana on 29 October 2002. During that meeting, President Ravalomanana indicated that, among other things, he had complied with the AU recommendations and was initiating steps towards establishing a government of national unity, which would include AREMA representatives, upon consultations with Mr Pierrot Rajaonarivelo, the National Secretary of the AREMA party.

183. The Chairman, together with representatives of the two other members of the AU Troika, and the AU Commission, on 22 November 2002 in Pretoria,

met with Mr Pierrot Rajaonarivelo to hear his views. During the meeting, Mr Rajaonarivelo reiterated that he and his party recognised Mr Ravalomanana as President-elect and were disposed to work with him in promoting national reconciliation and lasting security and stability for the country, and to participate in legislative elections, provided that conditions conducive to free, fair and transparent elections were created. To create more favourable conditions for the elections, Mr Rajaonarivelo had suggested that the elections be postponed to a later date to allow more time for their preparation and for the convening of a national conference of reconciliation. 184. According to Mr Rajaonarivelo, there was inadequate administrative and operational preparation for the elections, there was tension resulting from the arrest of members of his party, there were violations of human rights, curtailment of freedom of expression and general harassment and intimidation of members of AREMA and other members and followers of the opposition, and that this climate would affect the holding of free and fair elections.

185. Given that there was a perception of divergence of views, and the fact that the playing field was not level, the AU felt a postponement of the legislative elections would foster a more propitious environment for durable peace, in the spirit of the AU position.

186. However, the legislative elections were held on the 15 December 2002, as originally planned by the Malagasy government.

187. Prior to the elections, the Commission of the African Union was preparing to dispatch an observer mission to Madagascar, as part of the implementation of the Durban Summit Decision. However, following consultations with the Office of the AU Chairman, it was felt that it would be inappropriate for the African Union to send an observer mission, since the conditions spelt out in Addis Ababa and Durban had not all been met. It was agreed, however, that the AU should dispatch an Information Mission to Madagascar, not to make a pronouncement on the conduct and the outcome of the elections, but to gather first-hand information on the conduct of the elections and the general conditions prevailing in the country, so as to enable the AU to assess the situation on its own and not to have to rely on reports from other sources.

188. The AU Information Mission, which was undertaken from 8 to 20 December 2002, reported that the UN had provided electoral assistance to Madagascar following a report by the UN assessment team which concluded that the minimum conditions existed for holding legislative elections. It also reported that the Observer Teams of the European Union and La Francophonie had concluded that the elections were transparent, free and fair. It also reported that the elections had, by and large, been conducted in a transparent manner.

189. The 15 December 2002 legislative elections in Madagascar compelled the African Union to rethink its position on Madagascar. The Commission has already received a communication from the Secretary General of COMESA, dated 6 January 2003, in which he asks 'Following the recent conclusion of the Parliamentary elections in Madagascar 15 December 2002, I would request to know whether that could now constitute a legal basis for the recognition of the government of Madagascar, and I would appreciate to know whether the next meeting of the Security Organ would be in a position to consider this matter.'

190. This posed a dilemma for the African Union. Should the AU reconsider its position vis-à-vis the government of President Ravalomanana based on the outcome of the legislative elections, even though these elections were not held in strict conformity with the AU Summit decisions? Alternatively, should the AU maintain its position vis-à-vis the same government, thus ignoring the outcome of the elections, which to some extent, went beyond electing members of National Assembly, but also signified support for Mr Ravalomanana, and which were declared by the rest of the international community as free and fair?

191. During a meeting held in Sun City on 21 January 2003 to discuss conflict situations in Africa in general, the Ministers of Foreign Affairs of the Troika and the Chairman of the Commission concurred that a delegation should be dispatched to Madagascar to engage the new government and the political class in general, including the opposition, on all aspects pertinent to the implementation of the Durban Summit Decision, including the conditions for national reconciliation and unity, the situation on human rights and the role of the opposition, and make recommendations on the basis of which the AU Chairman could undertake consultations and advise his peers accordingly.

192. The AU delegation comprising of representatives of the Troika and Commission visited Madagascar from 24 to 27 January 2003 and held meetings with a wide range of leaders and parties including the opposition. It was also received in audience by President Ravalomanana. At the time of finalising this report, the AU delegation was still preparing its report.

Report of the Chairperson of the Commission on the Establishment of a Continental Peace and Security Architecture and the Status of Peace Processes in Africa (2004)

Delivered at the launch of the Peace and Security Council in Addis Ababa, Ethiopia on 25 May 2004 (PSC/AHG/3 (IX)). Available online at http://www.saferfrica.org/DocumentsCentre/NEPAD/general/Report_APSA%20_Peace_%20processes_%20may04.pdf

(i) Introduction

1. The adoption by the Inaugural Session of the Assembly of the African Union (AU) held in Durban, South Africa, in July 2002, of the Protocol on the establishment of the Peace and Security Council (PSC) gave rise to real hope with regard to the Continent's determination to deal with the scourge of conflicts and promote the conditions of peace and security without which the current venture of socio-economic development and the consolidation of the democratic processes and the rule of law would be in vain. The entry into

force of the Protocol, last December, and the election of the PSC Members, in March this year, reinforced this hope.

2. The present meeting of the PSC at the level of Heads of State and Government, convened to coincide with the celebration of Africa Day, is being held at a time when significant progress had been made in the establishment of the continental peace and security architecture provided for within the framework of the PSC Protocol, as well as in the resolution of some major conflicts tearing our Continent apart. At the same time, it must be acknowledged that there is still a long and difficult road to travel to complete the establishment of the continental peace and security architecture. Furthermore, progress made in conflict resolution is still rather precarious, while there are outbreaks of new crisis such as that of Darfur.

3. In this context, the official launch of the PSC should be an occasion for the Member States concerned to reaffirm their political commitment to promoting peace and security on the Continent. Above all, they should send a clear signal with regard to their determination to translate into concrete action the solemn commitments made by the African leaders and fully assume the responsibilities invested in them by the Assembly of the Union.

4. The present report reviews progress made in establishing the continental peace and security architecture and identifies the challenges yet to be overcome. It also gives an account of the development of various conflict situations in Africa.

Progress in the Establishment of the Continental Peace and Security Architecture

5. The Continental Peace and Security Architecture that the AU is endeavouring to establish is underpinned by two pillars: the PSC Protocol, on the one hand, and the Common African Defence and Security Policy on the other. Significant progress has been made in the implementation of these two instruments.

(i) Operationalisation of the PSC Protocol

6. The following represent a summary on the status of the efforts to operationalise the Peace and Security Council.

Signature and ratification

7. The PSC Protocol entered into force on 26 December 2003, after having been ratified by the required number of Member States, i.e. 27. As of mid-May, 32 Member States had ratified the Protocol. More sustained efforts will be made to ensure that those Member States that have not yet done so become parties to the Protocol. The Commission will continue to spare no efforts to sensitising the Member States concerned for them to sign and/or ratify the Protocol by the end of 2004.

Election of the PSC Members and activities of this Organ

8. Following the entry into force of the Protocol, the Executive Council, in pursuance of the decision adopted by the Assembly in Maputo, in 2003, adopted the Rules of Procedure of the Council and elected its first members, during its 4th Ordinary Session held in Addis Ababa, in March 2004. Since then, the PSC has held 7 meetings during which the following conflict situations were considered: Burundi, Comoros, Côte d'Ivoire, Liberia, Somalia and

Sudan (Darfur), as well as the International Conference on the Great Lakes Region. It is worth mentioning that, during the period under review, the PSC also authorised the deployment of peace support operations in The Comoros and The Sudan, and renewed, on two occasions, the mandate of the African (Peacekeeping) Mission in Burundi (AMIB). It has also approved the establishment of new Liaison Offices in Nairobi, to support the preparations for the Great Lakes Conference, and in Monrovia, to enable the AU play a more effective role in the implementation of the Comprehensive Peace Agreement signed by the Liberian parties, in Accra, in August 2003.

The Panel of the Wise

9. The Panel of the Wise, which will be composed of five highly respected African personalities, is to support the efforts of the PSC and those of the Chairperson of the Commission, particularly in the area of conflict prevention. In order to facilitate the operationalisation of this Panel, the Commission has prepared a document on the modalities for its functioning, which should be approved by the PSC. It is my intention to commence the consultation process for the appointment of the members of the Panel.

The Continental Early Warning System (CEWS)

10. One of the key provisions of the PSC Protocol is the establishment of a full-fledged CEWS, to enhance the conflict prevention mandate of the Council. In October last year, the Commission organised, in Addis Ababa, a Workshop to brainstorm on the practical modalities and appropriate steps to be taken for the establishment of such a System, drawing from existing international and regional experiences. On the basis of the recommendations made by the Workshop, the Commission is currently in the process of elaborating a roadmap that would guide its efforts.

11. I should like to note that, over the past years, sustained efforts have been made at the regional level to establish Early Warning Systems, which will be the pillars of the CEWS. ECOWAS and IGAD, in particular, have made significant headway, while other organisations are yet to translate into concrete action the provisions contained in their respective instruments for conflict prevention, management and resolution.

The African Standby Force (ASF) and the Military Staff Committee (MSC)

12. The PSC Protocol provides for the establishment of an African Standby Force, to enable the Council to perform its responsibilities with respect to the deployment of peace support operations and intervention, pursuant to the relevant articles of the AU Constitutive Act. As part of the efforts to operationalise the Protocol, the 3rd meeting of the African Chiefs of Defense Staff (ACDS), held in Addis Ababa, in mid-May 2003, adopted a 'Policy Framework for the establishment of the ASF and the MSC'. The Framework calls for the establishment of the ASF in two phases, up to 2010. The recommendations of the meeting were submitted to the 3rd Extraordinary Session of the AU Executive Council, held in Sun City, South Africa, in May 2003, which recommended that 'further consultations be undertaken with all relevant stakeholders to consolidate the proposals contained in the Policy Framework'. Subsequently, the AU Summit held in Maputo, in July 2003, took note of the document.

13. It was against this background that the 4th meeting of the ACDS, followed by the first meeting of the Ministers of Defense, took place in Addis Ababa, in mid-January 2004, to review the recommendations on the establishment of the ASF and the MSC, which will be submitted to the July Summit for endorsement. In the meantime, I would like to report that a number of initiatives are underway at regional level to establish the components of the ASF.

The Relations with the RECs

14. The PSC Protocol stipulates that the Regional Mechanisms are part of the overall security architecture of the Union, which has the primary responsibility for promoting peace, security and stability in Africa. It further provides for the conclusion of a Memorandum of Understanding (MoU) between the AU and the Regional Mechanisms to enhance coordination and co-operation. In order to facilitate the conclusion of such an MoU, the Commission dispatched consultative missions to six of the seven RECs. The draft MoU is being discussed with the RECs and is expected to be finalised by 2005.

(ii) The Common African Defense and Security Policy (CADSP)

15. At the Durban Summit, the Assembly of the Union stressed the need for a Common African Defense and Security Policy, in the context of the Constitutive Act of the African Union and the relevant provisions of the PSC Protocol. Subsequently, at their Extraordinary Session held in Sirte, Libya, towards the end of February 2004, the Heads of State and Government adopted the Solemn Declaration on the CADSP. The CADSP, which is largely premised on the concept of human security, identifies the common security threats to the continent; the principles and values underlining the CADSP; the objective and goals of such a Policy; as well as the implementing organs and mechanisms, and the building blocks of the CADSP. The CADSP provides a framework for a regular review and close monitoring of the implementation of all instruments relevant to Africa's efforts to promote peace and security.

16. The ongoing efforts to elaborate an African Non-Aggression and Common Defense Pact should be viewed in the context of the CADSP. In this respect, and as a follow-up to decision Ext/Assembly/AU/Dec(II) adopted in Sirte, a meeting of Experts was convened recently in Brazzaville, Republic of Congo, to consider the draft Pact. Over the coming years, efforts will focus on identifying other areas of action, with the view of enhancing confidence among Member States and advancing the concept of human security. In this respect, particular attention will be paid to the issue of mercenarism, which continues to be of concern nearly three decades after the adoption, by the OAU of a Convention on the Elimination of Mercenarism in Africa.

(iii) Towards building an effective PSC

17. Although the requisite texts for the development of a continental peace and security architecture have been adopted, there are still numerous challenges to be overcome for the PSC to effectively play its role in the promotion of peace and security in Africa.

The role of Member States

18. Undisputedly, the PSC Protocol endowed this organ with all the necessary powers to play a primary role in promoting peace and security. However, it is clear that the Council can only assert its authority and its supremacy if its members fully assume their responsibilities and show the necessary determination in that regard. To this end, PSC Members should:

- strengthen their Permanent Missions to the AU, thereby providing themselves with the means to shoulder their responsibilities as PSC Members;
- devote the necessary time and energy to adequate monitoring of political and other developments on the Continent, particularly conflict situations;
- place special emphasis on prevention, by taking charge of any situation which could degenerate into conflict;
- affirm the leadership of the AU in the management of all crises affecting the Continent, including when it is a question of condemning massive human rights violations and other acts of violence perpetrated against civilian populations.

19. However, the commitment of PSC Members alone will not suffice to produce the expected results; this commitment must be backed by a real political will on the part of other AU Member States. According to the Protocol, AU Member States acknowledge that by fulfilling its responsibilities, the PSC is acting on their behalf; in addition, they undertake to accept and implement the decisions of this organ, and facilitate any action it may carry out with regard to conflict prevention and resolution. It is imperative that these commitments are translated into concrete action. Specifically, no Member State should, for any reason whatsoever, prevent the PSC from intervening in any situation which if feels requires its attention.

The role of the Commission

20. In addition to the responsibilities of Member States, there are those incumbent on the Commission. For the latter, this essentially involves providing the PSC with the necessary support. As a top priority, the PSC Secretariat should be established, it being understood that the structure of this Organ, as approved by the competent AU organs, needs to be strengthened. The Commission's target is to establish the PSC Secretariat before the end of July 2004, at the very latest.

The Peacekeeping Challenge

21. The importance of the establishment of the African Standby Force for effective of conflict resolution in Africa cannot be overemphasised. In a number of conflicts, often prevailing on suspicion among the parties and the complexity of the issues at stake make the presence of a third party on the ground imperative, often in the form of a peacekeeping operation. At the moment, the AU is managing the African Mission in Burundi (AMIB) and two other operations, on a lesser scale, in The Comoros and Ethiopia-Eritrea. Arrangements are being made for the deployment of military observers in Darfur (the Sudan).

22. There is, therefore, an urgent need for Member States to accord due importance to the establishment of the African Standby Force. From this perspective, special efforts should be made to promote real rationalisation,

particularly since the high number of regional and subregional groupings, the overlapping of their competences and the multiple memberships of States constitute an obstacle to ongoing efforts.

23. In the meantime, Member States, particularly Members of the PSC, should provide themselves with the means to respond, in the shortest possible time, to requests from the AU and regional organisations for the deployment of military observers and peacekeeping forces. The all too frequent delays by Member States in this respect are obviously prejudicial to peace efforts on the Continent, particularly in terms of implementing agreements.

Resource Issues

24. Equally crucial is the issue of resources. Peace, as a prerequisite for the development and consolidation of democratic processes, entails the mobilisation of vast resources. For this reason, the PSC Protocol, as an upshot of the Cairo Declaration of June 1993 on the establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution, provided for the setting up of a Peace Fund, which is currently funded by an allocation of 6% from the AU's regular budget, as well as voluntary contributions.

25. Since the inception of the Peace Fund in 1993, a total of just over 96 million US dollars has been mobilised - this includes contributions received within the framework of the Special Trust Fund set up for the African Mission in Burundi. Over three quarters of this amount is from partners of the AU and only one quarter from Member States. Besides, it is significant to point out that despite repeated appeals made by the competent organs of the AU, virtually no Member State has contributed to financing AMIB. The only contributions received were from the AU's partners, and due to their inadequacy, the troop contributing countries, namely South Africa, Ethiopia and Mozambique, were forced to bear the greater part of the burden for the deployment of the Mission.

26. For the AU to play an effective role in conflict management, this state of affairs must change. In other words, while continuing to solicit the support of the international community, Member States, particularly the more richly endowed among them, are duty bound to contribute substantial resources.

The relations between the AU and the Regional Mechanisms

27. The need for harmonisation and close co-operation between the AU and the Regional Mechanisms cannot be over-emphasised. In this respect, one cannot but express concern at the lack of consistency that has characterised the relationship between the AU and certain RECs on the important issue of unconstitutional changes of Governments, as it relates to the situation in the Central African Republic. If the AU and the RECs are to form a single security architecture, as envisioned in the PSC Protocol, decisions taken at continental level should be upheld by the Regional Mechanisms.

(iv) Overview of Conflict Situations in Africa

28. During these past years, sustained efforts have been deployed to find negotiated solutions to the different conflicts ripping the Continent apart. Significant progress has been made in this respect, particularly in Angola and Sierra Leone, where the priorities are now focused on post-conflict reconstruction. However, many difficulties are yet to be overcome.

(a) The Comoros

29. In The Comoros, major progress has been made since the signing of the 20 December 2003 Agreement on the Transitional Arrangements in the Archipelago. The electoral process has been completed, with the polls of March and April 2004, which elected the members of the Assemblies of the Union and the Islands. In fact, the only institution yet to be established is the Constitutional Court, mandated essentially to arbitrate conflicts of competence between the Union and the Autonomous Islands.

30. The overall situation however remains precarious. It is, therefore, imperative that the parties demonstrate a spirit of responsibility in operating the institutions of the Union and scrupulously respect the commitments made. Equally crucial is the need for rigorous management of the meagre resources of the Archipelago, failing which the international assistance, which the Comoros is in dire need of, cannot be mobilised.

(b) Ethiopia - Eritrea

31. Relations between Ethiopia and Eritrea remain stable, despite the difficulties being experienced regarding the demarcation of the border, following the ruling of the Boundary Commission, in April 2002. Given the tension resulting from the current impasse and the potential for conflict to start again between the two countries, there is need to continue to encourage and assist the parties to find the ways and the means of overcoming these difficulties and ensuring the implementation of the agreements they have signed as well as the normalisation of their relations.

(c) The Sudan

32. In the Sudan, as yet, no comprehensive peace agreement has been signed, although the Government of the Sudan and the Sudanese Peoples Liberation Movement/Army (SPLM/A) have already signed a series of partial agreements on wealth sharing and security arrangements for the six-year interim period, stipulated for in the Machakos Protocol. Negotiations are still continuing in Naivasha, Kenya, between the two parties, to resolve the outstanding issues. The two parties have expressed their determination to sign a comprehensive peace agreement soon, and developments in the past weeks indicate major progress being made in that direction.

(d) Burundi

33. In Burundi, about five months to the end of the transition period, in compliance with the Arusha Peace and Reconciliation Agreement, signed on 28 August 2000, there have been very encouraging developments in the peace process. Indeed, the implementation of this Agreement, as well as the resulting Ceasefire Agreements whose implementation was greatly facilitated by the African Mission in Burundi (AMIB), made it possible to stabilise the political climate and restore security in 16 of the country's 17 provinces. The majority of the armed political movements are now represented in the transitional institutions.

34. However, three fundamental issues continue to be the focus of attention:

- (a) the issue of elections for which discussions have reached an advanced stage without the parties reaching a consensus on the date of the elections;

- (b) the process of disarmament and re-integration of combatants, for which preparations have gone far, but which can only be effectively implemented if the pledges for financing from the international community are realised; and
- (c) the issue of the PALIPEHUTU-FNL, the last armed movement which has not yet joined in the peace process.

(e) Democratic Republic of Congo (DRC)

35. After the initial difficulties encountered in the implementation of the Comprehensive and All-Inclusive Agreement adopted by the parties to the Inter-Congolese Dialogue in Pretoria, in December 2002, the peace process in the Democratic Republic of Congo accelerated remarkably, between June and December 2003. However, since January 2004, many events have occurred which have contributed to slowing down the peace process.

36. It was in this context that the events of the night of 27 to 28 March 2004 took place, and that new tension was sparked off between DRC and Rwanda, against the background of deterioration of the security and humanitarian situation in the two Kivus, as well as in Katanga and the Ituri region.

37. It should, however, be noted that, in the past few weeks, there have been encouraging developments, particularly in terms of the publication of the transition roadmap; consultation between the Government and the armed groups of the Ituri region, and the appointment of the governors and vice governors of provinces, which marks a crucial step towards the re-establishment of the authority of the State.

(f) Central African Republic (CAR)

38. The overall situation in the Central African Republic (CAR) remains of great concern. The political consensus, which prevailed until recently, between General François Bozizé, who came to power after the 15 March 2003 *coup d'état*, and several political parties and labour unions, has been undermined. The latter accuse General Bozizé of leading the Transition single-handedly. In addition, the new text establishing the Independent Mixed Electoral Commission (CEMI), and the decree appointing the 31 members of this Commission, have been strongly criticised on the grounds that these texts do not guarantee the independence of the CEMI. The latter sees this as an attempt by the Government to predetermine the outcome of the Transition and electoral process. Furthermore, the economic situation remains precarious, while the problem of insecurity is far from being resolved.

39. In this context, it is imperative that the AU stresses the need for its commitment to a genuine return to constitutional order through the organisation of free and transparent elections. There is also a need for greater coherence of action between the AU and the regional groupings concerned. Such coherence, which should be based on scrupulous compliance with the Lomé Declaration on Unconstitutional Changes of Government, will greatly facilitate the restoration of lasting stability in CAR. In this connection, it is important to recall the commitment made by General Bozizé, in Libreville, in April 2003, not to participate in the presidential elections to be organised at the end of the transition.

(g) Liberia

40. In Liberia, notwithstanding some problems, significant progress has been made in terms of the implementation of the Comprehensive Peace

Agreement (CPA) of 18 August 2003. The various institutions which are provided for in the CPA have, in general, been constituted. There is also a general compliance with the Ceasefire Agreement. Furthermore, the DDR process, after the initial difficulties encountered to disarm former combatants, has been re-launched since mid-April 2004.

41. Against this background, it is important that members of the international community who pledged contributions at the February 2004 International Conference on the reconstruction of Liberia honour their commitments, as expeditiously as possible. Indeed, a more sustained support by the international community will enhance the prospects for lasting peace and stability in Liberia.

(v) Specific Conflict Situations Requiring the Special Attention of the PSC

(a) Darfur

42. The grave humanitarian crisis in the Darfur region, in western Sudan, remains a major concern to the African Union and the international community at large. While there are underlying struggles for resources, such as land and water, as well as political discontent among the local communities, the current crisis has been exacerbated by, among others, the destructive activities of the Janjaweed militia, which engaged in a campaign of attack and destruction against the civilian population in many parts of Darfur, in recent months.

43. This situation caused large scale displacement of the local populations, with over 1,000,000 becoming internally displaced persons (IDPs), while close to 200,000 people have taken refuge in the neighbouring Chad.

44. Given the gravity of the situation in Darfur, sustained efforts have been made by the AU and the wider international community, to ensure that effective measures are put in place to avert further deterioration of the humanitarian situation. This resulted in the Chadian-mediated negotiation between the Government of The Sudan (GoS) and the two armed movements, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) culminating in the signing of a Humanitarian Ceasefire Agreement on 8 April 2004. The parties to the Agreement should be commended for accomplishing this first, but important step and encouraged to work towards a comprehensive settlement of the conflict.

45. The Ceasefire Agreement, which was negotiated with the support of the AU and other members of the international community provides, among others, for a humanitarian ceasefire, the establishment of a Joint Commission and a Ceasefire Commission, as well as for the facilitation of the delivery of humanitarian assistance and the creation of conditions conducive to the delivery of emergency relief. The parties also agreed to meet at a later stage to negotiate a global and definitive settlement.

46. As a follow-up to the Agreement and the decision taken by the AU Peace and Security Council on 13 April 2004, a 10-member AU-led Reconnaissance Mission was dispatched to The Sudan and Chad, from 7 to 16 May 2004. The Mission, which comprised representatives of the UN, the European Union, Chad, France and the USA, was mandated, among other things, to assess the situation on the ground in view of the envisaged deployment of military observers in the Darfur region.

47. Despite the signing of the Humanitarian Ceasefire Agreement, the assessment by the Reconnaissance Mission indicated that the humanitarian situation in Darfur remains very precarious. According to one of the UN

representatives that met by Mission in Khartoum, on 8 May 2004, there are over 500,000 internally displaced persons that cannot be reached in terms of the provision of humanitarian supplies. It was noted that half of those IDPs live in camps and the rest were assumed to be hiding in the mountains as their homes were destroyed.

48. Given the gravity of the situation in Darfur, it is urgent that negotiations resume between the GoS, on the one hand, the SLM/A and the JEM, on the other, in order to find a lasting solution to the interwoven problems, ranging from the competition between communities over the control and ownership of resources, to demands for effective political participation representation and socio-economic development in the region. Equally, it is imperative that a strong military observer mission, with the necessary protection elements, be deployed immediately in the region to support the work of the Ceasefire Commission and to monitor compliance with the Ceasefire Agreement, as well as facilitate the delivery of humanitarian supplies. Such a Mission would also inspire confidence among the affected populations. I should also like to stress the urgent need to bring all those responsible for human right violations in Darfur to justice, in line with the AU's expressed commitment to fight impunity.

(b) Somalia

49. The conflict still afflicting the country remains a serious challenge to the region, to Africa and the world at large. All peace efforts in the past, from Arta, Djibouti, in 2000, through Eldoret to Mbagathi, Kenya, plus many other initiatives, have failed to bring back peace in Somalia.

50. The Somalia National Reconciliation Conference, which opened in Eldoret in October 2002, has yet to produce the expected outcome, after more than eighteen months of deliberations. The Conference is now entering into the final Phase III, which is expected to culminate in the formation of a new Government for Somalia, in July 2004, and the adoption of a transitional programme.

51. Several factors have hampered the progress of the reconciliation process at the early stages. From the outset, the Conference received multifarious political entities. Some of them lacked clear leadership, culminating in fragmentation of factions and groups and the emergence of new ones, as individuals jostled for leadership positions. In some cases, new leaders back in Somalia have replaced the leadership of a faction at the Conference. In other cases, coalitions have emerged for the purpose of articulating demands upon the mediators, only to disintegrate before long or once the demands have been met.

52. Furthermore, the existence of many self declared regional and local political and administrative entities, all claiming power and economic control in their areas, also compounded the situation. In addition, the Somali factions and groups tend to rely on their military postures to achieve their objectives. Since the Conference started in October 2002, different faction leaders have moved between the venue of the Conference and Somalia to keep their military forces in a state of alert.

53. The lack of cohesion among the IGAD Frontline States, who composed the Technical Committee that managed the Conference until the advent of the Facilitation Committee (FC), in October 2003, has also undermined the progress of the Conference. In some cases, the absence of a Frontline State had the effect of dividing the Somali delegates. However, the 5th IGAD

Ministerial Facilitation Committee Meeting, held on 6 May 2004 in Nairobi, and attended by Ministers from all the IGAD countries, made a significant headway in fostering cohesion.

54. Still, the negotiations are faced with serious financial constraints. The crisis of funding reached its climax in February-March 2003, when the Reconciliation Conference almost closed. The situation has now deteriorated to an alarming stage, with the Conference currently running on a budget deficit of ten million dollars. Clearly, there is need to provide further support to the Kenyan Government, which has borne the burden of hosting the Conference.

55. A lasting solution to the conflict in Somalia can only be found if Somali leaders and parties place the interests of their country above every other concern and co-operate fully with the IGAD Facilitation Committee. A strong appeal to this effect remains ever vital. Kenya and the other IGAD countries, as well as the IGAD Partners' Forum and the international observers, that have enabled the Somalia reconciliation process to remain, on course, amid the many obstacles encountered, should pursue their efforts with more vigour. On its part, the AU stands ready to deploy a monitoring mechanism inside Somalia, as soon as conditions permit.

56. The continued violations of the UN arms embargo against Somalia contribute to the prevailing insecurity and instability in Somalia. The Commission will continue to work closely with the United Nations Monitoring Group in this regard.

57. In view of the negative impact of the situation prevailing on the ground on the population and the serious regional consequences of continuing instability, the AU and the international community should spare no effort to ensure the successful conclusion of the ongoing efforts. In this respect, the stability and relative peace, as well as the socio-economic progress prevailing in the region of Somaliland, deserve to be highlighted.

(c) Côte d'Ivoire

58. After the signing on 24 January 2003, of the Linas-Marcoussis Agreement, encouraging progress was made in the restoration of peace and stability in Côte d'Ivoire. However, for almost three months, the process has been suspended, due to a series of incidents. The most noteworthy are the suspension, on 4 March 2004, by seven ministers of the PDCI-RDA of their participation in the Government, following a disagreement between this party and the Head of State; the formation of a coalition of convenience, the G7, bringing together four political parties (PDCI-RDA, RDR, UDPCI, MFA) and three former rebel movements (MPCI, MPIGO, MJP); the activism of the *Young Patriots*, a group of young partisans of President Gbagbo; the failure of the disarmament programme, which was scheduled to take place on 10 March 2004, as well as the consequences of the repression of the march organised by the G7 in Abidjan, on 25 March, and its repercussions on 26 and 27 March 2004. As a sign of protest against this repression, the coalition of *Marcoussists* suspended their participation in the National Reconciliation Government.

59. Members of the United Nations Security Council expressed grave concern over this violence, and requested the Ivorian parties to work unconditionally towards the full implementation of the Linas-Marcoussis Agreement. The AU Peace and Security Council, meeting in its third session on 27 March 2004, deplored the loss of human lives resulting from the violence, and urged all parties to exercise restraint, resume the political

dialogue and work together for the unconditional implementation of the Linas-Marcoussis Agreement.

60. The Follow-Up Committee of the Linas-Marcoussis Agreement requested the establishment of an International Commission of Inquiry to ascertain the truth about the events of 25, 26 and 27 March 2004. The Ivorian Head of State and Prime Minister also spoke in favour of the establishment of such a Commission. The United Nations Secretary-General granted this request and asked the UN High Commission for Human Rights to expedite an inquiry.

61. The report of the UN Commission of Inquiry affirms that the march was a pretext for what proved to be an 'operation carefully planned and executed by the security forces, as well as special units and parallel forces under the orders and responsibility of the highest authorities of the State'. Security Council Members underscored the importance of putting an end to impunity and provided their support for the High Commission for Human Rights to establish a Commission mandated to look into human rights violations in Côte d'Ivoire since the beginning of the armed rebellion, in September 2002.

62. In the light of the impasse in the peace process, the AU, in concert with its partners, is prepared to help the Ivorian parties to resume political dialogue, in order to facilitate the return to the Government of ministers of the political parties and movements that had suspended their participation, and bring the Ivorian parties to work towards the total and unconditional implementation of the Linas-Marcoussis Agreement.

63. The reconciliation in Côte d'Ivoire cannot be lasting as long as the phenomenon of impunity persists. This is why I, in turn, would like to underscore the urgency of establishing the National Human Rights Commission provided for under the Linas-Marcoussis Agreement. In the same context, I fully endorse the decision of the UN High Commission for Human Rights to set up a Commission mandated to investigate the human rights violations. In this respect, it is important for the African Commission on Human and Peoples' Rights to join in the ongoing efforts.

Report of the Chairperson of the African Union Commission on Conflict Situations in Africa (2005)

Delivered at the 7th Ordinary Session of the Executive Council held in Sirte, Libya from 28 June to 2 July 2005 (EX.CL/191 (VII)). Available online at <http://www.saferfrica.org/DocumentsCentre/NEPAD/NEPAD-Index.php>

I. Introduction

1. This report gives an account of the evolution of the various conflict situations on the Continent and the efforts deployed by the African Union to contribute to their resolution. Generally speaking, developments since the Abuja Summit last January were marked by a significant progress in the resolution of the conflicts besetting our Continent, notably in Burundi and the

DRC, with the pursuit of the transition process in these two countries despite the delays and the difficulties encountered; in Côte d'Ivoire where the process for the implementation of the Linas-Marcoussis and Accra III Agreements was put back on track thanks to the relentless efforts of President Thabo Mbeki; and in Liberia where elections marking the end of the transition are slated for October this year. However, these inroads remain fragile, hence the need for sustained efforts to make sure that they are irreversible.

...

3. The period under review was characterised by the emergence of a crisis situation in Togo, following the death on 5 February 2005 of General Gnassingbe Eyadema. This crisis has brought to the fore the imperative need for the AU not only to review the Lome Declaration with a view to strengthening the provisions thereof, but also to map out an appropriate strategy to deal with pre and post electoral tensions facing many of our countries and thus prevent them from degenerating into open conflicts.

II. Status of Conflict Situations

(i) Comoros

4. During the period under review, the Commission continued to monitor the situation in the Comoros, particularly developments in the reconciliation process in the Archipelago. In this regard, it is worth noting that significant inroads were made in the implementation of the 20 December 2003 Agreement on the transitional provisions in The Comoros, notably with the putting in place and operationalisation of new political, administrative and economic institutions at the level of both the Union and the Islands, including the establishment of the Assemblies and Governments of the Islands and of the Union, as well as the Constitutional Court.

5. Notwithstanding the progress achieved, the process is still facing many difficulties during the period under review. These difficulties related, among other things, to inadequate dialogue and co-operation between the Union and Islands Executive, as well as between the Executive and the Assembly of the Union; power sharing between the Union and the Islands; delays in the adoption, promulgation and implementation of the basic laws required to complete the process; as well as lack of human and material resources. Furthermore, it is worth noting that from the military and security perspectives, there are many problems relating to the formation of a single army, the status of the internal security forces of the autonomous Islands and the deployment of the army of the Union throughout the national territory. The Socio-economic situation has also been a source of concern.

6. In order to help the Comorian parties overcome these hurdles, I fielded an evaluation mission to the Archipelago from 18 to 22 January 2005. My Special Envoy to The Comoros, Francisco Madeira later visited the country from 21 to 28 March 2005. That mission was followed by the visit of a ministerial delegation of the countries of the region and the AU Troika from 6 to 7 May 2005, during which the Ministerial Committee held a meeting to evaluate the progress made in the reconciliation process.

7. The Committee noted with satisfaction the progress made in the implementation of the Fomboni and Beit Salam Agreements, and encouraged the authorities of the Union and the Islands to demonstrate greater political will and determination in order to consolidate the national reconciliation process, in accordance with the letter and spirit of the Fomboni Framework Agreement on Reconciliation in The Comoros and the 20 December 2003

Agreement on the Transitional Provisions in The Comoros. At the same time, the Committee underscored the need for all Comorian institutions to respect and facilitate the exercise by each of them of all its powers, as provided for under the Constitution and the legislations of the country. The Committee urged the heads of the institutions of the Union and the Islands to pursue their efforts aimed at finding solutions to the prevailing problems, particularly those pertaining to power sharing, through dialogue and regular consultations. The Committee also appealed for the speedy adoption, promulgation and implementation of all the laws necessary for the completion of the reconciliation process. It was of the view that a relentless pursuit of the reconciliation process would encourage the international community to lend its support and provide socio-economic assistance. It urged the Comorian institutions to speed up the process that should pave the way for the holding of the scheduled elections in accordance with the letter and spirit of the Constitution. The Committee took note of the commitment made by all the parties to respect the provisions of the Constitution relating to the rotating presidency of the Union between the Islands and the need to prepare credible elections.

8. The Committee further reiterated its commitment to continue to support the people and the institutions of the Union of The Comoros in their efforts to achieve national reconciliation. To this, it undertook to set up a support group made up of eminent African experts in parliamentary, constitutional and financial procedures, as well as in military and security matters, in order to support the Comorian institutions and overcome the outstanding problems, particularly those pertaining to power sharing.

9. The Committee appealed to the AU Member States and to the international community to continue to provide the necessary assistance to the Comorian institutions. It also urged the international financial institutions to consider the difficult socio-economic situation prevailing in The Comoros and to show greater understanding. For its part, the Committee pledged to intensify AU's efforts towards the holding in Mauritius of the Donors Round Table for The Comoros.

10. At the time of finalising this report the Commission was following up on the decisions of the Ministerial Committee. I would like to emphasise, at this juncture, that the assistance of the African Union and the rest of the international community will only produce the desired effects if the Comorian parties demonstrate the necessary political will and sense of compromise. To this end, it is worth noting the encouraging developments in the relations between the Union and the autonomous Islands since the ministerial meeting of May 2005.

(ii) Somalia

11. During its Abuja session, I briefed Council on the situation in Somalia. I highlighted the progress made in the peace process, in particular the election of the Transitional Federal Parliament (TFP) and the election of Abdullahi Yusuf Ahmed as President of the Transitional Federal Government (TFG), last October. I also highlighted the difficulties then facing the TFG and other Transitional Federal Institutions (TFIs), with regard to their relocation from Kenya to Somalia.

12. During the period under review, real progress has been made regarding the physical relocation of the TFIs. The process of relocating the TFIs was formally launched in Nairobi, Kenya, on 13 June 2005, with the departure of

President Abdullahi Yusuf Ahmed, followed subsequently, by the movement of the rest of the TFIs to Somalia. The relocation process has been going on smoothly, despite the persistence of divergent viewpoints among the TFIs, vis-à-vis the critical political and military issues facing Somalia, particularly the issue of relocating the TFIs directly to Mogadishu or to some transit towns for security reasons, and the composition of foreign troops to be deployed in the country. Furthermore, the lack of funding to meet the operational costs of the relocated TFIs remains an obstacle facing the functioning of those institutions.

13. Council would recall that the President of the TFG addressed the Peace and Security Council (PSC), on 25 October 2004, requested the AU to support his Government through the deployment of a 15,000 to 20,000-strong peacemaking force in Somalia. The PSC requested the Commission to examine the request and make recommendations to it. In light of that request, the Commission convened military experts meetings on 4 and 5 November, in Addis Ababa, and, subsequently, on 15 and 16 December 2004, in Nairobi, to explore ways and means to help stabilise the security situation in Somalia and to support the relocation and the post-relocation sustenance of the TFIs. The 22nd meeting of the PSC, held on 5 January 2005 and which considered the outcomes of the Nairobi experts meeting in particular, accepted in principle the deployment of an AU Peace Support Mission (AU PSM) in Somalia. The meeting further requested the Commission to submit to it recommendations on the mandate, size, structure and funding requirements for such a Mission.

14. Council would recall, also, the meeting of the IGAD Heads of State and Government held on the margins of the 4th Ordinary Session of the Assembly of the Union, in Abuja, on 30 and 31 January 2005. The IGAD Heads of State and Government discussed the Somalia peace process, with respect to the delayed relocation of the TFG from Kenya to Somalia and the concomitant problems. They issued a communiqué expressing the commitment of Djibouti, Ethiopia, Kenya, Sudan and Uganda to provide troops and/or equipment for the deployment of a Peace Support Mission to provide security 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.

15. Subsequently, the Assembly adopted a decision in which it welcomed the Abuja communiqué of the IGAD Heads of State and Government, and requested the PSC to mandate IGAD to deploy a peace support mission, pending the deployment of the envisaged AU PSM; the Assembly further requested the Commission to provide support and assistance. It was in this perspective that the 4th meeting of the PSC, held on 7 February 2005, adopted a decision in which it, *inter alia*, authorised IGAD to deploy a peace support mission in Somalia, to provide security support to the TFG, in order to ensure its relocation to Somalia, guarantee the sustenance of the outcome of the IGAD peace process, and assist with the establishment of peace and security, including the training of the police and the army.

16. In pursuance of the request of the PSC, and taking account of the decisions referred to above, the Commission dispatched a fact-finding/reconnaissance mission to Somalia, from 14 to 26 February 2005. The fact-finding/reconnaissance mission was composed of military experts and representatives from the Commission, which provided the leadership of the Mission; the IGAD Secretariat; the League of Arab States; and some IGAD Member States, namely Ethiopia, whose representative only participated in the pre-departure deliberations in Nairobi, Kenya and Uganda, as well as the

TFG. The IGAD Member States of Djibouti, Eritrea and Sudan were invited by the Commission to send representatives to participate in the fact-finding/reconnaissance mission, but did not send their representatives early enough to depart with the Mission. In addition, the EU, the UN, Italy and Sweden, who were also invited to enjoin representatives to the Mission, could not do so at the last moment, citing security reasons for their own representatives. Despite the constraints arising from the prevailing insecurity in the capital and other areas in the country, the Mission successfully executed its mandate.

17. The 29th meeting of the PSC took place on 12 May 2005, to consider my report on the outcomes of the fact-finding/reconnaissance mission and the IGAD Military Planning meetings, held from 7 to 14 March 2005, in Entebbe, Uganda, to elaborate the deployment plan for IGAD, as well as the deliberations of the 24th Ordinary Session of the IGAD Council of Ministers, held in Nairobi, on 17 and 18 March 2005, which considered the deployment plan of the IGAD Peace Support Mission in Somalia (IGASOM), among other issues. In his address to the meeting, the Prime Minister of the TFG appealed for maximum support from the AU, IGAD and the larger international community, in order to help stabilise the security situation in his country and to facilitate the relocation of the TFIs; called for the early deployment of the IGAD Peace Support Mission (IGASOM) in Somalia to help with the stabilisation of the security situation ahead of the relocation of the TFIs; announced the adoption by the TFP, on 11 May 2005, of a Bill on the issue of the relocation of the TFG and other TFIs, as well as the deployment of the IGASOM; and appealed to the AU to take the lead in seeking exemptions from the United Nations Security Council on the arms embargo imposed against Somali, to enable the operationalisation of the IGAD and the AU peace support missions.

18. The PSC took note, among other aspects, of the efforts deployed by the TFG, the other TFIs and the Somali parties, to resolve the problems facing the reconciliation process, including the initiative by some of the Somali leaders to improve security in the capital, under the Mogadishu Security and Stabilisation Plan (MSSP). Council authorised the deployment of Phase I of IGASOM, comprising two battalions, one each from Sudan and Uganda, as agreed upon by the 24th Ordinary Session of the IGAD Council of Minister, it being understood that the AU will take over thereafter, which was held in Nairobi, on 12 June 2005, received confirmation that the IGASOM troops from both the Sudan and Uganda were ready to deploy as soon as the funds are available, and the UN arms embargo for the contingent is lifted.

19. I would like to inform Council that efforts are underway at the Commission to operationalise the AU Advance Mission in Nairobi that will prepare for the take over of IGASOM by the AU at the end of Phase I. Efforts are also under way, as requested by the PSC, and based on collaboration between the Commission and the IGAD Secretariat, to mobilise funds for the operationalisation and sustenance of the IGASOM. In this respect, a communication was addressed to the European Union, soliciting funds for the deployment of IGASOM. Also, I wrote to the UN Secretary-General to assist in the efforts to obtain the requested exemption on the arms embargo.

20. On a related issue, I dispatched a fact-finding mission to Somaliland, from 30 April to 4 May 2005, to undertake consultations with the authorities of the self-declared Independent Republic on a wide range of issues pertaining to the global pacification of Somalia. The Mission met with the President of Somaliland, who stated that his country would not return to the now defunct Union with Somalia. In this regard, he stated that the Union

failed to achieve its objectives and malfunctioned, thereby creating a lot of suffering among the people of Somaliland. He also noted that the Siad Barre regime and its army brutalised the people and committed numerous atrocities in Somaliland. He made a plea that Somaliland be recognised as an independent and sovereign country, within the colonial borders that existed on 26 June 1960, when the territory acceded to independence from Britain. The Mission also toured some towns in Somaliland to listen to and gather views from the people.

(iii) Peace Process between Ethiopia and Eritrea

21. At its last session, I briefed Council on the Ethiopia-Eritrea peace process. In particular, I highlighted the lack of progress in the peace process, owing to the divergent approaches of the parties to the implementation of the April 2002 Delimitation Decision of the Ethiopia-Eritrea Boundary Commission (EEBC). I also highlighted the new dimension brought about in the peace process by Ethiopia's Five-Point Peace Proposal, as announced on 25 November 2004.

22. During the period under review, the peace process has remained handicapped by the opposing positions of the parties. Eritrea insists on adherence to the April 2002 Delimitation Decision. On its part, Ethiopia calls for prior dialogue to address the 'anomalies and impracticalities of the Delimitation Decision'. In effect, the demarcation of the border between Ethiopia and Eritrea, as determined by the EEBC, has not taken place.

23. Despite the lack of movement in the peace process, the situation in the Temporary Security Zone (TSZ) continues to be calm and stable. However, there have been a number of disturbing signals in and around the TSZ:

- continued restrictions of movement for the peacekeepers, though the situation has, to some extent, improved in areas adjacent to the TSZ;
- shooting incidents, resulting in casualties and fatalities;
- militia carrying arms and ammunition not supposed to be carried within the TSZ;
- failure to produce identify cards by militia, leading to suspicious and accusations and counter-accusations by both parties;
- movement of large numbers of militia within the TSZ without giving prior notice; and
- increase of troops south of the TSZ.

24. On 24 February 2005, the EEBC issued the 16th report, providing details on the main factors accounting for its incapacity to complete its mandate, as provided for under the Algiers Agreements. In the report, the EEBC indicated that, 'despite its efforts to secure the resumption of the demarcation process, it has been unable to do so'. Explaining the compounding difficulties, the Commission cited, among other problems, the case of a meeting scheduled for 22 February in London to which it invited both parties. Eritrea 'accepted the invitation', but 'Ethiopia declined it, saying the meeting would be premature, unproductive and could have an adverse impact on the demarcation process'. Owing to the difficulties, the Commission took steps to 'close down its Field Offices' in both countries, saying that the same could be 'reactivated if Ethiopia abandons its present insistence on preconditions for the implementation of the demarcation'. It was, also, the view of the Commission that 'the line of the boundary was legally and finally determined by its Delimitation Decision ...', and that any 'conduct inconsistent with this line is unlawful'.

25. Ethiopia responded to the report of the EEBC, first, by pointing out what it qualified as incorrect statements and conclusions in the EEBC report, particularly with respect to the Commission's assertion that Ethiopia has rejected dialogue; the Commission's definition of delimitation and demarcation, which is not consistent with international practice, as well as with the Commission's own recognition of the need to vary the delimitation line in two areas in the central Sector, where the strict application of the line as delimited would be manifestly impracticable; and Ethiopia's acceptance in principle of the Delimitation Decision. Ethiopia recalled that the Commission's own decision on delimitation made it clear that the location of the delimited boundary would not be known until after demarcation; in addition, the Commission's decision states that the coordinates are not definitive and more information must be gathered before definitive coordinates are to be known. More generally, Ethiopia re-affirmed its commitment to achieve 'a sustainable peace with Eritrea, encompassing demarcation of the boundary and normalisation of relations'.

26. On 14 March 2005, given the blockage in the peace process and some incidents around the TSZ, and following consultations with some of the AU partners, I addressed a letter to the Chairperson of the Union, expressing my preoccupation with the state of relationship between Ethiopia and Eritrea. I proposed the convening of a meeting of the witnesses of the Algiers Agreements, which would consider concrete measures to apply with a view to unblocking the peace process. At the time of finalising this report, the Commission was considering the modalities for the convening of such a meeting.

27. Furthermore, on 14 March 2005, the UN Security Council adopted resolution 1586 (2005), in which it, *inter alia*, extended the mandate of UNMEE to 15 September 2005; called on both parties to refrain from any increase in troops in areas adjacent to the TSZ, and to refrain from any threat of use of force against each other; stressed on Ethiopia's and Eritrea's primary responsibility for the implementation of the Algiers Agreements and the Decision of the EEBC, and called upon both parties to show leadership to achieve a normalisation of their relationship, including through political dialogue for the adoption of further confidence-building measures, and to consolidate progress achieved so far by making use of the existing framework of the Boundary Commission. Council also reiterated its call on the parties to co-operate fully and promptly with the Boundary Commission and create the necessary conditions for demarcation to proceed expeditiously. It called on Ethiopia to start implementation of demarcation, without preconditions, by taking the necessary steps to enable the Commission to demarcate the border completely and promptly.

28. During the reporting period, the United Nations Mission in Ethiopia and Eritrea (UNMEE) continued to play its role in the TSZ, albeit at reduced strength, following Security Council resolution 1560 (2004) of 14 September 2004, which called for downward adjustment of the Mission and the streamlining of its operations. In the same vein, the AU Liaison Mission in Ethiopia and Eritrea (OLMEE) continues its monitoring tasks along UNMEE in the TSZ. I would like to call upon the parties to continue to exercise restraint and to work co-operatively with the international community towards the resolution of the border problem.

(iv) The Sudan

(a) Southern Sudan

29. The Sudan peace process, spearheaded by the IGAD, was successfully completed on 9 January 2005, when the Government of the Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A) signed the Comprehensive Peace Agreement (CPA), thus laying the foundation to end Africa's longest running armed conflict. At its Libreville meeting, in January 2005, the PSC welcomed the CPA and expressed its conviction that this agreement offers a framework upon which other contentious issues in the Sudan, including the conflict in Darfur, could be resolved. The 4th Ordinary Session of the Assembly also welcomed the signing of the CPA and congratulated the Sudanese parties for this landmark achievement.

30. The CPA is being implemented in two stages. The first stage is the six-months pre-interim period, which commenced on the day of signing of the CPA. This period will be followed, starting from July 2005, by the six-year interim period, at the end of which there shall be a referendum to decide on the future of Southern Sudan. It would also be recalled that the CPA provides for the establishment of certain institutions and mechanisms, such as the Interim National Constitution (INC), the Assessment and Evaluation Commission (AEC) and the Ceasefire Joint Military Commission (CJMC).

31. One of the most important issues within the framework of the CPA is the formation of the National Constitutional Review Commission (NCRC), during the pre-interim period. The NCRC is expected to organise and finalise an all-inclusive constitutional review process. This process is ongoing, albeit some other Sudanese political parties have complained of lack of inclusiveness. The primary aim of the NCRC is to prepare the draft text for the INC, which would be the basis for the Government of National Unity between the GoS, the SPLM/A and other Sudanese political parties. The NCRC, which has completed most of its tasks, is expected to present the completed draft INC for ratification by both the National Assembly of the Sudan and the National Liberation Council of the SPLM (SPLM-NLC), on 9 July 2005.

32. Once the INC has been ratified, Field Marshall Omar Hassan Al Bashir and Dr John Garang shall be sworn in as President and First Vice President of the Republic of the Sudan, respectively. From 9 July, the two leaders will have one month to form a Government of National Unity, which will then commence its work on 9 August 2005. There shall also be consultations between the President, the First Vice President and other Sudanese political parties on the formation of the caretaker Government for Southern Sudan.

33. Equally important, within the CPA, is the AEC. The AEC shall be charged with the critical responsibility of monitoring the implementation of the CPA and conducting a crucial mid-term evaluation of the unity arrangements. This institution shall be established after the adoption of the INC.

34. The Ceasefire Joint Military Commission (CJMC), an essential tool devised by the parties to monitor the ceasefire agreement, has also been formed in Juba, as stipulated by the CPA. The CJMC, which is a military decision-making body and includes representatives of the UN, is answerable to the Ceasefire Political Commission (CPC). The CPC includes senior political representatives from both parties and senior officers from the Sudan Armed Forces and the SPLM/A, and is answerable to the Presidency.

35. In compliance with the CPA, the SPLM/A has now established offices in Khartoum, in order to take up its responsibilities as part of the Sudanese Government of National Unity. In this respect, the Chairman of the SPLM/A is

expected to relocate to Khartoum during the first week of July 2005. Moreover, the SPLM/A leadership has an ongoing programme that involves sending its members to various countries for training on issues of good governance and diplomacy, as part of a strategy to transform the SPLM/A into an effective political party able to carry out its national government duties during the interim period.

36. On 24 March 2005, and in support of the implementation of the CPA, the United Nations Security Council, through resolution 1590 (2005), decided to establish the United Nations Mission in Sudan (UNMIS) for an initial period of six (6) months; it further decided that UNMIS shall consist of up to 10,000 military personnel and an appropriate civilian component, including up to 715 civilian police personnel. The deployment of UNMIS is currently in progress.

37. Council will recall that, at its Maputo session in 2003, it established a Ministerial Committee on Post-Conflict Reconstruction in the Sudan chaired by South Africa, in order to support reconstruction efforts in the country. The Committee has undertaken a number of initiatives since its inception. These initiatives include, among others, the convening of a workshop in Cape Town, on 18 February 2005.

38. The Cape Town Workshop mapped out a strategy for the AU's intervention in the post-conflict reconstruction process of the Sudan, focusing on its political, humanitarian, social, and economic dimensions. In this respect, it should be recalled that, in June 2004, the Commission and the Republic of South Africa sent an exploratory technical team to the Sudan, to identify the needs of the country. Consequently, communications were sent to Member States for them to identify areas in which they could best assist the Sudan. So far, Algeria, Egypt, Kenya, Nigeria and South Africa have responded. Based on the communications received from the Member States, the Committee developed an 'Implementation Matrix' for implementing the reconstruction projects in the Sudan. Contributions by Member States will be coordinated with contributions from the larger international community. In this respect, particular emphasis was laid on the need to closely co-operate with the Joint Assessment Mission/Joint National Transitional Team (JAM/JNTT) process. This process is made up of the UN, the World Bank, the GoS and the SPLMA.

39. Subsequently, the Committee travelled to the Sudan from 22 to 26 March 2005. During the mission, the Committee met with President Omar Hassan Al Bashir, First Vice President Ali Osman Taha, and SPLM/A Chairman John Garang, to discuss the post-conflict needs of the Sudan.

40. From 11 to 12 April 2005, in Oslo, an international Donors Conference was convened on the Sudan. The Committee on Post-Conflict Reconstruction participated in the Conference on behalf of the AU. The Conference was primarily aimed at soliciting international financial support for the reconstruction of the Sudan. The Joint GoS/SPLM body and the Joint National Transitional Team (JNTT) presented a common country paper on the post-conflict reconstruction needs of the Sudan. The Conference raised more than US \$4.5 Billion for the first phase of the development plan, i.e. for 2005 - 2007 of the Sudan. This amount also included contributions towards the needs of AMIS.

(b) Darfur

41. The situation in Darfur remains a matter of deep concern. In spite of the efforts made by AMIS and the resulting improvements in the areas in which it

is deployed, insecurity continues to prevail on the ground, with persistent attacks against civilians as well as increasing incidents of armed banditry and attacks against humanitarian organisations and commercial convoys. I should also like to add the targeting and firing at AMIS personnel and equipment and, most recently, the abduction and detention of AMIS personnel, which have been recorded in the Mission area.

42. The prevailing security situation has negatively impacted on the delivery of the much-needed humanitarian assistance to the civilian population. According to the UN, the total affected population in Darfur was estimated to be about 2.45 million as of 1 March 2005, of which 1.86 million are IDPs. This represents an increase of 45,646 (39 per cent of which were IDPs) in the total affected population, since 1 January 2005. In addition to the affected populations within Darfur, an estimated 200,000 refugees have fled across the border to neighbouring Chad due to fighting since early 2003. The affected population in Darfur is expected to further increase in the coming months due to the identification of new populations in need of assistance from the failed agricultural season, lack of rainfall and continuing insecurity.

43. It is against this background that an Assessment Mission led by the Commissioner for Peace and Security travelled to the Sudan from 10 to 22 March 2005. The UN, the EU and the U.S. were invited to join the Mission, whose aim was to identify requirements for enhancing, if need be, the peace support efforts in Darfur, in light of the prevailing security and humanitarian situation. The mission noted a trend towards general improvement, particularly in the areas where AMIS is deployed. The recommendations of the Assessment Mission, as reviewed by the Military Staff Committee (MSC) of the PSC, were submitted to the 28th meeting of the PSC, held on 28 April 2005. Having noted that the AU Mission on the ground did not have sufficient strength to effectively implement its mandate, the PSC decided to increase the strength of the Mission to a total of 6,171 military personnel, with an appropriate civilian component, including up to 1,560 civilian police personnel, by the end of September 2005. Since then, a number of steps have been taken by the Commission to make it possible to effect the deployment of the authorised strength within the stipulated timeline, including the convening of a meeting of Troop Contributing Countries (TCCs) in Addis Ababa, on 13 May 2005, followed by a Pledging Conference, on 26 May 2005, to mobilise the required financial and logistical resources. About 300 million US dollars have been pledged, including the contributions in kind.

44. As far as the negotiations to reach a comprehensive political settlement are concerned, it should be noted that the period under review has been characterised by intense consultations with the parties, to whom a Draft Framework Protocol for the Resolution of the Conflict in Darfur has been submitted. Consultations were also undertaken with the Chadian co-mediation and the Nigerian authorities, in their capacity as co-facilitators, as well as the AU partners. The Talks resumed in Abuja on 10 June 2005. I should also like to indicate that I have designated Salim Ahmed Salim, former OAU Secretary-General, as my Special Envoy for the Inter-Sudanese Peace Talks on Darfur. It is my earnest hope that the negotiations will, sooner rather than later, result in an enduring and comprehensive settlement.

(v) Democratic Republic of Congo

45. In my report to the 6th Ordinary Session of the Executive Council, I gave an account of the progress made on the road to peace and stability in the DRC.

I also briefed Council on the numerous challenges that have yet to be addressed during the transition period.

46. The period under consideration was marked by significant progress despite the persistent tension within the Congolese political class and the resurgence of insecurity, particularly in Ituri. In this respect, the announcement of a possible postponement of the elections by the Chairman of the Independent Electoral Commission at the beginning of the year provoked deep turmoil within the Congolese political class. Political actors, signatories to the comprehensive and all-inclusive agreement but not members of the transitional institutions, called on their militants to take to the streets to protest against the way and manner in which the transition process is conducted. The ensuing violence left several people dead and many injured. The situation seriously threatened the future of the peace and transition process, and mobilised the international community which became further involved in assisting the transition, thereby facilitating the speedy examination of the laws pertaining to the electoral process and a better understanding of the intentions of the various stakeholders in relation to the elections. It was against the background of this new dynamics that the Draft Constitution was adopted on 16 May 2005 by the two Chambers (Parliament, National Assembly and Senate) which met in a solemn session in the presence of Presidents Kabila and Thabo Mbeki. The Draft Constitution will be submitted to a referendum shortly. The overall situation however remains fragile and requires sustained mobilisation on the part of the international community to ensure that the elections which should mark the end of the transition are held within the deadline prescribed by the Transition Constitution. In this regard, it is worth noting that upon the recommendation of the Independent Electoral Commission, the Transition Parliament decided to postpone the elections by 6 months.

47. The Joint Verification Mechanisms put in place between the DRC and Rwanda (MCV) on the one hand, and between the DRC, Rwanda and Uganda (the Tripartite), on the other, contributed to restoring trust between the three countries and reinforced the hope for a lasting peace in the region. For its part, the Commission participates actively in the operation of the MCV. As a matter of fact, the 11 officers it appointed to take part in the activities of the Joint Verification Teams are already on the ground. It also participated in all the meetings organised within the Tripartite Framework (DRC/Rwanda/Uganda).

48. The Commission also took a series of actions aimed at implementing the decision of the 23rd Session of the Peace and Security Council on the disarmament and neutralisation of the ex-FAR/Interahamwe militias and other armed groups in Eastern DRC. To this end, an information mission proceeded to Kinshasa, Kigali and Arusha - International Criminal Tribunal for Rwanda - (ICTR) from 27 February to 8 March 2005. Furthermore, an AU sponsored consultative meeting on the disarmament and neutralisation of the ex-FAR/Interahamwe militias and other armed groups in Eastern DRC brought together, from 15 to 16 March 2005, delegations from the DRC, Rwanda, Burundi and Uganda, as well as representatives of the United Nations, the European Union (EU) and the US Government. The Commission also organised in Addis Ababa on 22 April 2005, a meeting of military experts of Member States of the PSC Chiefs of Defence Committee and the AU Committee on the DRC to examine the practical modalities for the implementation of the PSC decision. The meeting made recommendations on the mandate of an African

force, its composition, command and relations with the DRC and MONUC armed forces deployed in the operation zone, and on the fielding of a technical evaluation mission to the region.

49. It was against this background that the 'Force Démocratiques de Libération du Rwanda' (FDLR), a politico-military movement, issued a declaration in Rome on 31 March 2005 in which it condemned the genocide committed in Rwanda and its perpetrators, renounced the armed struggle and committed itself to join the DDRRR programme established by the United Nations. Following this declaration, MONUC set out to prepare regrouping sites designed to accommodate the combatants and their families prior to their return to Rwanda. However, at the time of drafting this report, these have not yet registered any movement.

50. It should be pointed out that the security and humanitarian situation still remains a source of concern in Ituri, where a few armed groups continue to attack MONUC convoys and refuse to lay down their arms. However, MONUC's firmness vis-à-vis these groups has enabled over 14,000 armed elements, including many child soldiers to voluntarily lay down their arms.

(vi) Burundi

51. In Burundi, the peace and reconciliation process has entered its last phase. The post-transition constitution was adopted by referendum on 28 February 2005. The initial electoral calendar published on 16 October 2004 provided for the conduct of elections between 26 November 2004 (referendum) and 22 April 2005 (presidential election). Since various forms of constraints have made it impossible to respect this schedule, a new calendar was fixed, which provides for the holding of the various elections as follows: district elections - 3 June 2005; legislative elections - 4 July 2005; senatorial elections - 29 July 2005; presidential election - 19 August 2005; and local elections - 23 September 2005. Consequently, the 24th Summit of the Regional Initiative for Peace in Burundi held in Entebbe, Uganda on 22 April 2005 decided to extend the transition period until 26 August 2005, by which date the President elect will have been sworn in.

52. Communal elections were held on 3 June 2005 despite a few incidents which affected 6 of the 129 districts of the country. CNDD-FDD obtained the absolute majority with 62.67% of the votes, followed by FRODEBU (20.48%) and UPRONA (5.25%). The Electoral Commission on Thursday 9 June had published the electoral lists for the Legislative elections, the campaign of which will begin on 19 June 2005.

53. PALIPEHUTU-FNL, the last armed movement which has not yet joined the peace process, offered to begin serious negotiations with the Transitional Government and work for a viable peace plan. Following the exploratory talks held from 5 to 12 April 2005 between the Ministry of Foreign Affairs of Tanzania and the FNL on the genuineness of this offer, a report was submitted to the 22 April 2005 Regional Initiative Summit. The Summit took note of the progress made during the talks and mandated President Benjamin Mkapa to receive Agathon Rwasa, President of PALIPEHUTU-FNL.

54. Subsequently, President Mkapa facilitated a meeting between the President of Burundi, Domitien Ndayizeye, and Agathon Rwasa. At the end of the discussions which took place in Dar es Salaam on 15 May 2005, the two parties declared the immediate cessation of hostilities and decided to establish technical teams tasked to define the permanent ceasefire mechanisms within a period not exceeding one month. The two parties also

undertook to begin negotiations as soon as possible, without however impeding the ongoing electoral process. Present at the Dar es Salaam talks were my Special Representative in Burundi and the Representative of the UN Secretary General who met with President Ndayizeye and Agathon Rwasa, to express the support and encouragement of their respective institutions. On 6 June I dispatched a delegation of the Commission's experts to join those of the United Nations, Uganda and Tanzania to help the parties to pursue their discussions on a ceasefire mechanism.

55. Parallel to the political process, the process for the reform of the security sector, characterised essentially by the disarmament, demobilisation, reintegration and rehabilitation programmes (DDRR) continues its normal course, as evidenced by the demobilisation of 7,320 combatants including 6,281 men, 409 women and 639 children, between 2 December 2004 and 28 April 2005. According to the National Demobilisation, Reintegration and Rehabilitation Commission (CNDDR), more than two (2) billion Burundian Francs was immediately paid to the demobilised soldiers, under the rehabilitation support programme. CNDDR has announced the impending launching of the PNDRR 'reintegration' component. It should be pointed out that 2,300 child soldiers were demobilised before the official launching of the demobilisation operations on 2 December 2004.

56. The security issue also covers disarmament of the civilian population and concerns two militias, namely the 'gardiens de la paix' a government militia, and the 'militants combatants' a CNDD-FDD militia. This disarmament is underpinned by a presidential decree signed on 4 May 2005, which recommends the establishment of a National Disarmament Commission tasked to map out and implement disarmament strategies.

57. Still on the security aspect of the peace process in Burundi, it should be recalled that the Peace and Security Council meeting on 15 November 2004 had authorised the South African Protection Force deployed in Burundi to protect political personalities, and to henceforth operate under the mandate of the African Union. In order to work out the practical modalities for the implementation of this decision, a joint South African/African Union evaluation mission was fielded to Bujumbura from 11 to 14 April 2005. The Protection Force is now under the effective control of the AU. In the coming weeks the Commission will focus on the finalisation of the Agreement on the status of the forces to be concluded with the Burundian Government. This Agreement is expected to govern the presence of the Protection Force, in lieu of the Memorandum Signed with the South African Government, and the Memorandum of Understanding to be concluded with the United Nations which will enable the latter, through the United Nations Operation in Burundi (ONUB), to provide the necessary logistical support. Furthermore, the Commission will, with the help of the United Nations, mount a resource mobilisation campaign to finance the operations of the Protection Force.

58. In conclusion, it can be said that the peace process in Burundi is on course and will certainly be completed with the election of the President of the Republic who is expected to be installed on 26 August 2005. It will then be up to the Burundians to buckle down to rebuilding of their country, with the assistance of the African Union, the United Nations and the rest of the international community.

(vii) Great Lakes Region

59. Council will recall that the process of the International Conference on the Great Lakes Region entered its 2nd phase with the adoption of the Declaration of Peace, Security, Democracy and Development by the 1st Summit of the Conference held in Dar es Salaam from 19 to 20 November 2004. In the said Declaration the Heads of State and Government of the member countries of the Conference Process expressed their determination and resolve to transform the Great Lakes Region into a space of sustainable peace and security, of political and social stability, of shared growth and development; a space of co-operation based on strategies and policies of convergence within the framework of a common destiny, in conformity with the AU Vision, with the full participation of the peoples and in partnership with the United Nations, the African Union and the International Community as a whole.

60. The Declaration also calls on the Heads of State of the Region to take onboard the international community, more particularly the United Nations and its agencies, the African Union and the relevant Regional Economic Communities, the International Financial Institutions, the Group of Friends of the Great Lakes Region and other development partners, to lend their support to the countries of the region, in declaring the Great Lakes Region 'Specific Reconstruction and Development Area' with a Special Fund for Reconstruction. Furthermore, the Declaration set up an Inter-Ministerial Regional Committee (RIC) backed by the Regional Preparatory Committee (RPC) to prepare the draft protocols and the programmes of action.

61. The RIC held its first meeting in Kigali from 15 to 18 February 2005, thus paving the way for the 2nd phase of the process which will be completed with the holding of the 2nd Summit of the Conference in Nairobi in November 2005. The Kigali meeting among other things set up four Technical Thematic Task Forces (TTTFs) comprising experts from the countries on 'the ground'. Each of the groups is expected to work on one of the four themes of the Conference, namely: peace and security, democracy and good governance, economic development and regional integration, social and humanitarian issues. The meeting also prepared the list of the draft protocols and programmes to be elaborated and adopted a draft calendar of future meetings.

62. The TTTFs held their first meeting in Mombasa from 4 to 8 April 2005 to consider the terms of reference and the list of the draft Protocols and Programmes of Action adopted by the Kigali meeting. These documents are being finalised by the Joint AU/United Nations Secretariat before being submitted to the countries on the 'ground'. The documents will be reviewed during the second meeting of the (TTTFs) scheduled to take place in Nairobi from 27 June to 1 July 2005 and later submitted for the consideration of the IRC which will put finishing touches to them during its next two meetings preparatory to the 2nd Summit. The Dar es Salaam Declaration together with the Protocols and Programmes of Action which will be adopted by the 2nd Summit will constitute the 'Pact of Security, Stability and Development for the Great Lakes Region'.

63. The Commission participated actively in all the stages of the process. Indeed, it participated in all the meetings held within the framework of the preparatory process of the 1st Summit, as well as those currently underway in respect of the second Summit. It provided interpretation and translation services to most of the meetings organised within the context of the

Conference process. It also envisages to upgrade the AU Liaison Office for the Great Lakes Region in Nairobi and to strengthen it in terms of manpower and working tools. AU's support to the Conference process must be increased to meet the challenges of the 2nd phase of the process and make the actions of the Commission more visible within the Joint Secretariat.

64. The success of the 2nd phase requires greater co-operation and partnership between the African Union and the United Nations within the framework of the Joint Secretariat charged to pilot the process. It also depends to a large extent on the appropriation of the process by the countries on the 'ground'. This appropriation must be translated into a genuine political will through an effective participation, together with the development partners, in the financing of the activities of the preparatory process of the 2nd phase of the Conference, and the mobilisation of available resources in the region, so as to constitute the basis of the 'Special Fund for Reconstruction' of the region declared as 'Specific Reconstruction and Development Area' by the Dar es Salaam Declaration.

65. The political, diplomatic, technical and financial support of the Group of Friends of the Great Lakes Region was decisive in the success of the first phase of the Conference process. The Steering Committee of the Group's Fiduciary Fund held two meetings in the Hague on 11 April and 24 May 2005 as part of the preparation of the 2nd phase. At those meetings, the Steering Committee renewed its commitment to continue to support the process.

66. The Group of Friends of the Region, which subscribes to the Dar es Salaam Declaration, must also endorse the Proclamation of the Great Lakes Region as 'Specific Reconstruction and Development Area' with a 'Special Fund' for its reconstruction. To this end, the countries of the region, the African Union, the United Nations and the partners engaged in the process, especially the countries of the Group of Friends of the Region, must pool their efforts to convince the rest of the international community of the relevance of this idea, with a view to the attainment of the objectives assigned to the Conference.

67. During a public meeting on the International Conference on the Great Lakes Region held on 17 June 2005, the PSC, after noting the progress made in the process, urged the member countries of the Conference to implement without delay the specific and relevant provisions of the Declaration, particularly those relating to the restoration of security at the common borders; the voluntary repatriation of refugees; the disarmament, demobilisation and reintegration of ex-combatants; the principle of non-subversion and non-intervention. The PSC also welcomed the decision to declare the Great Lakes Region 'Specific Reconstruction and Development Area' with a Special Fund for Reconstruction.

(vii) Central African Republic (CAR)

68. In the Central African Republic (CAR), the period under consideration was marked by the holding of presidential and legislative elections. Council will recall that at the January 2005 Session its attention was drawn to the statement following the decision of the Constitutional Court invalidating the candidatures of seven of the twelve candidates for the post of President of the Republic. As a result of this stalemate, all the candidates agreed to meet in Libreville in order to resolve the crisis. At the end of the discussions held under the auspices of President El Hadj Omar Bongo Ondimba, an agreement was signed on 22 January 2005. The agreement provided that 11 candidates

would be authorised to take part in the presidential election, with the exception of former President Ange Félix Patassé on grounds that he is under legal investigation; that the publication of the results would be the prerogative of the Joint Independent Electoral Commission (CEM); and that only the Constitutional Court would hear cases of electoral disputes.

69. The first round of the presidential election took place on 13 March 2005. General François Bozize came first with 42.97% of the votes cast (382,241), followed by Martin Ziguèle, candidate for the 'Movement de libération du peuple centrafricain' (MLPC), with 23.53% (209,357), and Andre Kulingba of the Rassemblement démocratique centrafricain (RDC) with 16.76% (145,945). The two candidates for the second round held on 8 May 2005 were therefore General François Bozize and Martin Ziguèle. General Bozize was declared the winner with 64.6%, compared to 35% for Martin Ziguèle who conceded defeat and congratulated his opponent. He also called on his supporters to remain calm.

70. Martin Ziguèle did not have the support of all the parties of the 'Union des forces vives de la nation (UFVN)', an alliance formed by the various candidates opposed to General Bozize. Jean-Paul Ngoupande (5.06%) and Charles Massi (3.22%), as well as Abel Goumba joined General Bozize's camp, while Andre Kulingba did not give any instructions to his supporters.

71. Concerning the legislative elections, 17 seats were filled in the first round as against 87 in the second round. The Kwa Na Kwa Convergence, a coalition of General Bozize's partisans, obtained a relative majority, winning 40 out of 105 seats. 34 elected members stood as 'independent' candidates. CEMI nullified the vote in one constituency in the South of the country.

72. Even though the first round of the elections took place in a relative calm, the second round was marred by incidents following the publication of the results in some constituencies. The candidates of the MLPC and some political parties have denounced the acts of violence, intimidations and even corruption that characterised the second round. Several appeals have been filed with the Constitutional Court.

73. In another development, the State is experiencing enormous difficulties in meeting its obligations and paying the salaries of civil servants regularly and on time. At the security level, the deployment of CEMAC Multi-national Force (FOMUC) has made it possible to enforce security in a large part of the provinces in the hinterland and to hold the presidential and legislative elections. In this regard, it is worth recalling that CEMAC has solicited AU's consent for a financial assistance to FOMUC within the framework of the Peace Support Facility established by the European Union (EU) at the request of the African Union. Following the green light of the Commission and the joint AU/EU evaluation mission fielded to Bangui, a contribution to the tune of 3.38 million Euros was granted to FOMUC for the period November 2004 to June 2005. The mandate of FOMUC expires on 30 June 2005 and it is useful to renew it in order not to create a vacuum which could not be easily filled by the current Armed Forces of the country that are gradually being deployed on the ground. CEMAC therefore once again solicited AU's support for the renewal of FOMUC financing.

74. The just-concluded presidential and legislative elections mark an important milestone in the process designed to stabilise the situation in CAR. It is useful to consolidate this positive development by encouraging the various stakeholders to demonstrate a sense of responsibility and to participate actively in efforts towards the socio-economic recovery of the

country. I wish to point out that at the time of finalising this report, my Special Envoy for the CAR, Sadok Fayala, is getting ready to proceed to Bangui, Libreville and N'djamena to consult with the stakeholders concerned.

(iv) Côte d'Ivoire

75. At the 23rd meeting of the PSC held in Libreville on 10 January 2005, important decisions were taken to re-launch the national reconciliation process in Cote d'Ivoire. Subsequently, President Thabo Mbeki spared no effort to ensure the implementation of the road map he had prepared after meeting with the Ivorian parties in December 2004. His efforts focused mainly on maintaining contact with all the Ivorian parties and ensuring their capacity to implement the road map, consolidating the confidence that has been built, examining in detail the points of divergence with respect to the disarmament, demobilisation and reintegration programme (DDR), envisaging possible solutions and measuring their impact among the different parties. This dynamic was welcomed by the Security Council which differed the sanctions provided for under Resolution 1572, to enable the mediation to achieve its objectives.

76. On 1 February 2005, the Security Council passed Resolution 1584 (2005) on the strengthening of the arm embargo. On 10 March 2005, the Follow-up Committee on the Linas-Marcoussis Agreement seized the Speaker of the National Assembly of the need to review the laws 'not consistent with the spirit and letter of the Linas-Marcoussis Agreement'. During the same period there were demonstrations by groups of young patriots calling for the departure of the 'Force Licorne'. For their part, the opposition parties in a Communiqué issued on 31 March demanded that the French forces be maintained.

77. After relentless efforts, President Mbeki secured the signing in Pretoria, on 6 April 2005, by all the major Ivorian protagonists, of the Agreement on the peace process in Cote d'Ivoire (Pretoria Agreement). This 18 point Agreement relates, among other things, to the joint declaration on the end of the war; the disarming and dismantling of the militia; disarmament, demobilisation and Reintegration programme (DDR); ensuring security in the area under New Forces' control; security of the members of the Government from the New Forces; delegation of powers to the Prime Minister; independent electoral commission; organisation of elections; and eligibility to the presidency of the Republic on which the Mediator should pronounce himself only after consultation with the AU Current Chairperson and the United Nations Secretary General.

78. In a letter dated 11 April 2005, President Mbeki communicated his decision requesting President Laurent Gbagbo to implement the provisions of article 48 of the Ivorian Constitution. After consultation with the 'forces vives' of the Nation and the Heads of State institutions, President Gbagbo decided to apply article 48 of the Constitution and thus enable all the signatories to the Linas-Marcoussis Agreement to be eligible for the presidency of the Republic. With respect to Alassane Dramane Ouattara who chairs 'the Rassemblement des Republicains' (RDR), the authorisation granted him is only valid for the October 2005 elections and does not concern his nationality. At the same time, the Ivorian Head of State entrusted the voters registration process and the printing of voters' cards to the National Institute of Statistics; this decision was met with strong reactions on the part of the opposition parties.

79. In its Resolution 1600 (2005) adopted on 4 May 2005, the Security Council welcomed the signing of the Pretoria Agreement by the Ivorian parties. The Council also hailed the decision taken by President Thabo Mbeki concerning eligibility to the presidency of the Republic and noted with satisfaction the announcement by President Gbagbo to the effect that all the candidates designated by the political parties signatories to the Linas-Marcoussis Agreement would be eligible to the presidency.

80. In accordance with the Pretoria Agreement, the Chiefs of Staff of the Armed Forces of Cote d'Ivoire (FANCI) and the New Forces (FN) met in Bouake from 14 to 16 April 2005 under the chairmanship of the Prime Minister, Seydou Diara, and in the presence of a representative of the Mediator, the Deputy Special Representative of the United Nations Secretary General and the commanders of the Neutral Forces, ONUCI-Licorne. Thereafter, the two parties met at Daoukro on 19 April to define the modalities for the withdrawal of heavy weapons from the frontline. These weapons were effectively removed on 21 April 2005. From 2 to 6 May 2005, the political capital, Yamoussoukro, hosted a joint seminar on the elaboration and validation of a National Disarmament, Demobilisation and Reintegration Programme (PNDDR). This encouraging development was however marred by inter-ethnic clashes which occurred between 29 April and 1 May, and between 31 May and 6 June 2005 in Duekoue in the West of the country, and its surrounding, claiming many victims.

81. After intense negotiations and failed attempts, FANCI and FN finally concluded an agreement in Yamoussoukro on 14 May 2005, which fixed the practical modalities for the DDR. Under this agreement, the disarmament which will commence on 27 June and end on 10 August should lead to the demobilisation of 48,000 combatants including 42,500 former rebels and 5,500 loyalists. The total cost of the DDR is estimated at CFA franc 85 billion. In the same vein, the operation for the disarmament and demobilisation of the militia took off in Guiglo, in the West of the country, on 25 May 2005.

82. It should be pointed out, however, that the New Forces declared at a press conference held in Abidjan on 13 June that they were not bound by the calendar and plan of action of the DDR operations made public on 14 May, adding that these were proposals made to the chiefs of staff of the two forces by the Commission in charge of the DDR. They believe that the security of persons, the assembly points and their rehabilitation, as well as the review of some texts that are inconsistent with the Linas-Marcoussis Agreement remain, among other things, the necessary prerequisites before any disarmament.

83. Faced with this new development, the Follow-up Committee on the Linas-Marcoussis Agreement visited the area under the control of the New Forces on 14 June 2005, after meeting with the Government side. The delegation of the Follow-up Committee had talks with the officials of the New Forces and visited the envisaged cantonment sites of Bouake which evidently were not ready. The Follow-up Committee expressed its concern and recalled the measures taken or in the process of being taken by the United Nations, including:

- Appointment of a Special Representative to oversee the elections;
- Strengthening the mandate and complement of the Neutral Forces; and
- New resolution on Cote D'Ivoire in the pipeline.

84. The Follow-up Committee then proceeded to Bondoukou in the government-controlled area where it also visited the cantonment sites. According to the NCDDR officials, 80% of the government sites are ready.

85. For his part, the AU Mediator dispatched a delegation led by Ayande Ntsaluba, Director of the Africa Department at the Ministry of Foreign Affairs of South Africa, to resume contact with the Ivorian parties. The delegation met with the New Forces on 15 June 2005 in Bouake. Meetings are also scheduled with the other parties to the conflict.

86. On the humanitarian aspect, the situation has again deteriorated with recurrent inter-ethnic clashes in the West of the country since the beginning of the year. The human rights situation also continues to be a source of concern.

87. I encourage the Ivorian parties to keep the momentum created after the Pretoria Agreement by honouring the commitments to which they have subscribed and work towards the full implementation of the Pretoria Agreement.

(x) Liberia

88. Implementation of the Accra Comprehensive Peace Agreement (CPA) of August 2003. The National Electoral Commission (NEC) embarked on the process leading to the holding of elections in October 2005, starting with the Voter Education Programme, at the end of January. This was followed by the Voter Registration Programme, amidst calls from the National Transitional Legislative Assembly (NTLA) and other segments of the society, comprising of a coalition of the unwilling, who were calling for a postponement of the elections. Reacting to that call, the International Contact Group on Liberia (ICGL) made it clear that the elections would not be postponed and that the CPA would be fully implemented.

89. At the end of the disarmament and demobilisation (DD) process, last November, the re-integration and rehabilitation (RR) programme took off, but it was only able to cover a quarter of the total number of ex-combatants. The RR is currently facing funding constraints to carry out the full programme. The donors recently renewed their commitments to funding the programme, but conditioned it on the National Transitional Government of Liberia's (NTGL) political willingness to demonstrate greater transparency and accountability in its operations. Furthermore, it was suggested that the RR component be merged with the IDP/Refugee programme, in order to effect a harmonisation of policies with regard to these segments of the population. So far, the difficulties regarding the implementation of the RR program remains a grave security concern in the country, as some ex-combatants have threatened to disrupt the pending elections if their demands for rehabilitation are not met.

90. Currently, there is enormous attention on the ground towards the return and repatriation programmes for the IDPs and refugees. There are serious challenges occasioned by the ongoing rainy season and its impact on the movement of people in the face of a weak infrastructure network.

91. In reaction to accusations of corruption, lack of transparency, integrity and accountability, the NTGL set up an Anti-Corruption Task Force and empowered it to investigate allegations of corruption in the public sector. However, the Task Force has not proved effective and the Government is expected to demonstrate greater willingness and preparedness to carry out policies and reform measures to stem the tide of corruption. The international community has placed maximum emphasis on an enhanced leadership on issues of good economic and political governance, as well as sound fiscal management.

92. The NTLA saw itself being embroiled in allegations of corruption at leadership level in the course of the first half of the year. At the moment, the body is involved in litigation between those involved in corruption, following the disciplinary action against them, and the House, over the legality of the procedure of decision-making within the Assembly.

93. Concerning the restructuring and reforming of the Armed Forces of Liberia (AFL), the programme has been stalled due to lack of funds to cover the payment of the cost of the severance packages to officers and men who will not be re-engaged or re-instated in the new Armed Forces. There appears to be a ray of light at the end of the tunnel, with a commitment of US \$5.3 million, details of which are as follows: US\$1 million from the NTGL, US \$3 million in loans from friendly countries, and US \$1.3 million in tax advances, out of a total requirement of US \$16 million. The restructuring exercise of the AFL finally commenced on 15 June 2005. The exercise is being monitored by a newly established special Defence Advisory Monitoring Committee, of which the AU is a member. The Committee works in conjunction with the Ministry of Defence, which has the oversight responsibility for the programme.

94. On its part, the Commission has continued to support the ongoing process in Liberia. In addition to the contribution of the AU Liaison Office in Monrovia to the implementation of the CPA, my Special Envoy visited Liberia from 2 to 10 April 2005, for an overall assessment of the situation. The Commission also approached the EU to seek the much-needed support for the restructuring and reforming of the AFL. At the time of finalising this report, efforts were underway to provide further assistance to the Liberian peace process.

Section 4

Mechanisms for Peace and Security in Africa

1. African Union Peace and Security Structures

In line with the new African vision and in order to create a stable and secure environment that can catalyse growth, the Constitutive Act of the Union provides for a number of robust structures that complement each other to deliver sustainable peace and good governance on the continent.

(a) Assembly of Heads of State and Government

The Assembly is the supreme organ of the African Union and is composed of all the Heads of State and Government of the African Union. Among its critical functions is the determination of common policies of the Union. Unlike in the days of the OAU when the Summit was viewed as a club of heads of state and government that were shielding each other from any criticism, the AU Assembly has made some landmark decisions in line with the principles outlined in the Constitutive Act, including the establishment of a Common Defence Policy for the African Continent (article 4(d)), the right of the Union to intervene in a member state in respect of grave circumstances such as war crimes, genocide and crimes against humanity (article 4(h)), to restore peace and security (article 4(j)), respect for democratic principles, human rights, the rule of law and good governance (article 4(m)), and condemnation and rejection of unconstitutional changes of governments (article 4(p)). These provisions are a radical departure from the OAU which was underpinned by the principles of sovereignty and territorial integrity, to the exclusion of whatever happened within the borders of a country. With the AU, domestic events have become a matter of concern and affect the rest of the continent. Since 2002, the AU Assembly has convened at least twice annually.

(b) Executive Council

Working closely with the Assembly, is the Executive Council, the forum made up of Ministers of Foreign Affairs or such other authorities as are designated for this purpose by the governments of member states. They make recommendations for consideration to the Assembly and confer with other organs of the Union.

(c) The Permanent Representatives Committee (PRC)

Preparing the work of the Executive Council, is the Committee of the Permanent Representatives to the AU and other Plenipotentiaries of Member States. Based in Addis Ababa, the PRC operates on a continuous basis, and acts on the instructions of the Executive Council. It may, in its work, set up such sub-committees or working groups as it may deem necessary.

(d) Peace and Security Council

One of the most novel innovations of the AU is the creation of the Peace and Security Council. The PSC was conceived as a means of addressing one of the key objectives of the African Union, namely, the promotion of peace, security, and stability on the continent (article 3(f) of the Constitutive Act). This objective derives from the commitment and determination of African leaders to address the scourge of conflicts on the continent and ensure that Africa, through the AU, plays a central role in bringing about durable peace and stability as well as prevention of conflicts on the continent. Article 2 of the Protocol Relating to the Establishment of the Peace and Security Council provides for a robust mechanism in the form of a standing decision-making organ for the prevention, management and resolution of conflicts in Africa. This collective security and early warning arrangement is meant to facilitate timely and efficient response to conflict and crisis situations in Africa. Operationally, the PSC is designed to enforce peace and security on the continent as guided by the principles in the Constitutive Act.

In line with this mandate, the PSC can engage in a wide range of activities, from the anticipation and prevention of conflicts to undertaking and deploying peace keeping missions, instituting sanctions, promoting co-operation between the AU and the Regional Mechanisms in the promotion of peace and security, supporting and facilitating humanitarian action, engaging in conflict resolution and peacebuilding, making decisions on issues relating to Africa's peace and security agenda and implementing the Common African Defence and Security Policy. The PSC is supported by five main organs, the AU Commission, the Continental Early Warning System, the Peace Fund (article 2(2) of the Protocol), The Panel of the Wise and the African Standby Force (including the Military Staff Committee).

The Protocol Relating to the Establishment of the Peace and Security Council came into force in December 2003, opening the way for the selection

of the members and the launch of the Peace and Security Council in March 2004 and May 2004, respectively. The Council is comprised of fifteen member states, ten of these serving a two-year term while five serve a three-year term. Unlike the United Nations (UN) Security Council, the AU PSC has no permanent member nor does any member enjoy the right of veto. Decisions are reached by consensus, and in the case of any difficulty, a simple majority.

The Peace and Security Council can convene at one of three levels, the Heads of State level, the Ministerial level and/or the Permanent Representatives level.

(e) African Peer Review Mechanism (APRM)

The African Peer Review Mechanism (APRM) is a voluntary self-monitoring mechanism created by the African Heads of State and Government Implementation Committee (HSGIC), the governing body of the New Partnership for Africa's Development (NEPAD) that seeks to further the agenda of good governance on the continent. More specifically, the APRM aims to 'foster the adoption of policies, standards, and practices that lead to political stability, high economic growth, sustainable development and accelerated subregional and continental economic integration.' The basis for the APRM and the values that underpin it is embedded in the Declaration on Democracy, Political, Economic and Corporate Governance, which was adopted at the AU Inaugural Summit in 2002.

By acceding to the APRM, a country agrees to undergo periodic peer reviews and to create a time-bound programme of action for implementation of the Declaration. By July 2005, 26 countries had acceded to the APRM, nearly ten of which had indicated their willingness to commence country reviews, and two, Rwanda and Ghana, whose reviews had been completed and presented to the APR Forum.

The overall responsibility for the APRM rests with the Committee of Participating Heads of State and Government of Member states of the APRM, otherwise known as the APR forum. The APR process is undertaken at a country level by a Panel of Eminent Persons, currently comprised of seven members drawn from various regions of the continent. While there are no penalties or sanctions against countries that do not comply with the recommendations of the Panel, or indeed those that do not accede to the APRM, the process seems to have inherent incentives. Internally, the APRM is supposed to enable a country to create an enabling environment for sustainable development in terms of strengthening governance, identifying and correcting weaknesses, increasing respect for human rights and the rule of law, and encouraging people-centered governance and political participation. Externally, successful completion of review is expected to create or increase incentives for foreign investment in a country, and hence spur development.

The African Peer Review Mechanism (APRM) Base Document (2002)

Approved by the NEPAD Heads of State and Government Implementation Committee (HSGIC) and endorsed by the inaugural AU Summit held in Durban, South Africa from 6 to 10 July 2002. Available online at: [http://www.nepad.org/2005/files/document s/49.pdf](http://www.nepad.org/2005/files/document%20s/49.pdf)

1. The African Peer Review Mechanism (APRM) is an instrument voluntarily acceded to by Member States of the African Union as an African self-monitoring mechanism.

Mandate of the APRM

The mandate of the African Peer Review Mechanism is to ensure that the policies and practices of participating states conform to the agreed political, economic and corporate governance values, codes and standards contained in the Declaration on Democracy, Political, Economic and Corporate Governance. The APRM is the mutually agreed instrument for self-monitoring by the participating member governments.

Purpose of the APRM

2. The primary purpose of the APRM is to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated subregional and continental economic integration through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies and assessing the needs for capacity building.

Principles of the APRM

3. Every review exercise carried out under the authority of the Mechanism must be technically competent, credible and free of political manipulation. These stipulations together constitute the core guiding principles of the Mechanism.

Participation in the African Peer Review Process

4. Participation in the process will be open to all member states of the African Union. After adoption of the Declaration on Democracy, Political, Economic and Corporate Governance by the African Union, countries wishing to participate in the APRM will notify the Chairman of the NEPAD Heads of State and Government Implementation Committee. This will entail an undertaking to submit to periodic peer reviews, as well as to facilitate such reviews, and be guided by agreed parameters for good political governance and good economic and corporate governance.

Leadership and Management Structure

5. It is proposed that the operations of the APRM be directed and managed by a Panel of between 5 and 7 Eminent Persons. The members of the Panel

must be Africans who have distinguished themselves in careers that are considered relevant to the work of the APRM. In addition, members of the Panel must be persons of high moral stature and demonstrated commitment to the ideals of Pan Africanism.

6. Candidates for appointment to the Panel will be nominated by participating countries, shortlisted by a Committee of Ministers and appointed by Heads of State and Government of the participating countries. In addition to the criteria referred to above, the Heads of State and Government will ensure that the Panel has expertise in the areas of political governance, macro-economic management, public financial management and corporate governance. The composition of the Panel will also reflect broad regional balance, gender equity and cultural diversity.

7. Members of the Panel will serve for up to 4 years and will retire by rotation.

8. One of the members of the Panel will be appointed Chairman by the Heads of State and Government of participating countries. The Chairperson will serve for a maximum period of 5 years. The criteria for appointment to the position of Chairperson will be the same as for other members of the Panel, except that the candidate will be a person with a proven leadership record in one of the following areas; Government, public administration, development and private sector.

9. The Panel will exercise the oversight function over the review process, in particular to ensure the integrity of the process. Its mission and duties will be outlined in a Charter, which will also spell out reporting arrangements to the Heads of State and Government of participating countries. The Charter will secure the independence, objectivity and integrity of the Panel.

10. The Secretariat may engage, with the approval of the Panel, the services of African experts and institutions that it considers competent and appropriate to act as its agents in the peer review process.

11. The Panel will be supported by a competent Secretariat that has both the technical capacity to undertake the analytical work that underpins the peer review process and also conforms to the principles of the APRM. The functions of the Secretariat will include; maintaining extensive database information on political and economic developments in all participating countries, preparation of background documents for the Peer Review Teams, proposing performance indicators and tracking performance of individual countries.

Periodicity and Types of Peer Review

12. At the point of formally acceding to the peer review process, each State should clearly define a time-bound Programme of Action for implementing the Declaration on Democracy, Political, Economic and Corporate Governance, including periodic reviews.

13. There will be four types of reviews:

- The first country review is the base review that is carried out within eighteen months of a country becoming a member of the APRM process;
- Then there is a periodic review that takes place every two to four years;
- In addition to these, a member country can, for its own reasons, ask for a review that is not part of the periodically mandated reviews; and

- Early signs of impending political or economic crisis in a member country would also be sufficient cause for instituting a review. Such a review can be called for by participating Heads of State and Government in a spirit of helpfulness to the Government concerned.

APRM Process

14. The process will entail periodic reviews of the policies and practices of participating states to ascertain progress being made towards achieving mutually agreed goals and compliance with agreed political, economic and corporate governance values, codes and standards as outlined in the Declaration on Democracy, Political, Economic and Corporate Governance.

15. The peer review process will spur countries to consider seriously the impact of domestic policies, not only on internal political stability and economic growth, but also on neighbouring countries. It will promote mutual accountability, as well as compliance with best practice.

16. Bearing in mind that African countries are at different levels of development, on joining the Mechanism, a country will be assessed (the base review) and a timetable (Programme of Action) for effecting progress towards achieving the agreed standards and goals must be drawn up by the state in question, taking into account the particular circumstances of that state.

Stages of the Peer Review Process

17. Stage One will involve a study of the political, economic and corporate governance and development environment in the country to be reviewed, based principally on up-to-date background documentation prepared by the APRM Secretariat and material provided by national, subregional, regional and international institutions.

18. In Stage Two, the Review Team will visit the country concerned where its priority order of business will be to carry out the widest possible range of consultations with the Government, officials, political parties, parliamentarians and representatives of civil society organisations (including the media, academia, trade unions, business, professional bodies).

19. Stage Three is the preparation of the Team's report. The report is prepared on the basis of the briefing material prepared by the APRM Secretariat and the information provided in-country by official and unofficial sources during the wide-ranging consultations and interactions with all stakeholders. The report must be measured against the applicable political, economic and corporate governance commitments made and the Programme of Action.

20. The Team's draft report is first discussed with the Government concerned. Those discussions will be designed to ensure the accuracy of the information and to provide the Government with an opportunity both to react to the Team's findings and to put forward its own views on how the identified shortcomings may be addressed. These responses of the Government will be appended to the Team's report.

21. The Team's report will need to be clear on a number of points in instances where problems are identified. Is there the will on the part of the Government to take the necessary decisions and measures to put right what is identified to be amiss? What resources are necessary to take corrective measures? How much of these can the Government itself provide and how much is to come from external sources? Given the necessary resources, how long will the process of rectification take?

22. The Fourth Stage begins when the Team's report is submitted to the participating Heads of State and Government through the APRM Secretariat. The consideration and adoption of the final report by the participating Heads of State and Government, including their decision in this regard, marks the end of this stage.

23. If the Government of the country in question shows a demonstrable will to rectify the identified shortcomings, then it will be incumbent upon participating Governments to provide what assistance they can, as well as to urge donor governments and agencies also to come to the assistance of the country reviewed. However, if the necessary political will is not forthcoming from the Government, the participating states should first do everything practicable to engage it in constructive dialogue, offering in the process technical and other appropriate assistance. If dialogue proves unavailing, the participating Heads of State and Government may wish to put the Government on notice of their collective intention to proceed with appropriate measures by a given date. The interval should concentrate the mind of the Government and provide a further opportunity for addressing the identified shortcomings under a process of constructive dialogue. All considered, such measures should always be utilised as a last resort.

24. Six months after the report has been considered by the Heads of State and Government of the participating member countries, it should be formally and publicly tabled in key regional and subregional structures such as the Pan-African Parliament, the African Commission on Human and Peoples' Rights, the envisaged Peace and Security Council and the Economic, Social and Cultural Council (ECOSOCC) of the African Union. This constitutes the Fifth and final stage of the process.

Duration of the Peer Review

25. The duration of the review process per country should not be longer than six months, commencing on the date of the inception of Stage One up to the date the report is submitted for the consideration of the Heads of State and Government.

Funding of the Peer Review Mechanism

26. Funding for the Mechanism will come from assessed contributions from participating member states.

Review of the APRM

27. To enhance its dynamism, the Conference of the participating countries will review the APRM once every five years.

Objectives, Standards, Criteria and Indicators for the African Peer Review Mechanism (APRM) (2003)

Adopted by the 6th Summit of the NEPAD Heads of State and Government Implementation Committee (HSGIC) in Abuja, Nigeria on 9 March 2003. Available online at: <http://www.nepad.org/2005/files/documents/110.pdf>

1. Introduction

1.1 The African Peer Review Mechanism ('the APRM') base document (AHG/235 (XXXVIII) Annex 2) defines the Mechanism as:

'An instrument voluntarily acceded to by Member States of the African Union as an African self-monitoring mechanism' and its primary purpose as:

'To foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated subregional and continental economic integration through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies and assessing the needs of capacity building.'

1.2 To ensure that the primary purpose is realised, the participating states have committed themselves to adopting appropriate laws, policies and standards, as well as building the necessary human and institutional capacity. They have also committed themselves to adopting specific objectives, standards, criteria and indicators for assessing and monitoring progress in key areas on a regular basis in accordance with the African Peer Review Mechanism base document and the Declaration on Democracy, Political, Economic and Corporate Governance (AHG/235 (XXXVIII) Annex I) ['the Declaration'], as endorsed by the inaugural Summit of the African Union (AU) in Durban, South Africa in July 2002.

1.3 The overarching goal of the APRM is for all participating countries to accelerate their progress towards adopting and implementing the priorities and programmes of the New Partnership for Africa's Development (NEPAD), achieving the mutually agreed objectives and compliance with best practice in respect of each of the areas of governance and development. This can only be achieved through the sustained efforts of the country itself, involving all stakeholders. It requires that each country carefully develops a Programme of Action with time bound objectives and linked to national budgets to guide all stakeholders in the actions required by all – government, private sector, civil society – to achieve the country's vision.

1.4 However, given the differences of historical context and stages of development, countries will start from different base lines and will not be expected to reach their highest level of performance at the same time. The rate of progress will also depend critically on the level of commitment and political will of each country to take deliberate steps to realise its vision. Participating countries will encourage and support each other and exercise constructive peer dialogue and persuasion where necessary to ensure that all countries achieve full compliance by a mutually agreed date.

1.5 The participating countries will agree on goals and objectives to be achieved in respect of each of the areas covered by the APRM and about information to be shared. They will also agree on time frames of achieving the

goals and objectives for each country or category of countries taking into account the situation at the time when the base review is conducted.

1.6 Sharing of information will focus on mutual learning in areas of high priority in NEPAD such as strengthening institutions of democracy and human rights, improving budgeting and financial management, fighting corruption, increasing access to social services such as education, health, water and energy. High priority areas also include improvement in agriculture and diversification of production and exports, increased trade and investment among the participating countries, increased co-operation in mobilising and attracting both domestic and foreign investment.

1.7 Sharing of information will result in increased adoption of best practices and standards and also accelerate the integration of the economies of participating countries. Higher levels of trust will also increase opportunities for intra-country trade and investment, physical infrastructure, production systems and structures and will also foster common African positions for negotiating with other regions.

1.8 To facilitate the measuring of performance and progress, this document identifies the following components in each of the four substantive areas of the Declaration (democracy and political governance, economic governance and management, corporate governance and socio-economic development): key objectives, standards, criteria and indicators.

1.9 First, the key objectives that have been prioritised in the NEPAD Framework Document and the Declaration are defined as specifically as possible. Then the codes and standards that are referenced in the Declaration are those agreed to by the African Union (AU) with regard to the area and key objectives of democracy and political governance and those that are internationally recognised with regard to other areas and the key objectives of governance and socioeconomic development. It should also be noted that many of these codes or standards include detailed tools, templates and methodologies for self-assessment of compliance by countries. The APR Forum will review the codes and standards periodically.

1.10 The criteria are whether the government has taken the necessary steps to achieve the objective and attain the standards and the effects or results of these actions. Criteria have been articulated in terms of questions about these matters and can also be seen as issues to be addressed and reference points for targets to be established. Finally indicators are used as the means by which it is determined whether the criteria have been met.

1.11 This scheme of concepts that becomes increasingly specific as one moves from objectives to indicators thus provides a framework for the operationalisation of the assessments to be undertaken in the participating countries in the context of the APRM. The more specific the elements of the scheme become, the more important it becomes that the specifics of the country be taken into account in defining them. This document will thus only provide indicative criteria and some examples of indicators as the development of these components is a highly technical task and is best undertaken by those involved in the assessments at the country level in close consultation with the African Peer Review (APR) Secretariat technical staff. This scheme will allow a country's efforts and performance to be assessed against clear standards that have been agreed to in the African and/or the international contexts.

1.12 In the following sections this scheme of concepts – objectives, standards, criteria and indicators – is applied in each of the four areas identified in the Declaration:

- (a) Democracy and Political Governance.
- (b) Economic Governance and Management.
- (c) Corporate Governance.
- (d) Socio-economic Development.

1.13 The purpose is to provide a clear framework to guide the design and implementation of the assessments in each of these areas. The key objectives in the area are first listed; then, for each objective, the standards, indicative criteria and some examples of indicators are articulated.

2. Democracy and Political Governance

2.1 Over the years, successive Summits of the Organization of African Unity (OAU), African Union (AU) have taken decisions aimed at ensuring democracy and good political governance. In particular, through the Constitutive Act of the African Union, Member States commit themselves, among others, to the objectives and principles of protecting and promoting democracy, good political governance, human rights and the rule of law. Consequently, the NEPAD Framework Document and the Declaration identify, among others, democracy and good political governance as preconditions and foundation of sustainable development and the eradication of poverty.

(A) Key Objectives for Democracy and Political Governance

2.2 The overall objective is to consolidate a constitutional political order in which democracy, respect for human rights, the rule of law, the separation of powers and effective, responsive public service are realised to ensure sustainable development and a peaceful and stable society. The key objectives are:

- (a) Prevent and reduce intra- and inter-country conflicts.
- (b) Constitutional democracy, including periodic political competition and opportunity for choice, the rule of law, a Bill of Rights and the supremacy of the constitution are firmly established in the constitution.
- (c) Promotion and protection of economic, social, cultural, civil and political rights as enshrined in all African and international human rights instruments.
- (d) Uphold the separation of powers including the protection of the independence of the judiciary and of an effective Parliament.
- (e) Ensure accountable, efficient and effective public office holders and civil servants.
- (f) Fighting corruption in the political sphere.
- (g) Promotion and protection of the rights of Women.
- (h) Promotion and protection of the rights of the child and young persons.
- (i) Promotion and protection of the rights of vulnerable groups, including displaced persons and refugees.

(B) Standards, Indicative Criteria and Examples of Indicators

2.3 Objective 1: Prevent and reduce intra- and inter-country conflicts

2.3.1 Standards

- (a) Constitutive Act of the African Union (2000).
- (b) Cairo Declaration on the Establishment, within the GAU, of the Mechanism for Conflict Prevention, Management and Resolution (1993);

[for the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002) when operational].

- (c) Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) Solemn Declaration (2000).
- (d) Declaration on the Framework for an GAU Response to Unconstitutional Changes of Government (2000).
- (e) Charter of the United Nations (1945).
- (f) Declaration and Plan of Action on Control of Illicit Drug Trafficking and Abuse in Africa (2002).
- (g) NEPAD Framework Document (2001).

2.3.2 Indicative criteria

- (a) Has the country ratified or acceded to all relevant African and international instruments aimed at preventing, managing and resolving conflicts?
- (b) What has the country done to implement the various African and international instruments aimed at preventing, managing and resolving conflicts?
- (c) Does the country have domestic institutions, mechanisms and processes to support prevention, management and resolution of intra-country conflicts, with appropriate capacity and resources?
- (d) What has the country done to combat drug trafficking and ensure peace and security?

2.3.3 Examples of indicators

- (a) Level of ratification and accession to relevant African and international instruments for conflict prevention, management and resolution.
- (b) Existence and effectiveness of early warning systems capacity.
- (c) Existence of institutions to manage, prevent or resolve conflicts.
- (d) Levels and trends of drug trafficking.

2.4 Objective 2: Constitutional democracy, including periodic political competition and opportunity for choice, the rule of law, a Bill of Rights and the supremacy of the constitution are firmly established in the Constitution.

2.4.1 Standards

- (a) Constitutive Act of the African Union (2000).
- (b) The Conference of Security, Stability, Development and Co-operation (CSSDCA) Solemn Declaration (2000).
- (c) African Charter on Human and Peoples' Rights (1990).
- (d) Grand Bay (Mauritius) Declaration and Plan of Action for the Promotion and Protection of Human Rights (1999).
- (e) NEPAD Framework Document (2001).

2.4.2 Indicative Criteria

- (a) Are the provisions of the constitution for democracy, human rights, the rule of law and the supremacy of the constitution clear and firm with adequate provisions for enforcement?
- (b) Are the constitutionally mandated institutions for democracy, human rights, the rule of law and the supremacy of the constitution properly constituted and resourced for their effective functioning?
- (c) What is being done to create an enabling environment for meaningful popular participation in all forms and levels of governance?
- (d) What is the resulting state of democracy and political governance in the country?
- (e) How easy or difficult is it to change the Constitution of the country?

2.4.3 Examples of Indicators

- (a) Adequacy of express provisions in the constitution.
- (b) Effectiveness of democracy and law enforcement institutions.
- (c) Independence and effectiveness of Electoral Commission to ensure fair and free elections.
- (d) Adequacy of legal framework for free association and formation of non-governmental organisations and unions.
- (e) Effectiveness of independent media in informing the public and providing freedom of expression.
- (f) Public perceptions of and the degree of satisfaction with democracy and political governance.
- (g) Congruence of the national Constitution with the Constitutive Act of the African Union.

2.5 Objective 3: Promotion and protection of economic, social, cultural, civil and political rights as enshrined in all African and international human rights instruments.

2.5.1 Standards

- (a) African Charter on Human and Peoples' Rights (1981).
- (b) Grand Bay (Mauritius) Declaration and Plan of Action for the Promotion and Protection of Human Rights (1999).
- (c) UN Universal Declaration on Human Rights (1948).

2.5.2 Indicative Criteria

- (a) Has the country acceded to and ratified all the relevant African and international instruments?
- (b) Does the country have the relevant institutions such as the human rights commission and public protector, with appropriate capacity and resources?
- (c) What has the government done to implement the various international instruments guaranteeing respect for economic, social, cultural, civil and political rights to which it has acceded and ratified?
- (d) Does the country have the necessary technical, financial and other capacities to fulfil its domestic and international obligations in these regards?
- (e) To what extent are these rights realised in the country?

2.5.3 Examples of Indicators

- (a) Effectiveness of institutions and processes for implementation, oversight and public awareness of human rights principles and the country's obligations therein.
- (b) Regularity and quality of country reporting to treaty bodies.
- (c) Adequacy of budgetary provisions and effectiveness of inter-departmental committees to give effect to the country's international obligations.
- (d) The overall state of these rights in the country.

2.6 Objective 4: Uphold the separation of powers, including the protection of the independence of the judiciary and of an effective Parliament.

2.6.1 Standards

- (a) Constitutive Act of the African Union (2000).
- (b) The Conference of Security, Stability, Development and Co-operation (CSSDCA) Solemn Declaration (2000).

2.6.2 Indicative Criteria

- (a) What is being done to ensure effective separation of powers between the various arms of government? How is the independence of the

judiciary assured? What measures have been taken to ensure the effectiveness of Parliament?

- (b) What is the state of the country with respect to the separation of powers, the independence of the judiciary and the effectiveness of Parliament?

2.6.3 Examples of Indicators

- (a) Security of tenure of the judiciary and its access to resources.
- (b) An effectively independent judicial services commission to ensure professionalism and integrity with responsibility for the appointment of judges.
- (c) Inter-party committees within Parliament exercising effective oversight functions over various areas of public interest.
- (d) Overall assessment of state of governance in these areas.

2.7 Objective 5: Ensure accountable, efficient and effective public office holders and civil servants

2.7.1 Standards

- (a) The Conference of Security, Stability, Development and Co-operation (CSSDCA) Solemn Declaration (2000).
- (b) NEPAD Framework Document.

2.7.2 Indicative Criteria

- (a) Are the provisions in the constitution and other laws and regulations effective in ensuring accountability of public office holders?
- (b) Are the institutions, such as a public services commission, effectively structured and resourced to ensure professionalism and integrity in public service?
- (c) Is there a code of conduct for public office holders or a citizens' charter?
- (d) What is the overall efficiency, effectiveness and transparency of delivery of service?

2.7.3 Examples of Indicators

- (a) Mandated reports by the Executive branch of Government to the country.
- (b) Provisions for public hearings to which public officials can be called to account.
- (c) A constitutionally mandated public service commission that is effectively structured and resourced.
- (d) A legal instrument embodying a code of conduct for public office holders.
- (e) Results of overall assessments or citizen charter reports.

2.8 Objective 6: Fighting corruption in the political sphere

2.8.1 Standards

- (a) United Nations and African Union anti-corruption codes;
- (b) The Conference of Security, Stability, Development and Co-operation (CSSDCA) Solemn Declaration (2000).
- (c) NEPAD Framework Document.

2.8.2 Indicative Criteria

- (a) Are there independent and effective institutions, mechanisms and processes for combating corruption?
- (b) Are there precedents for dealing effectively with proven cases of corruption?
- (c) What is the overall assessment of the level of corruption in the country?
- (d) Are there measures for enhancing integrity and probity in public life?

2.8.3 Examples of Indicators

- (a) Constitutional provision for fighting corruption and effectiveness of institutions carrying out the mandate.
 - (b) Accessibility of the proceedings of Parliament and the reports of its various committees to the public.
 - (c) Requirements for periodic public declaration of assets by public office bearers and senior public officials.
 - (d) Results of overall assessment of corruption in the country.
- ...

African Peer Review Mechanism (APRM) Organisation and Processes (2003)

Adopted by the 6th Summit of the NEPAD Heads of State and Government Implementation Committee (HSGIC) in Abuja, Nigeria on 9 March 2003. Available online at <http://www.nepad.org/2005/files/documents/48.pdf>

1. Introduction

1.1 The African Peer Review Mechanism base document (AHG/235 (XXXVIII) Annex 2), approved by the NEPAD Heads of State and Government and Implementation Committee ('Implementation Committee') and endorsed by the African Union (AU) Summit in Durban, South Africa in July 2002, envisages the following four distinct organisational components of the African Peer Review Mechanism ('the APRM'), with the names that shall be used in this document for the sake of clarity in brackets:

- (a) The Committee of Participating Heads of State and Government (The APR Heads of State Forum (APR Forum)) is the highest decision making authority in the APRM.
- (b) The Panel of Eminent Persons (APR Panel) will be appointed to oversee the review process to ensure the integrity of the process, to consider review reports and to make recommendations to the APR Forum.
- (c) The APRM Secretariat (APR Secretariat) will provide the secretarial, technical, coordinating and administrative support services for the APRM.
- (d) The Country Review Team (APR Team) will be appointed to visit the country to review progress with the country's Programme of Action, as envisaged in paragraph 13 of the APRM base document, and produce the APRM report on the country.

1.2 Further, the APRM base document envisages five stages of the APRM with a number of processes both at country and continental level. Some of these critical processes include the conduct of technical assessments by the APR Partner Institutions as part of the APRM.

1.3 The following sections of this paper elaborate briefly on the mandate, structure and role of each of these organisational components of the APRM.

It also elaborates on the stages of the APR process that are identified in the APRM base document and present some ideas on the funding of the APRM.

2. The Committee of Participating Heads of State and Government (APR Forum)

2.1 The overall responsibility of the APRM is vested with a Committee of Participating Heads of State and Government of the Member States of the African Union who have voluntarily chosen to accede to the APRM (APR Forum). Therefore, the APR Forum has ultimate responsibility for oversight of the APRM organisation and processes, for mutual learning and capacity building, and for exercising the constructive peer dialogue and persuasion required to make the APRM effective, credible, and acceptable.

2.2 The mandate of the APR Forum is to:

- (a) Appoint the APR Panel and its Chairperson;
- (b) Consider, adopt, and take ownership of country review reports submitted by the APR Panel;
- (c) Communicate the recommendations of the APR Forum to the Head of State or Government of the reviewed country immediately after the review meeting;
- (d) Exercise constructive peer dialogue and persuasion (through offering assistance or applying appropriate measures) to effect changes in country practice where recommended;
- (e) Persuade development partners to support the recommendations approved by the APR Forum by providing technical and financial assistance;
- (f) Transmit APRM Reports to the appropriate African Union (AU) structures in a timely manner;
- (g) Make public, through the APR Secretariat, country review reports and press releases pertaining thereto;
- (h) Establish and approve the rules of procedure for the APR Forum and approve those of the APR Panel;
- (i) Approve a Code of Conduct for all components of the APRM organisation; and
- (j) Ensure that the APR process is fully funded by the participating countries (including non-governmental partners).

3. The Panel of Eminent Persons (APR Panel)

3.1 The APR Panel shall have the following mandate:

- (a) Exercise oversight of the APR process with a view to ensuring the independence, professionalism, and credibility of the process;
- (b) Oversee the selection of the APR Teams and appoint them to conduct country reviews;
- (c) Recommend appropriate African institutions or individuals to conduct technical assessments;
- (d) Meet when required to review and make objective assessments of and recommendations on the country review reports submitted to it by the APR Secretariat;
- (e) Consider recommendations contained in the country review reports and make recommendations to the APR Forum;
- (f) Submit to the APR Forum all country review reports with recommendations on measures that could be taken to assist the country

in the improvement of its governance and socio-economic development performance; and

(g) Develop its own rules of procedure, submit these to the APR Forum for approval and approve those of the APR Secretariat and the APR Teams.

3.2 The APRM base document anticipates that the mandate of the APR Panel, including its reporting arrangements to the APR Forum, will be defined in a Charter.

Selection of the APR Panel

3.3 The APRM will be directed and managed by a Panel of between 5 and 7 Eminent Persons.

3.4 The Chairperson of the APR Panel will serve for a period of up to 5 years, while the other Eminent Persons will each serve for a period of up to 4 years.

3.5 As soon as the APRM comes into effect, the APR Forum will select the first Panel of Eminent Persons of between 5 and 7 members. Once the APRM is operational, the APR Forum will develop and approve a selection and appointment process of the APR Panel in line with the APRM base document.

Criteria for Selection of the APR Panel

3.6 The Eminent Persons must be Africans who have distinguished themselves in careers that are relevant to the work of the APRM. Members of the Panel must be persons of high moral stature and demonstrated commitment to the ideals of Pan Africanism. The composition of the Panel will also reflect broad regional balance, gender equity and cultural diversity.

Cost Considerations

3.7 It is preferable that the Chairperson of the APR Panel serves on a full time salaried basis, while the other members of the Panel will serve on a part-time basis. Members of the APR Panel will receive an honorarium and expenses only when they are attending review meetings, leading APR Teams or on other duties undertaken at the request of the Chairperson.

Pool of Technical Expertise

3.8 The APR Panel and Secretariat will have minimal capacity to carry out their mandate and will require access to additional technical expertise. To ensure that the APR process utilises African technical expertise and build capacity in Africa, a pool of technical expertise need to be established through a competitive process and the pool must be reviewed regularly. While the Panel and the Secretariat will use the African experts as much as possible, the Panel may also approve, in exceptional circumstances, the utilisation of the services of non-African experts, individuals or institutions.

4. The APR Secretariat

4.1 The APR Secretariat will provide the secretarial, technical, coordinating and administrative support services for the APRM. It must have both the technical and administrative capacity to undertake and manage the analytical work that underpins the peer review process and also conforms to the principles of the APRM.

4.2 The functions of the APR Secretariat will include:

- (a) Maintaining extensive database and information on the four areas of focus of the APRM and the political and economic developments in all participating countries;
- (b) Preparation of background documents for the APR Teams;
- (c) Facilitating technical assistance to participating countries;
- (d) Proposing performance indicators and tracking the performance of each participating countries;
- (e) Liaising with participating countries and partner institutions to follow progress of technical assessments;
- (f) Plan and organise the Country Review Visits;
- (g) Recommend to the APR Panel on the composition of APR Teams and recruit the experts required for research and analysis;
- (h) Liaising with interested external partners and support participating countries in resource mobilisation for capacity building;
- (i) Organising regional networks in the various areas of focus of the APRM and convene workshops for the sharing of experience and best practice and to address constraints experienced in the implementation of country programmes of action;
- (j) Liaising with the institutions issuing the standards and codes listed in the Declaration on Democracy, Political, Economic and Corporate Governance (AHG/235(XXXVIII) Annex 2); and
- (k) Ensure full documentation of the APR processes at country, subregional and continental levels to facilitate learning.

4.3 The APR Secretariat will be carrying out the secretarial, administrative, technical and coordinating functions on a continuous basis and will be supervised directly by the Chairperson of the APR Panel at the policy level and in the day-to-day management and administration by an Executive Officer. The APR Secretariat will be a unit within the NEPAD Secretariat and, once the APR Panel is established, it will propose a structure and business plan for the Secretariat for consideration and approval by the APR Forum.

4.4 The APR Secretariat will work closely with the CSSDCA Unit of the Commission of the African Union (AU) as the harmonising and alignment processes are being pursued between the two units. The APR Secretariat will also work with other units of the AU Commission or organs of the AU, especially in the area of technical assessments as discussed later in this document.

5. APR Teams

5.1 The APR Teams will be constituted only for the period of the country review visit. The composition of the APR Teams will be carefully designed to enable an integrated, balanced, technically competent and professional assessment of the reviewed country and will be approved by the APR Panel.

5.2 The APR Panel will approve the composition of the APR Team and its terms of reference for each country review visit.

5.3 The APR Secretariat will produce guidelines for the conduct of the country review visits and a code of conduct for the APR Teams for approval by the APR Panel and the APR Forum.

6. The APR Partner Institutions and Technical Assessments

6.1 The APR Partner Institutions refers to the institutions that will conduct the technical assessments on countries to be reviewed. Such technical assessments can best be conducted as part of the APRM process, after

consultation between the country to be reviewed and the APR Secretariat and Panel.

6.2 The United Nations Economic Commission for Africa (ECA) has been requested to conduct the technical assessment in economic governance and management, and the African Development Bank (ADB) in banking and financial standards. The two institutions will be the primary resource institutions in their respective areas of competence.

6.3 On matters relating to human rights, democracy and political governance, the APR Forum will request the appropriate organs, committees or units of the African Union (AU) already legally tasked with similar specific assessment responsibilities and have capacity to conduct the assessments. These organs, committees or units include:

- (a) the African Commission on Human and Peoples' Rights (ACHPR);
- (b) the African Committee of the Experts on the Rights and Welfare of the Child;
- (c) Central Organ of the Mechanism for Conflict Prevention, Management and Resolution or the Peace and Security Council (PSC), once the latter is established;
- (d) Pan-African Parliament (PAP);
- (e) The Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) Unit; or
- (f) Any other organ, committee or unit of the AU as they are established or operationalised such as the election monitoring committee and the Court of Justice.

6.4 Where the above AU institutions have inadequate or no capacity, the APR Panel will recommend, for approval by the APR Forum, appropriate African institutions with requisite capacity to support the relevant AU institution, with a view to build its capacity, in conducting technical assessments.

6.5 The APR Panel will also advise the APR Forum as to which African institutions will be invited to conduct the technical assessments on corporate governance and socio-economic development.

6.6 It is anticipated that the APRM will have to work with a wider range of Partner Institutions, including those that set international standards, oversight institutions, African research and policy institutions engaged in policy advisory services.

6.7 It is envisaged that the Country Review Visit will take place when the country has completed its draft Programme of Action. It will then submit the final draft Programme of Action to the APR Secretariat and invite it to send an APR Team to come and conduct the Country Review Visit. This holistic review will assess the quality and scope of the final draft Programme of Action.

6.8 The main focus of the Country Review Visit will be on identifying whether the country's draft Programme of Action is adequate to address the assessed challenges and, if not, how the country can best be assisted in strengthening its final draft Programme of Action and its capacities to implement it. Such further work might eventually include further involvement of the APR Partner Institutions.

6.9 It is important that there be close co-operation between the APRM and the Partner Institutions. The APR Secretariat will sign a Memorandum of Understanding with each APR Partner Institutions that will define the

partnership in specific terms that could include the following areas of common concern:

- (a) The roles and responsibilities of the partners;
- (b) Access to data resources and sharing of information;
- (c) Agreement to abide by their respective codes of conduct in the countries being reviewed and observe the APRM code of conduct;
- (d) Protection of African ownership in the conduct of technical assessments;
- (e) Financial arrangements in respect of the technical assessments and ownership of technical assessment report;
- (f) Collaboration in technical assistance, both in supporting the country planning process and in the implementation of the Programme of Action (paragraph 13 of APRM Base Document);
- (g) Facilitating sharing of experiences and identifying best practice through regional networks and workshops at a technical level;
- (h) Protocol for invitation of the Partner Institutions to sessions of the APR Panel or the APR Forum when considering the Country Review Report;
- (i) Arrangements for the participation of a Partner Institution in the Country Review Visit and Team;
- (j) Consistency of the assessment instruments of the Partner Institutions with the APRM objectives, standards, criteria and indicators; and
- (k) Sharing of the Partner Institution technical assessment reports and APR country review reports.

6.10 The APR Panel may recommend to the APRM Forum the making of similar partner agreements with other competent institutions that wish to strengthen the APR process at country, regional or continental levels. One non-technical criterion for the selection of such institutions would be the protection of African ownership of the APRM.

7. The Stages of the APR Process

7.1 The APRM base document identifies five stages in the APR process. Once a country has acceded to the APRM, the APR Secretariat will arrange a mission to the country with a view to negotiate the exact terms of the Memorandum of Understanding (MOU) on Technical Assessment and Country Review Visit using the outline provided.

7.2 When the Memorandum of Understanding between the APR Forum and the Government is signed the stage is set for the APR process to start. As the APR process is conceived as a collaborative effort between the participating country and the APRM to improve governance and socio-economic development in the country and in Africa, their respective roles will be outlined in the following sections.

Stage One

7.3 The country to be reviewed will take necessary steps to prepare for the APR process, especially to prepare the country Programme of Action as envisaged in paragraph 13 of APRM Base Document, and the supply of information to the APR Secretariat.

7.4 At continental level, Stage One will involve a study of the political, economic and corporate governance and development environment in the country to be reviewed, based principally on up-to-date background

documentation prepared by the APR Secretariat and material provided by national, subregional, regional and international institutions.

7.5 This will include the following activities:

- (a) Gather information on the situation in the country, including official government documents, reports to treaty and other bodies, recent self-assessments and reviews done by standard issuing bodies, and reports by other recognised international bodies;
- (b) Make careful analysis of the available information in terms of the APRM objectives, standards, criteria and indicators;
- (c) Prepare a background document on the situation in the country and share it with the country, the APR Partner Institutions and country knowledge and policy institutions for comments and review;
- (d) On the basis of the background document and the draft Country Programme of Action, prepare an issues paper setting out the apparent main challenges in the APRM focus areas of review and share it in a similar manner with the country partners and the APR Partner Institutions;
- (e) On the basis of the analyses, issues paper and interaction with the country develop a plan for the visit of the APR Team to the country, following the MOU on Technical Assessments and the Country Review Visit; and
- (f) Prepare a proposal on the composition, terms of reference and work plan of the APR Team and submit to the APR Panel.

7.6 Stage One ends when the country to be reviewed has provided sufficient information on the country, including the draft country Programme of Action as envisaged in paragraph 13 of the APRM Base Document, to the APR Secretariat and the Secretariat has prepared a background document and issues paper on the country including the proposal on the APR Team to the APR Panel.

Stage Two

7.7 At Stage Two, which constitutes the Country Review Visit of the APR Team, the country is mainly in a facilitating role, ensuring that the APR Team is enabled to carry out its review smoothly and with full access to all sources of information and stakeholders. Responsibilities of the country will be further elaborated in the MOU to be negotiated after the country has acceded to the APRM by the country.

7.8 This stage is informed by the analysis prepared in Stage One. It will involve processes outlined in the MOU. The APR Team will interact and consult extensively with government officials, parliamentarians, representatives of political parties, the business community, representatives of civil society (including media, academia, trade unions, non-governmental organisations (NGOs), community-based organisations (CBOs)), rural communities and representatives of international organisations.

7.9 These consultations and briefing meetings are intended to serve a number of purposes: First, they provide an opportunity for the APR Team to interact with the key stakeholders in the country and to brief them on the APRM processes, spirit and guiding principles.

7.10 Second, the visit is an opportunity for the APR Team to discuss the draft Programme of Action that the country has drawn up to improve their governance and socio-economic development, to provide positive

reinforcement for the sound aspects and to address identified weaknesses and shortcomings in the various areas of governance and development.

7.11 Third, the consultations will also serve to build consensus with the stakeholders on the remaining issues or challenge areas and the steps that need to be taken to address them. These findings would then form the basis for the Team's recommendations on required improvements in the final draft Country Programme of Action.

Stage Three

7.12 Stage Three involves the preparation of the APR Team's report and concerns mainly the Team itself. The Team's report is based in part on the findings of the Country Review Visit as well as on the findings of the research studies of the APR Secretariat prior to the visit. It should clearly summarise all these findings concisely and analyse their implications for the country's governance and socio-economic development.

7.13 The recommendations of the Team's report should focus on how the Programme of Action of the country can be improved to accelerate the achievement of best practice and standards, and address more effectively the weaknesses identified. These recommendations should state specific measures the country has to include in its Programme of Action and provide enough detail to become time-bound additions to the country's Programme of Action, including estimates of capacity and resource requirements.

7.14 The Team's draft country review report is first discussed with the Government of the country. These discussions will be designed to ensure the accuracy of the information and to provide the Government with an opportunity both to react to the accuracy of the information and the Team's findings and to put forward their own views on how to address the identified shortcomings, including modifying the draft Programme of Action. The responses of the Government will be appended to the APR Team's report.

Stage Four

7.15 Stage Four begins when the APR Secretariat submits the APR Team's country review report to the APR Panel. The APR Panel meets to review the report in accordance with its mandate and submits its recommendations on the report to the APR Forum. The APR Forum meets to consider the report and the recommendations of the APR Panel to decide what action to take in accordance with its mandate.

7.16 Stage Four ends with the Chairperson of the APR Forum communicating the decisions of the Forum to the Head of State or Government of the country being reviewed.

Stage Five

7.17 Stage Five involves making public the APRM Report and action on the country review. The Final APRM Report, containing all essential elements, is tabled formally and publicly in key regional and subregional structures such as the Summit of the African Union, the Pan-African Parliament, the African Commission on Human and Peoples' Rights, the Peace and Security Council and the Economic, Social and Cultural Council (ECOSOC) of the African Union, as well as the Regional Economic Community of the region of which the country reviewed is a member.

7.18 Stage Five completes the first cycle of the APR process for any particular country.

7.19 The follow-up to this first cycle is equally important for sustaining the efforts to improve governance and socio-economic development in Africa. It is anticipated that the APRM Report and the decisions on it will suggest a date by which the progress made by the country regarding the implementation of its Programme of Action will be checked. During this follow-up stage, the following is envisaged:

- (a) The country modifies its Programme of Action and continues to implement it and monitors progress;
- (b) The APR Secretariat monitors the country's progress and interacts with the implementers of the Programme to assist where necessary, especially with capacity building and resource mobilisation;
- (c) The APR Secretariat organises regional workshops on issues identified in the review reports and facilitate networking and sharing of experience and best practice among participating countries, with the participation of the APR Partner Institutions; and
- (d) The APR Secretariat, Partner Institutions and, possibly, Development Partners continue to support the country with technical assistance and capacity building to ensure the effective achievement of the objectives and targets of its Programme of Action.

8. Financing of the African Peer Review Mechanism

8.1 The APRM base document states that funding for the Mechanism will come from assessed contributions from participating member states (paragraph 26). A business plan for all the operations of the APRM over the first five years will be developed and submitted to the APR Forum for consideration. The budget estimates will be developed based on the assumption that all countries acceding to the process would have to be reviewed during that period. Provision will also be made for other types of reviews requested by countries or anticipated crisis situations.

8.2 The communiqué of the Thirty-fifth Session of the Commission/Conference of African Ministers of Finance, Planning and Economic Development, convened by the United Nations Economic Commission for Africa (UNECA) in Johannesburg, South Africa, 21-23 October 2002, included the recognition that the APRM will be implemented 'with resources to come predominantly from Africa'.

8.3 It is essential, however, that the APRM does not rely on external partners for funding, although such partnerships could be welcomed if they are managed in a way that clearly respects African ownership of the APRM and all its processes. Support from external partners should be sought mainly for the implementation of the Country Programme of Action and capacity building to improve performance in the weak areas.

8.4 A funding mechanism or formula should be developed by the participating countries which will specify the required contributions from them, based on the estimates of the APRM business plan. The financial requirements must be predictable to the participating countries, which will be expected to commit to contributing towards funding the APRM upon accession. The APR Forum will approve in advance the annual budget submitted to it by the APR Panel.

Memorandum of Understanding on the African Peer Review Mechanism (2003)

Adopted by the 6th Summit of the NEPAD Heads of State and Government Implementation Committee (HSGIC) in Abuja, Nigeria on 9 March 2003. The MoU is to be signed between the Head of State or Government of a participating country and the APR Secretariat. Available online at: <http://www.nepad.org/2005/files/documents/111.pdf>

1. We, the Heads of State and Government of the Member States of the African Union participating in the *African Peer Review Mechanism*:
2. *Cognisant* of our shared commitments to the principles and objectives set out in the Constitutive Act of the African Union adopted on 11 July 2000 in Lome, Togo;
3. *Recalling* our decision regarding the then New African Initiative, now the *New Partnership for Africa's Development*, taken at the 37th Session of the Assembly of the Heads of State and Government of the Organization of African Unity in July 2001 in Lusaka, Zambia [AHG/Dec1.1 (XXXVII)] adopting the Strategic Policy Framework and a new vision for the revival and development of Africa;
4. *Recalling further* our Declaration on the Implementation of the *New Partnership for Africa's Development* [Assembly/AU/Decl. 1(1)], at the inaugural Summit of the African Union in July 2002 in Durban, South Africa, endorsing the Progress Report and Initial Action Plan [AHG/235 (XXXVIII)] and encouraging Member States to adopt the *New Partnership for Africa's Development* Declaration on Democracy, Political, Economic and Corporate Governance [AHG/235 (XXXVIII) Annex I] and accede to the *African Peer Review Mechanism* [AHG/235 (XXXVIII) Annex II];
5. *Reiterating* our commitment to the principles and core values contained in the Declaration on Democracy, Political, Economic and Corporate Governance;
6. *Recognising* that the mandate of the *African Peer Review Mechanism* is to encourage participating States in ensuring that the policies and practices of participating States conform to the agreed political, economic and corporate governance values, codes and standards, and achieve mutually agreed objectives in socio-economic development contained in the Declaration on Democracy, Political, Economic and Corporate Governance;
7. *Recognising further* that the *African Peer Review Mechanism* is a mutually agreed instrument voluntarily acceded to by the Member States of the African Union as an African self-monitoring mechanism;
8. *Mindful* that the primary purpose of the *African Peer Review Mechanism* is to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated subregional and continental economic integration through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies, and assessing the needs for capacity building of participating countries;
9. *Noting with appreciation* the support of the international community especially as expressed in the United Nations General Assembly Declaration

(A/RES/57/2) and Resolution on the *New Partnership for Africa's Development* (A/RES/57/7) affirming the United Nations system's support to the implementation of the *New Partnership for Africa's Development* and recommending that the *New Partnership for Africa's Development* be used as the framework for Africa's development by the international community, including the United Nations system and recognising the innovative nature and importance of the *African Peer Review Mechanism*;

10. *Welcoming* the United Nations General Assembly resolution on 'Strengthening of the United Nations: an agenda for change' (RES/A/57/300) wherein, amongst others, the Assembly endorses the decision of the Secretary-General to entrust the Under-Secretary-General and Special Advisor on Africa, who will report to him, with the responsibilities to: (a) co-ordinate United Nations support to Africa, and (b) co-ordinate and guide reporting on Africa, in particular support for the *New Partnership for Africa's Development* by the United Nations system and the international community and co-ordinate the global advocacy in support for the *New Partnership for Africa's Development*;

11. *Noting* with satisfaction the progress made by the New Partnership for Africa Js Development Heads of State and Government Implementation Committee in implementing the *New Partnership for Africa's Development* and in particular steps taken towards the operationalisation of the *African Peer Review Mechanism*;

12. *Welcoming* the initiative taken by a number of Member States of the African Union in adopting the Declaration of Intent on the Implementation of the *African Peer Review Mechanism* on 3 November 2002 in Abuja, Nigeria;

13. *Fully committed* to ensuring the successful implementation of the *New Partnership for Africa's Development* in particular the *African Peer Review Mechanism* including facilitating the provision of adequate resources;

14. *Cognisant* of the role that the Regional Economic Communities, as building blocks of the African Union, can play in assisting Member States to improve their performance in governance and socioeconomic development;

15. *Recognising* the important role that will be played in the *African Peer Review Mechanism* by the Committee of Participating Heads of State and Government ('APR Forum'), the Panel of Eminent Persons ('APR Panel'), the Country Review Team ('APR Team') and the African Peer Review Secretariat ('APR Secretariat') and Partner Institutions;

16. *Now therefore* being desirous to give effect to the above, we hereby:

17. *Adopt* the Declaration on Democracy, Political, Economic and Corporate Governance [AHG/235 (XXXVIII) Annex I];

18. *Accept* the principles of the *African Peer Review Mechanism* [AHG/235 (XXXVIII) Annex II] and commit ourselves to their implementation. To this effect, we are *prepared* to provide all necessary resources to facilitate the processes involved at the national level, access to all the required information and stakeholders, and to guarantee all the appropriate privileges and immunities to the Country Review Team (paragraph 19 of the APRM Base Document);

19. *We further agree to:*

20. *Contribute* fully to the funding of the *African Peer Review Mechanism* in order to affirm the African ownership of the Mechanism. This includes sourcing funds from African people, businesses and institutions;

21. *Take* all necessary steps to facilitate the development and implementation of a national Programme of Action (paragraph 13 of the APRM

Base Document) to improve our performance in the areas of governance and socio-economic development as stipulated in the *African Peer Review Mechanism* base document;

22. *Ensure* the participation of all stakeholders in the development of the national Programme of Action including trade unions, women, youth, civil society, private sector, rural communities and professional associations;

23. *Sign* the Memorandum of Understanding on Technical Assessments and the Country Review Visit, following consultations with all stakeholders in our individual countries;

24. *Take* such steps as may be necessary for the implementation of the recommendations adopted at the completion of the review process within the specified time frame and integrate them into our respective national Programmes of Action;

25. *Co-operate* and *assist* each other, as may be necessary, by sharing best practices and strengthening our capacity to rectify identified short-comings including requesting co-operation of external development partners; and

26. *Accept* that constructive peer dialogue and persuasion would be exercised, where necessary, in order to encourage improvements in country practices and policies in compliance with agreed African and international best practices where recommended.

General Provisions

27. All procedures to be adopted under the *African Peer Review Mechanism* shall be consistent with the decisions and procedures of the African Union;

28. Any differences relating to the interpretation or implementation of this MOU shall be resolved by negotiation between the parties concerned;

29. The MOU may be amended at any time by mutual consent of all participating States upon the written request by any participating State;

30. Member States of the African Union wishing to accede to the *African Peer Review Mechanism* shall sign the MOU and deposit the signed document at the NEPAD Secretariat, Midrand, South Africa;

31. The *African Peer Review Mechanism* shall start to be operational on the day on which the fifth Member State of the African Union has deposited the signed document;

32. A participating State may terminate its participation in *African Peer Review Mechanism* by giving written notice to this effect to the NEPAD Secretariat, which in turn will inform the participating States in writing. The effective date of termination will be six months after the receipt of the termination notice;

33. The Secretariat of the *New Partnership for Africa's Development* (NEPAD Secretariat) shall, in the interim, act as the Secretariat of the *African Peer Review Mechanism* (APR Secretariat) until the latter is established;

34. The MOU shall be in Arabic, English, French and Portuguese languages, all four being equally authentic;

35. *In witness whereof*, the undersigned, being duly authorised by his or her Government, has signed the MOU.

(f) ECOSOCC

The Economic, Social and Cultural Council is an AU organ that seeks to encourage inclusiveness, in particular, the participation of civil society in the development and implementation of the new African agenda. It was conceived as an advisory organ of the AU.

Statutes of the Economic, Social and Cultural Council of the African Union (ECOSOCC) (2004)

Adopted by the Heads of State and Government at the Third Ordinary Session of the AU Assembly in Addis Ababa, Ethiopia in July, 2004. ECOSOCC was launched on 29 March 2005. Available online at: <http://www.africa-union.org/organs/ecosocc/STATUTES-En.pdf>

...

Article 2: Objectives

ECOSOCC shall amongst other things, and in conformity of objectives of the African Union as provided in the Constitutive Act, perform the following functions:

1. Promote continuous dialogue between all segments of the African people on issues concerning Africa and its future;
2. Forge strong partnerships between governments and all segments of the civil society, in particular women, the youth, children, the Diaspora, organised labour, the private sector and professional groups;
3. Promote the participation of African civil society in the implementation of the policies and programmes of the Union;
4. Support policies and programmes that will promote peace, security and stability in Africa, and foster development and integration of the continent;
5. Promote and defend a culture of good governance, democratic principles and institutions, popular participation, human rights and freedoms as well as social justice;
6. Promote, advocate and defend a culture of gender equality;
7. Promote and strengthen the institutional, human and operational capacities of the African civil society;

...

Article 11: Sectoral Cluster Committees

1. The following Sectoral Cluster Committees are hereby established as key operational mechanisms of ECOSOCC to formulate opinions and provide inputs into the policies and programmes of the African Union:

- (a) Peace and Security: (Conflict Anticipation; prevention; management and resolution; post-conflict reconstruction and peacebuilding; prevention and combating of terrorism; use of child soldiers; drug trafficking; illicit proliferation of small arms and light weapons and security reforms, etc).
- (b) Political Affairs: (Human Rights; Rule of Law; Democratic and Constitutional Rule, Good Governance; Power Sharing; Electoral Institutions; Humanitarian Affairs and assistance, etc).

- (c) Infrastructure and Energy: (Energy; Transport; Communications; Infrastructure and Tourism, etc).
 - (d) Social Affairs and health: (Health; Children; Drug Control; Population; Migration; Labour and Employment; Family; Aging; the physically challenged; sports; culture; youth and protection and social integration, etc).
 - (e) Human Resources, Science and Technology: (Education; illiteracy Information Technology; Communication; Human Resources; Science and Technology, etc).
 - (f) Trade and Industry: (Trade; Industry; handicrafts; Customs and Immigration Matters, etc).
 - (g) Rural Economy and Agriculture: (Rural Economy; Agriculture and Food Security; Livestock; Environment; Water and Natural Resources and Desertification, etc).
 - (h) Economic Affairs: (Economic Integration; Monetary and Financial Affairs; Private Sector Development including the informal sector and Resource Mobilisation, etc).
 - (i) Women and Gender: (Women; Gender and Development as a crosscutting issue, etc).
 - (j) Cross-Cutting Programmes: (all other cross-cutting issues that are not covered in the above clusters such as HIV/AIDS, international co-operation, coordination with other institutions and organs of the Union, etc).
2. The Sectoral Cluster Committees of ECOSOCC shall prepare and submit advisory opinions and reports of ECOSOCC;
 3. The Sectoral Cluster Committees shall also perform any other functions as may be assigned to it;
 4. The ECOSOCC General Assembly may recommend amendments to the established Sectoral Cluster Committees as it may deem necessary;
- ...
-

(g) *Pan-African Parliament*

The Pan-African Parliament (PAP) is mandated to, among other things, familiarise the peoples of Africa with the objectives and policies aimed at integrating the African continent within the framework of the establishment of the African Union; to promote peace and security; to promote the principles of human rights and democracy in Africa; encourage good governance, transparency and accountability in Member States; and facilitate effective implementation of the policies and objective of the OAU, and ultimately, of the AU.

Hosted by, and convened in, South Africa, PAP is comprised of 230 parliamentarians from 46 member states that have ratified it. The Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament (adopted in March 2001 and entered into force in December 2003), indicates a conscious commitment to ensure the full participation of the African peoples in the economic development and integration of the continent, through their elected representatives. So far,

PAP has had 5 sessions and each of these has discussed and made decisions on a number of issues pertaining to peace and security, including sending independent missions to conflict spots such as Darfur.

The principle challenge confronting PAP is making a significant shift from being perceived as another state-centered institution to a people-driven driven institution. This would require having mechanisms that enable the African peoples to play critical roles in making sure that PAP as a structure is less bureaucratic, more flexible and able to listen and respond to the challenges facing Africa.

Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament (2001/2003)

Signed in Sirte, Libya on 2 March 2001, entered into force on 14 December 2003. The Pan-African Parliament was inaugurated on 18 March 2004 and has its seat in South Africa. Available online at: http://www.africa-union.org/rule_prot/protocol-panafrican-parliament.pdf

...

Article 2: Establishment of the Pan-African Parliament

1. Member States hereby establish a Pan-African Parliament the composition, functions, powers and organisation of which shall be governed by the present Protocol;
2. The Pan-African Parliamentarians shall represent all the peoples of Africa;
3. The ultimate aim of the Pan-African Parliament shall be to evolve into an institution with full legislative powers, whose members are elected by universal adult suffrage. However, until such time as the Member States decide otherwise by an amendment to this Protocol:
 - (i) The Pan-African Parliament shall have consultative and advisory powers only; and
 - (ii) The Members of the Pan-African Parliament shall be appointed as provided for in article 4 of this Protocol.

Article 3: Objectives

The objectives of the Pan-African Parliament shall be to:

1. facilitate the effective implementation of the policies and objectives of the OAU/AEC and, ultimately, of the African Union;
2. promote the principles of human rights and democracy in Africa;
3. encourage good governance, transparency and accountability in Member States;
4. familiarise the peoples of Africa with the objectives and policies aimed at integrating the African Continent within the framework of the establishment of the African Union;
5. promote peace, security and stability;

6. contribute to a more prosperous future for the peoples of Africa by promoting collective self-reliance and economic recovery;
7. facilitate co-operation and development in Africa;
8. strengthen continental solidarity and build a sense of common destiny among the peoples of Africa;
9. facilitate co-operation among Regional Economic Communities and their Parliamentary fora.

...

Article 11: Functions and Powers

The Pan-African Parliament shall be vested with legislative powers to be defined by the Assembly. However, during the first term of its existence, the Pan-African Parliament shall exercise advisory and consultative powers only. In this regard, it may:

1. Examine, discuss or express an opinion on any matter, either on its own initiative or at the request of the Assembly or other policy organs and make any recommendations it may deem fit relating to, *inter alia*, matters pertaining to respect of human rights, the consolidation of democratic institutions and the culture of democracy, as well as the promotion of good governance and the rule of law;
2. Discuss its budget and the budget of the Community and make recommendations thereon prior to its approval by the Assembly;
3. Work towards the harmonisation or coordination of the laws of Member States;
4. Make recommendations aimed at contributing to the attainment of the objectives of the OAU/AEC and draw attention to the challenges facing the integration process in Africa as well as the strategies for dealing with them;
5. Request officials of the OAU/AEC to attend its sessions, produce documents or assist in the discharge of its duties;
6. Promote the programmes and objectives of the OAU/AEC, in the constituencies of the Member States;
7. Promote the coordination and harmonisation of policies, measures, programmes and activities of the Regional Economic Communities and the parliamentary fora of Africa;
8. Adopt its Rules of Procedure, elect its own President and propose to the Council and the Assembly the size and nature of the support staff of the Pan-African Parliament;
9. Perform such other functions as it deems appropriate to achieve the objectives set out in article 3 of this Protocol;

...

2. Africa's Regional Organisations

The emerging peace and security architecture of Africa provides for a number of structures that are mandated to deal with a range of threats, including insecurity. As indicated above, structures dealing with peace and security at the continental level include the Assembly of the Heads of State and Government, the Executive Council, the Permanent Representatives Committee (PRC) and the Peace and Security Council.

At the regional level, the main structures for dealing with peace and security are the Regional Economic Communities (RECs). Initially, the AU had five regional blocs, namely, the African Maghreb Union (AMU), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC). Later, it admitted the Community of Sahel-Saharan States (CEN-SAD), the Common Market for Eastern and Southern Africa (COMESA) and in January 2005, the East African Community (EAC) became the eighth Regional Economic Community (REC) of the Union. Created primarily to forge regional economic partnerships, these organisations have, over time, embraced peace and security mandates and developed mechanisms for conflict prevention, management and resolution that have become the fulcrums around which regional peace and security issues are addressed. From an AU perspective, these mechanisms form part of the overall security architecture of the Union and are tasked with adapting continental visions and policies to their regions, and providing guidelines for implementation of various activities by national governments. For instance, it is envisaged that regional standby brigades collectively form the African Standby Force (ASF). Thus, the creation of an African capability for peace support operations is dependent on regional standby brigades that are mobilised and co-ordinated by RECs - while the AU provides headquarter based strategic planning capacity that manages, directs and co-ordinates the activities of the ASF. For this reason, RECs are conceived as the building blocks of Africa's peace and security agenda.

Historically, African regional organisations have played an important role in maintaining peace and security, a role that has gained prominence as the need for security assumes greater proportions. Increasingly, both the UN and the AU are looking at regional organisations as the initial respondents in preventing, managing and resolving conflicts occurring in their backyards. Among the comparative advantages of regional organisations is their ability to intervene in situations where there are political constraints to UN action; their speed of response; flexibility or improvisation; and their familiarity with issues on the ground.

RECs bring many valuable lessons to the process of operationalising the African peace and security agenda within the continent. For instance, ECOWAS and SADC have been involved in numerous complex peacekeeping missions. In the same vein, IGAD has been central to the negotiation and settlement of two of the most delicate peace agreements on the continent, namely, the Sudan Comprehensive Peace Agreement and the agreement that led to the formation of the Somali transitional government in Kenya, both in 2005.

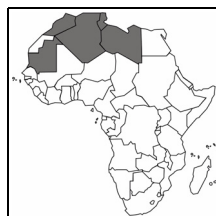
African regional organisations exhibit variations in their capacities to deal with different aspects of the African peace and security agenda. Capacity is determined to a large extent by the political and social environment of the region. For instance, the weakness of ECCAS is reflective of the instability in the Central African region and the attendant lack of a strong lead state that can chaperone the peace and security agenda. SADC's ability to act in concert is hampered by distrust and lack of a common normative framework for dealing with security issues in Southern Africa. Thus, although SADC has an Organ for Politics, Defence and Security Co-operation, this structure has been under the constant threat of paralysis since its creation in 2002. In the Horn of Africa, the legacy of superpower rivalry over their geo-strategic interests, which reduced the IGAD region into a battlefield during the Cold War era, manifests itself in IGAD being a cautious and often paralysed regional organisation.

RECs also face challenges emanating from the tension arising out of their expanding mandate in spite of weak capacities. If the RECs are to realise their full potential as part of an interlocking system of peacebuilding capability, there is a need to develop and sustain their capacity. Increased training opportunities are necessary to meet the enormous demand for peacebuilding that is being placed on these organisations. Further, there is a need to increase the synergy between the AU and RECs. The PSC Protocol proposes the signing of Memoranda of Understanding which clarify working methods and determine the mandates of these two spheres of influence and power. So far, a number of resolutions have been passed in relation to this. Greater information sharing between the AU, UN and RECs is also being advocated as well as co-operation between RECs themselves.

In spite of these challenges, all RECs acknowledge that peace and security are core to the development and prosperity agenda, and expound a desire to create sustainable peace in their regions. Their efforts are expected to augment global security and to complement the role of the UN, which is responsible for maintaining international peace and remains the ultimate source of legitimacy for any regional organisation's mandate to deal with conflict.

(Further a discussion on the REC's in Africa see Heyns's *Human Rights Law in Africa* (2004), Leiden: Martinus Nijhoff (pages 620-675)).

(a) Arab Maghreb Union (AMU)



<p>AMU Secretariat 14 Rue Zalagh Rabat-Agdal Morocco Tel: +21 23 767-1274/78/80/85 Fax: +21 23 767-1253 Website: http://www.maghrebarabe.org E-mail: sg.uma@maghrebarabe.org</p>	<ul style="list-style-type: none">• Algeria• Libya• Mauritania• Morocco• Tunisia
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Treaty Establishing the Arab Maghreb Union (1989)

Adopted by the Heads of State of Algeria, Libya, Morocco, Tunisia and Mauritania on 17 February 1989 in Marrakesh, Morocco. Available online at <http://www.maghrebarabe.org>

...

Article 2

The Union shall aim to:

- Reinforce the bonds of fraternity binding the Member States and their peoples;
- Realise progress and prosperity for the Member States and defend their rights;
- Contribute to the maintenance of peace based on justice and equity;
- Pursue a common policy in different domains;
- Work for the progressive realisation of the free movement of persons, services, goods and capital.

...

Article 14

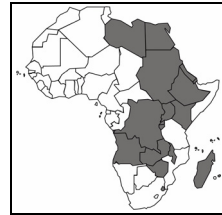
Any aggression against any Member State shall be considered as an aggression against the other Member States.

Article 15

Member States shall not allow on their respective territories any activity or organisation which would threaten the security, territorial integrity or political system of any other Member State. Member States shall also agree to

abstain from adhering to any pact, or military or political alliance, which would jeopardise the political independence or territorial integrity of any Member State.

(b) Common Market for Eastern and Southern Africa (COMESA)



<p>COMESA Centre Ben Bella Road PO Box 30051 Lusaka Zambia Tel: +26 00 122-9725 to 32 Fax: +26 00 122-5107 Website: http://www.comesa.int E-mail: helpdesk@comesa.int</p>	<ul style="list-style-type: none"> • Angola • Burundi • Comoros • Congo, DR • Djibouti • Egypt • Eritrea • Ethiopia • Kenya • Libya • Madagascar • Malawi • Mauritius • Rwanda • Seychelles • Sudan • Swaziland • Uganda • Zambia • Zimbabwe
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Treaty Establishing the Common Market for Eastern and Southern Africa (COMESA) (1993/1994)

Adopted in Kampala, Uganda on 5 November 1993, entered into force on 8 December 1994. Available online at <http://www.comesa.int>

...

Article 3: Aims and Objectives of the Common Market

The aims and objectives of the Common Market shall be:

...

- (d) to co-operate in the promotion of peace, security and stability among the Member States in order to enhance economic development in the region;

...

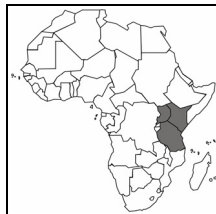
Article 4: Specific Undertakings

...

- (e) provide an enabling stable and secure investment climate.

...

(c) East African Community (EAC)



AICC Building Kilimanjaro Wing, 5th Floor PO Box 1096 Arusha Tanzania Tel: +25 52 725-04253 to 58 Fax: +25 52 725-04255 Website: http://www.eac.int E-mail: eac@eachq.org	<ul style="list-style-type: none">• Kenya• Uganda• Tanzania
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Treaty Establishing the East African Community (EAC) (1999/2000)

Adopted in Arusha, Tanzania on 30 November 1999, entered into force on 7 July 2000. Available online at <http://www.eac.int>

...

Article 5: Objectives of the Community

1. The objectives of the Community shall be to develop policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit.

2. In pursuance of the provisions of paragraph 1 of this article, the Partner States undertake to establish among themselves and in accordance with the provisions of this Treaty, a Customs Union, a Common Market, subsequently a Monetary Union and ultimately a Political Federation in order to strengthen and regulate the industrial, commercial, infrastructural, cultural, social, political and other relations of the Partner States to the end that there shall be accelerated, harmonious and balanced development and sustained expansion of economic activities, the benefit of which shall be equitably shared.

3. For purposes set out in paragraph 1 of this article and as subsequently provided in particular provisions of this Treaty, the Community shall ensure:

- (a) the attainment of sustainable growth and development of the Partner States by the promotion of a more balanced and harmonious development of the Partner States;
- (b) the strengthening and consolidation of co-operation in agreed fields that would lead to equitable economic development within the Partner States and which would in turn, raise the standard of living and improve the quality of life of their populations;
- (c) the promotion of sustainable utilisation of the natural resources of the Partner States and the taking of measures that would effectively protect the natural environment of the Partner States;
- (d) the strengthening and consolidation of the long standing political, economic, social, cultural and traditional ties and associations between the peoples of the Partner States so as to promote a people-centred mutual development of these ties and associations;
- (e) the mainstreaming of gender in all its endeavours and the enhancement of the role of women in cultural, social, political, economic and technological development;
- (f) the promotion of peace, security, and stability within, and good neighbourliness among, the Partner States;
- (g) the enhancement and strengthening of partnerships with the private sector and civil society in order to achieve sustainable socio-economic and political development; and
- (h) the undertaking of such other activities calculated to further the objectives of the Community, as the Partner States may from time to time decide to undertake in common.

Article 6: Fundamental Principles of the Community

The fundamental principles that shall govern the achievement of the objectives of the Community by the Partner States shall include:

- (a) mutual trust, political will and sovereign equality;
- (b) peaceful co-existence and good neighbourliness;
- (c) peaceful settlement of disputes;
- (d) good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion

and protection of human and peoples rights in accordance with the provisions of the African Charter on Human and Peoples' Rights;

- (e) equitable distribution of benefits; and
- (f) co-operation for mutual benefit.

...

Article 123: Political Affairs

1. In order to promote the achievement of the objectives of the Community as set out in article 5 of this Treaty particularly with respect to the eventual establishment of a Political Federation of the Partner States, the Partner States shall establish common foreign and security policies.

2. For purposes of paragraph 1 of this article, the Community and its Partner States shall define and implement common foreign and security policies.

3. The objectives of the common foreign and security policies shall be to:

- (a) Safeguard the common values, fundamental interests and independence of the Community;
- (b) Strengthen the security of the Community and its Partner States in all ways;
- (c) Develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms;
- (d) Preserve peace and strengthen international security among the Partner States and within the Community;
- (e) Promote co-operation at international fora; and
- (f) Enhance the eventual establishment of a Political Federation of the Partner States.

4. The Community shall pursue the objectives set out in paragraph 3 of this article by:

- (a) Establishing systematic co-operation between the Partner States on any matter of foreign or security policies of general interest within the Community in order to define a common position to be applied by the Partner States;
- (b) The coordination of the actions of the Partner States and the upholding by them of such co-ordinated actions in international organisations and at international conferences;
- (c) The unreserved support of the Partner States of the Community's foreign and security policies and the avoidance by the Partner States of any action on their part which is contrary to the interests of the Community or is likely to impair the effectiveness of the Community as a cohesive force in international relations;
- (d) Peaceful resolution of disputes and conflicts between and within the Partner States;
- (e) The coordination of the defence policies of the Partner States; and
- (f) The promotion of co-operation among the National Assemblies of the Partner States and also with the Assembly.

5. The Council shall determine when the provisions of paragraphs 2, 3 and 4 of this article shall become operative and shall prescribe in detail how the provisions of this article shall be implemented.

6. The Summit shall initiate the process towards the establishment of a Political Federation of the Partner States by directing the Council to undertake the process.

7. For purposes of paragraph 6 of this article, the Summit may order a study to be first undertaken by the Council.

Article 124: Regional Peace and Security

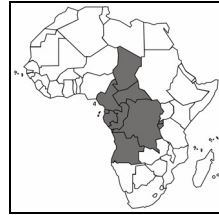
1. The Partner States agree that peace and security are pre-requisites to social and economic development within the Community and vital to the achievement of the objectives of the Community. In this regard, the Partner States agree to foster and maintain an atmosphere that is conducive to peace and security through co-operation and consultations on issues pertaining to peace and security of the Partner States with a view to prevention, better management and resolution of disputes and conflicts between them.
2. The Partner States undertake to promote and maintain good neighbourliness as a basis for promoting peace and security within the Community.
3. The Partner States shall evolve and establish regional disaster management mechanisms which shall harmonise training operations, technical co-operation and support in this area.
4. The Partner States undertake to establish common mechanisms for the management of refugees.
5. The Partner States agree to enhance co-operation in the handling of cross border crime, provision of mutual assistance in criminal matters including the arrest and repatriation of fugitive offenders and the exchange of information on national mechanisms for combating criminal activities. To this end the Partner States undertake to adopt the following measures for maintaining and promoting security in their territories to:
 - (a) enhance the exchange of criminal intelligence and other security information between the Partner States' central criminal intelligence information centres;
 - (b) enhance joint operations such as hot pursuit of criminals and joint patrols to promote border security;
 - (c) establish common communication facilities for border security;
 - (d) adopt the United Nations model law on mutual assistance on criminal matters;
 - (e) conclude a Protocol on Combating Illicit Drug Trafficking;
 - (f) enhance the exchange of visits by security authorities;
 - (g) exchange training programmes for security personnel; and
 - (h) establish common mechanisms for the management of refugees.
6. The Partner States undertake to co-operate in reviewing the region's security particularly on the threat of terrorism and formulate security measures to combat terrorism.

Article 125: Defence

1. In order to promote the achievement of the objectives of the Community as set out in article 5 of this Treaty particularly with respect to the promotion of peace, security and stability within, and good neighbourliness among the Partner States, and in accordance with article 124 of this Treaty, the Partner States agree to closely co-operate in defence affairs.
2. For purposes of paragraph 1 of this article, the Partner States agree to establish a framework for co-operation.

...

**(d) Economic Community of
Central African States (ECCAS)**



<p>CEEAC BP 2112 Libreville Gabon Tel: +24 14 44-731 Fax: +24 14 44-732 Website: http://www.ceeac-eccas.org Email: ceeac.orgsr@inet.ga</p>	<ul style="list-style-type: none">• Angola• Burundi• Cameroon• Central African Republic• Chad• Congo (Brazzaville)• Congo, DR• Equatorial Guinea• Gabon• Rwanda• Sao Tomé and Príncipe
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**Treaty Establishing the Economic Community of
Central African States (ECCAS) (1983)**

Signed in Libreville, Gabon on 20 October 1983. Available online at <http://www.ceeac-eccas.org>

...

Article 4: Aims of the Community

1. It shall be the aim of the Community to promote and strengthen harmonious co-operation and balanced and self-sustained development in all fields of economic and social activity, particularly in the fields of industry, transport and communications, energy agriculture, natural resources, trade, customs, monetary and financial matters, human resources, tourism, education, further training, culture, science and technology and the movement of persons, in order to achieve collective self-reliance, raise the standard of living of its peoples, increase and maintain economic stability,

foster close and peaceful relations between Member States and contribute to the progress and development of the African continent,

2. For the purposes set out in paragraph 1 of this article and in accordance with the relevant provisions of this Treaty, the aims of the Community shall be as follows:

- (a) The elimination between Member States of customs duties and any other charges having an equivalent effect levied on imports and exports;
- (b) The abolition between Member States of quantitative restrictions and other trade barriers;
- (c) The establishment and maintenance of an external common customs tariff;
- (d) The establishment of a trade policy vis-à-vis third States;
- (e) The progressive abolition between Member States of obstacles to the free movement of persons, goods, services and capital and to the right of establishment;
- (f) The harmonisation of national policies in order to promote Community activities, particularly in industry, transport and communications, energy, agriculture, natural resources, trade, currency and finance, human resources, tourism, education, culture, science and technology;
- (g) The establishment of a Co-operation and Development Fund;
- (h) The rapid development of States which are landlocked, semi-landlocked, island or part-island and/or belong to the category of the least advanced countries;
- (i) Any other joint activities by Member States for achieving Community aims.

...

ECCAS has promulgated three documents that relate to peace, defence and security:

Standing Orders of the Defence and Security Commission (2002)

Adopted at the 10th ordinary session of Heads of State and Government in Malabo, Equatorial Guinea on 17 June 2002.

SECTION 1: Organisation and Powers of the Defence and Security Commission

Article 1

In accordance with the provisions of article 13 of the Protocol Relating to the Establishment of a Mutual Security Pact in Central Africa (COPAX), the Defence and Security Commission is an advisory organ consisting of:

- Chiefs of Staff of Armed Forces or their representatives;
- Chiefs of Police or their representatives;
- Experts from Ministries of Foreign Affairs/External Relations;
- Experts from Ministries of Defence/Armed Forces;
- Experts from Ministries of the Interior/Security;
- Experts from other Ministries invited in view of the agendas of the Commission.

Article 2

The organisation and powers of the Defence and Security Commission are provided for in articles 14 to 18 of the Protocol relating to COPAX.

SECTION 2: Mode of Operation of the Defence and Security Commission

Article 3

The meetings of the Defence and Security Commission shall be convened by the serving Chairman of the Conference of Heads of State and Government or, if need be, by serving Chairman of the Council of Ministers. The meetings of the Defence and the Security Commission shall be held in the State which ensures the serving chairmanship or in any other member State, if circumstances so require.

Article 4

Without prejudice to the provisions of article 17 of the Protocol relating to the Central African Council of Peace and Security, the Commission shall meet in ordinary sessions twice a year, and in extraordinary session if circumstances so require. Written notifications to attend shall be sent by the COPAX Secretariat thirty days before the opening of any ordinary session. In the case of extraordinary sessions, such notifications shall be sent to the States in accordance with the emergency diplomatic procedures, by the serving Chairman of the Conference of Heads of State and Government or the serving Chairman of the Council of Ministers, if possible within seven days.

Article 5

The secretarial services of the Commission's sessions shall be provided by the COPAX Secretariat in accordance to article 19(2) of the Protocol relating to COPAX. The Commission may sit within the framework of technical committees set up for that purpose.

Article 6

During sessions, the Commission may if need be have recourse to expertise from partners outside the sub-region, in the context of the duties assigned to

it under article 14 of the Protocol relating to the Central African Council of Peace and Security. Foreign partners may send written messages to the Commission, with the consent of the General Secretariat.

Article 7

Each Member State's delegation taking part in the work of the Defence and Security Commission must have credentials. Both credentials and full credentials shall be transmitted to the Secretariat before the opening of sessions.

Article 8

A commission on credentials shall examine credentials, full credentials, letters or other documents referred to in article 7 and shall report to the COPAX Secretariat.

Article 9

The provisional agenda of each ordinary session shall be set by the serving Chairman of the Conference of Heads of State and Government and appended to the notification to be transmitted in accordance with article 4(2).

Article 10

The Bureau of the Defence and Security Commission shall comprise:

- one Chairman;
- one Vice-Chairman;
- two Rapporteurs.

Article 11

1. Where the Chairman is absent from a session of the Commission, such session shall be presided over by the Vice-Chairman who shall deputise for him.
2. Where the Chairman is unable to fulfill his duties during the rest of the session, the Vice-Chairman shall become Chairman and a new Vice-Chairman shall be elected.

Article 12

1. The titular or acting Chairman shall not take part in votes. Another member of his delegation shall vote on behalf of the delegation.
2. Where the Chairman is the only member of his delegation, he may vote but he shall be the last voter.

Article 13

A quorum of seven Member States shall be needed for the plenary sessions of the Commission, in accordance with the Treaty of ECCAS.

Article 14

The Chairman shall exercise the powers conferred on him under these Standing Orders, as well as he shall open and close session, direct discussions, give the floor, put issues to the vote and announce decisions. He shall rule on points of order and, subject to these Standing Orders, he shall settle deliberations and maintain order.

Article 15

All delegations from Member States shall have the right to vote. Each of them shall have one vote, must not represent anyone but itself and must not vote unless for itself.

Article 16

1. All decisions shall be taken by consensus, as far as possible.
2. Where there is no way to reach a consensus, the following decisions shall need a two-third majority of delegations of Member States which are present and taking part in the vote:
 - (i) Adoption of the standing orders or, when they are already adopted, the adoption of any amendment thereto;
 - (ii) Opinion of any technical committee, which examined an issue on which the Defence and Security Commission made a decision under article 5(2) above.
3. 'Taking part in the vote' shall mean to express a positive or negative vote.
Deliberate abstentions or non-participation in votes shall not be taken into consideration.

Article 17

Votes on any issue shall be by a show of hands, unless a delegation from a Member State, supported at least by another Member State's delegation, requests that a vote by call-over should take place. In such case, the vote shall be by call-over.

Article 18

1. Where the Chairman of the session has announced the beginning of the vote, nobody shall interrupt it, unless he raised a point of procedure.
2. The Chairman may allow a delegation from a Member State to justify its vote or its abstention, either before or after the vote.

Article 19

1. Any amending proposal shall be put to the vote before the vote of the text to which it relates is voted.
2. Where one or several amendment proposals relating to the same text are adopted, the text so amended shall be put to the vote.

Article 20

In the event of a tie in the vote after a vote on an issue, which needs only a simple majority, the proposal shall be considered as rejected.

Article 21

Oral interventions during sessions shall be in one of the official languages of ECCAS and their translation into other languages shall be ensured by the Secretariat.

SECTION 3: Sundry and Final Provisions

Article 22

The Commission's legal texts shall be kept by the General Secretariat of ECCAS.

Article 23

These Standing Orders may be modified by the Conference at the request of any Member State. They shall take effect from their date of signature and shall be published in the Official Journal of the Community in English, French, Portuguese and Spanish.

...

Standing Orders of the Central African Multinational Force (FOMAC) (2002)

Adopted at the 10th ordinary session of Heads of State and Government in Malabo, Equatorial Guinea in June 2002. The full name of the force in French is *Force Multinationale d'Afrique Centrale (FOMAC)*.

SECTION 1: Definition, Mission and Objectives of the FOMAC

Article 1

The Central African Multinational Force (FOMAC) is a force composed of national interservice, police, gendarmerie contingents and of civilian modules from Member States of the ECCAS, with a view to carrying out peace, security and humanitarian assistance missions. The FOMAC may receive reinforcements from civilian units composed of non-governmental organisations (NGO) and associations authorised by the ECCAS General Secretariat.

Article 2

FOMAC shall be entrusted, among other things, with the following missions:

- (a) Observation and monitoring;
- (b) Peacekeeping and restoration of peace;
- (c) Humanitarian intervention following a humanitarian disaster;
- (d) Enforcement of sanctions as provided for by the existing regulations;
- (e) Preventative deployment;
- (f) Peacebuilding, disarmament and demobilisation;
- (g) Policing activities, including the control of fraud and organised crime;
- (h) Any other operations as may be mandated by the Conference.

Article 3

The FOMAC shall be implemented in conformity with the provisions of articles 25 and 26 of the Protocol relating to the COPAX and in collaboration with the United Nations Organisation and the Organization of African Unity (OAU), without prejudice to the powers of the Central Organ of the OAU for Conflict Prevention, Management and resolution in Africa.

SECTION 2: Organisation of FOMAC

Article 4

National modules for the FOMAC may include:

- Army;
- Land force units;
- Navy units;
- Gendarmerie units;
- Police units;
- Civilian modules.

Article 5

- (a) The FOMAC may comprise strengths of the size of:
- one major brigade at the lowest estimate;
 - two major brigades at the average estimate;
 - three major brigades at the highest estimate with in each case adequate air and naval facilities.
- (b) However Member States shall set up the Force from a light brigade of up to two thousand (2,000) troops, varying according to the situation and depending on the hypothesis taken into consideration by the Conference, in conformity with Annex A to these Standing Orders.

Article 6

General Staffs engaging the FOMAC shall be multinational for each operation.

Article 7

Officers who form the General Staffs engaging the FOMAC shall be appointed by consensus by Member States.

Article 8

The COPAX may put contingents of the FORCE at the disposal of the United Nations Organisation (UNO) or the Organization of African Unity (OAU) at their request.

SECTION 3: Legal Status and Rules of Conduct of FOMAC

Article 9

For the accomplishment of their missions, the FOMAC personnel shall enjoy diplomatic status.

Article 10

The FOMAC personnel shall enjoy the clauses of the Convention on Security of the United Nations staff and associate staff.

Article 11

The FOMAC shall be deployed in conformity with the basic rules and principles contained in the conventions which codify the international Humanitarian Law including the Conventions of Vienna of 12 August 1949 and their additional Protocols.

Article 12

Specific Codes of conduct shall be worked out on each engagement of the FOMAC.

Article 13

In zones of operations, general discipline matters shall come within the competence of the heads of contingents. They shall draw on the existing regulations of their respective armies, gendarmerie and police. Duly noted cases of sheer indiscipline may be subject to sanctions pronounced by the Force Commander.

Article 14

Common law infractions attributable to FOMAC staff in the accomplishment of their mission shall fall within the cognisance of their national courts of law. The presumed authors shall be sent back to their countries of origin.

Article 15

Ad hoc courts shall be set up to take cognisance of infractions, which occur in the execution of FOMAC operations, which can be described as war crime or genocide. *Ad hoc* courts shall be set up at the request of the Chairman of the Conference.

...

Article 17

For operational purposes, the FOMAC shall be exempted from customs duties and shall make use of port, airport, hospital and telecommunications facilities of Member States. Specific arrangements may be concluded with the host State when necessary.

SECTION 4: Functioning of FOMAC

Article 18

For the conditioning of FOMAC contingents, the COPAX shall be responsible for coordinating training programmes.

Article 19

The duration of engagement initially estimated may be renewed by the Conference.

Article 20

Any engagement may be interrupted at any moment upon instruction from the serving Chairman after consultation with the other members of the Conference.

Article 21

Pending the engagement, each FOMAC national module shall be supported by its Army logistics.

Article 22

1. The FOMAC logistic support shall be provided by the COPAX during the engagement period. However the FOMAC may receive logistic support from any other institution or donor State, subject to the consent of the Chairman of the Conference.

2. In the event of FOMAC engagement on behalf of the United Nations Organisation (UNO) or the Organization of African Unity (OAU) the logistics shall be provided by these organisations.

Article 23

The operational procedure shall be in the working languages of the Community.

SECTION 5: The Special Representative and the Commander of the FOMAC

Article 24

1. The Conference shall appoint a Special Representative for each operation.

2. The Special Representative shall be directly accountable to the Conference.

Article 25: Role and functions of the Special Representative

The role and functions of the Special Representative shall, among other things, include the following:

- (i) Acting as a chief of mission and being responsible for the political orientation of the mission;
- (ii) Directing peacekeeping activities and initiating political and diplomatic negotiations with parties, neighbouring States and other governments involved in the conflict;
- (iii) Briefing troop-contributing States and other States on the situation and operations of the mission;
- (iv) Coordinating the activities of subregional and international organisations, including NGOs involved in humanitarian relief and peace-building in the mission area.

The Special Representative shall keep in touch with the Secretary-General of ECCAS.

Article 26

A FOMAC Commander shall be appointed by the Conference in accordance with article 8 of the Protocol on COPAX.

Article 27

The missions of the FOMAC Commander shall include the following:

- (i) Preparing and being responsible for the efficiency of operational, administrative and logistic plans of the mission;

- (ii) Issuing instructions to the contingents commanders for all operational activities;
- (iii) Ensuring the security of the staff and equipment of humanitarian organisations in the mission area.

Article 28

- (a) The FOMAC Commander shall be accountable for his activities to the Conference through the Special Representative and shall inform the General Secretariat of ECCAS thereof.
- (b) All contingents Commanders shall report directly to the Force Commander.
- (c) All civilian units shall report directly to the Special Representative.

SECTION 6: Chain of Conduct

Article 29

Hierarchy with regard to command for both officers and non-commissioned officers is specified in Annex B to these Standing Orders. Within this hierarchy, command shall be assumed by the senior officer in the highest rank.

Article 30

The duration of command and the stay of officers at the Force Multinational Interservice Staff shall be six months, renewable only once.

SECTION 7: FOMAC Remuneration System

Article 31

At national level, the FOMAC personnel shall continue to be paid the whole of their wages and benefits provided for by the existing regulations.

Article 32

At multinational level, the FOMAC personnel shall receive a COPAX remuneration including:

- (a) A food allowance and an operation allowance for non-commissioned staff;
- (b) A food, housing and operation allowance for commissioned officers.

SECTION 8: Contributions to the Functioning of FOMAC

Article 33

All COPAX Member States shall contribute to the financing of all operations. External partners may contribute to the financing of COPAX operations on the basis of arrangements to be concluded with the General Secretariat, subject to the consent of the serving Chairman of ECCAS.

Article 34

All Member States contributing troops shall prefinance the cost of military operations for the first three (3) months of their engagement. Beyond that

period, COPAX shall take over. The prefinancing shall be refunded by the COPAX budget.

Article 35

The governments of host countries shall put at the disposal of the peace mission all necessary logistic facilities.

SECTION 9: Miscellaneous and Final Provisions

Article 36

Any FOMAC staff on mission shall be considered as being in the field.

Article 37

FOMAC staff shall be granted a twelve-day leave every three (3) months to be spent in an area made secure.

Article 38

FOMAC staff may be granted the following awards:

- Special preferment to national title;
- COPAX decorations;
- Mention in ECCAS order;
- Expression of satisfaction;
- Congratulations.

Article 39

Troops that make up contingents shall be relieved periodically, depending on the planning of their respective States.

Article 40

FOMAC contingents may be visited or inspected by national relevant authorities.

Article 41

Adherence to the Protocol on Central African Council for Peace and Security (COPAX) shall entail the acceptance of these Standing Orders of the FOMAC.

Article 42

These Standing Orders may be amended by the Conference at the request of any Members State. They shall enter into force from their date of signature and shall be published in the Official Journal of the Community in English, French, Portuguese and Spanish.

Standing Orders of the Central African Early Warning Mechanism (MARAC) (2002)

Adopted at the 10th ordinary session of Heads of State and Government in Malabo, Equatorial Guinea on June, 2002. The full name of the mechanism in French is *Mécanisme d'Alerte Rapide de l'Afrique Centrale (MARAC)*.

SECTION 1: Definition and Mission of the Central Early Warning Mechanism (MARAC)

Article 1

The Central African Early Warning Mechanism (MARAC) is a mechanism for the observation, monitoring and prevention of crises and conflicts, which shall work within the Economic Community of Central African States (ECCAS). It shall be responsible for data collection and analysis in order to prevent crises and conflicts.

SECTION 2: Organisation of MARAC

Article 2

The Central African Early Warning Mechanism (MARAC) shall include:

- (a) A Central structure based at the ECCAS headquarters and consisting of:
 - (i) A Bureau in charge of permanent monitoring and collection of information on the security situation in the subregion, from national and international Networks, UNO, OAU and other public, private, national and international organisations and institutions.
 - (ii) A Bureau responsible for information analysis and evaluation, whose mission shall be to identify situations that may pose a threat to peace and security in a State or group of States in the subregion.
 - (iii) A Bureau responsible for the Central African data base, whose task shall be to store, to file, to keep and to disseminate information by way of any appropriate media, especially MARAC's written, printed, photographic, video, hearing, optical, electronic, mechanical, magnetic and numerical aids.
- (b) Decentralised structures in each Member State of COPAX, made up of national networks called 'national bureaux.' Each National Bureau shall include both governmental and legislative organs, agencies of international organisations, NGOs, civil society, members of academic and research institutions. National Bureaux in charge of information collection and analysis shall constitute observation and monitoring zones.

SECTION 3: Appointment and Rules and Regulations of MARAC Staff

Article 3

The MARAC central structure shall be conducted by a co-ordinator appointed by the ECCAS Secretary-General upon approval by the Council of Ministers, for a period of three years renewable once, and whose criteria of reference shall be defined by the Defence and Security Commission.

Article 4

This co-ordinator shall work in close co-operation with national networks, as well as UNO, AU and other agencies, which may assist him in accomplishing his missions.

Article 5

The Bureaux referred in article 2(a) shall be managed by Bureau Chiefs.

Article 6

Staff members appointed to work at the MARAC Central Structures shall be chosen among competent executives from Member States of ECCAS.

Article 7

- (a) Applications for the jobs to be filled shall be sent by States through diplomatic channels.
- (b) Staff members called to work at MARAC National Bureau shall be appointed by States.

Article 8

The staff working at the MARAC Central Bureau shall enjoy the same status as other ECCAS associate staff.

Article 9

Subject to the provisions of article 3 of these Standing Orders, the term of office of the Manager of the Central Bureau shall be three years renewable only once.

SECTION 4: Functioning of MARAC

Article 10

In the performance of its activities, MARAC shall collect and manage the data supplied spontaneously or at its request by Member States, international organisations, NGOs, independent experts, academic institutions and research institutes. MARAC shall be granted all facilities so as to have access to the sources of information available in Member States.

Article 11

National Bureaux shall collect data recorded on a daily statement of indicators, which have an impact on peace and security in each observation and monitoring zone, and in the sub-region.

Article 12

Under the supervision of the ECCAS Deputy Secretary-General in charge of Peace, Security and Stability Affairs, MARAC shall prepare and submit to the serving Chairman, monthly and detailed reports on the political, social, military, economic, health, and climatic situation which may have a direct or indirect impact on the stability of the Community.

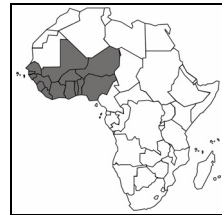
SECTION 5: Final and Sundry Provisions**Article 13**

These Standing Orders may be amended by the Conference at the proposal of the Council of Ministers.

Article 14

These Standing Orders, which shall enter into force from their date of signature, shall be published in the Official Journal of the Community in English, French, Portuguese and Spanish.

**(e) Economic Community of
West African States (ECOWAS)**



<p>Secretariat Building 60 Yakubu Gowon Crescent Asokoro Abuja Nigeria Tel: +23 49 314-7647/8/9 Fax: +23 49 314-3005 Website: http://www.ecowas.int E-mail: info@ecowasmail.net</p>	<ul style="list-style-type: none"> • Benin • Burkina Faso • Cape Verde • Côte d'Ivoire • The Gambia • Ghana • Guinea • Guinea-Bissau • Liberia • Mali • Niger • Nigeria • Senegal • Sierra Leone • Togo
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Treaty of the Economic Community of West African States (ECOWAS) (1993)

Signed in July 1993 (replacing the treaty of 28 May 1975). Available online at <http://www.sec.ecowas.int/sitecedeado/english/stat-1.htm>

...

Chapter X: Co-operation in Political, Judicial and Legal Affairs, Regional Security And Immigration

Article 56: Political Affairs

1. In pursuit of the integration objectives of the Community, Member States undertake to co-operate on political matters, and in particular, to take appropriate measures to ensure effective application of the provisions of this Treaty.
2. The signatory States to the Protocol on Non-Aggression, the Protocol on Mutual Assistance on Defence, the Community Declaration of Political Principles and the African Charter on Human and Peoples' Rights agree to co-operate for the purpose of realising the objectives of these instruments.

...

Article 58: Regional Security

1. Member States undertake to work to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region.
2. In pursuit of these objectives, Member States undertake to co-operate with the Community in establishing and strengthening appropriate mechanisms for the timely prevention and resolution of intra-State and inter-State conflicts, paying particular regard to the need to:
 - (a) maintain periodic and regular consultations between national border administration authorities;
 - (b) establish local or national joint commissions to examine any problems encountered in relations between neighbouring States;
 - (c) encourage exchanges and co-operation between communities, townships and administrative regions;
 - (d) organise meetings between relevant ministries on various aspects of inter-State relations;
 - (e) employ where appropriate, good offices, conciliation, mediation and other methods of peaceful settlement of disputes;
 - (f) establish a regional peace and security observation system and peace-keeping forces where appropriate;
 - (g) provide, where necessary and at the request of Member States, assistance to Member States for the observation of democratic elections.
3. The detailed provisions governing political co-operation, regional peace and stability shall be defined in the relevant Protocols.

...

West Africa has five key instruments relating to peace and security:

Protocol on Non-Aggression (1978)

Signed in Lagos, Nigeria on 22 April 1978. Available online at http://www.iss.co.za/af/RegOrg/unity_to_union/pdfs/ecowas/14ProtNonAggre.pdf

The High Contracting Parties

Considering that the Economic Community of West African States, (hereinafter referred to as the 'Community'), set up by virtue of the Treaty of 28 May 1975, cannot attain its objectives save in an atmosphere of peace and harmonious understanding among the Member States of the Community; *Recalling* article 2(4) of the United Nations Charter which provides that all Member States shall refrain, in their international relations, from the threat or use of force against the territorial integrity or independence of any State, or any other manner inconsistent with the purposes of the United Nations; *Recalling* article 3(3) of the Charter of the Organization of African Unity which provides for the respect of the sovereignty and territorial integrity of each State and its inalienable right to independent existence; *Recalling* the Resolution of the Summit Meeting of Heads of State and Government of the Community held in Lome on 5 November 1976 regarding the signing of an Annexed Protocol on non-recourse to force by Member States of the Community;

AGREE as follows:

Article 1

Member States shall, in their relations with one another, refrain from the threat or use of force or aggression or from employing any other means inconsistent with the Charters of the United Nations and the Organization of African Unity against the territorial integrity of political independence of other Member States.

Article 2

Each Member State shall refrain, from committing, encouraging or condoning acts of subversion, hostility or aggression against the territorial integrity or political independence of the other Member States.

Article 3

Each Member State shall undertake to prevent Foreigners resident on its territory from committing the acts referred to in article 2 above against the sovereignty and territorial integrity of other Member States.

Article 4

Each Member State shall undertake to prevent non-resident Foreigners from using its territory as a base for committing the acts referred to in article 2 above against the sovereignty and territorial integrity of Member States.

Article 5

1. Member States pledge to respond to all peaceful means in the settlement of disputes arising among themselves.
2. Any dispute, which cannot be settled peacefully among Member States, shall be referred to a Committee of the Authority. In the event of failure of settlement by the aforementioned Committee the dispute shall finally go to the Authority.
3. The composition and the mandate of the Committee referred to in the preceding paragraph shall be decided upon by the Authority.

Article 6

1. This Protocol shall come into effect provisionally on signature by the Heads of State and Government, and definitely on ratification by at least seven signatory States, in conformity with the constitutional regulations of each Member State.
2. This Protocol, as well as all the Instruments of Ratification, shall be deposited with the Executive Secretariat who shall transmit certified true copies of this Protocol to all Member States informing them of the dates on which the Instruments of Ratification have been deposited. The Protocol shall be registered with the Organization of African Unity, the United Nations Organisation and any other Organisations approved by the Authority.
3. Any Member State may accede to this Protocol and the instrument of accession shall be deposited with the Executive Secretariat.
4. This Protocol shall be annexed to and form an integral part of the Treaty.

Protocol Relating to Mutual Assistance in Defence (1981)

Signed in Freetown, Sierra Leone on 29 May 1981. Available online at http://www.iss.co.za/af/regorg/unity_to_union/pdfs/ecowas/13ProtMutualDefAss

Preamble

The Governments of the Member States of the Economic Community of West African States;

Recalling article 2 of the United Nations Charter which calls upon all Member States to refrain in their international relations from resorting to the use of threats of force either against the territorial integrity or the independence of

all States in any manner that is incompatible with the aims of the United Nations or from interfering in the internal affairs of other States;
Recalling article 3 of the Charter of the Organization of African Unity which calls upon Member States to respect the sovereignty and territorial integrity of each State and its inalienable right to an independent existence;
Mindful of the Treaty setting up the Economic Community of West African States;
Recalling the Protocol on Non-Aggression signed in Lagos on 22nd April 1978 in accordance with which Member States resolved not to use force as a means of settling their disputes;
Convinced that economic progress cannot be achieved unless the conditions for the necessary security are ensured in all Member States of the Community;
Considering that Member States belong to the same geographical area;
Conscious of the serious continuous threats of aggression on the African continent in general and their own countries in particular;
Conscious of the serious risks that the presence of foreign military bases on the African continent may constitute as support forces to external aggression;
Firmly Resolve to safeguard and consolidate the independence and the sovereignty of Member States against foreign intervention;
Conscious of the fact that external defence of their states depends entirely on each sovereign state, and that such a defence will be more effective with the coordination and pooling together of the means of mutual assistance provided by respective Member States within the framework of this Protocol;
Desirous of maintaining the ties of friendship existing amongst Member States and of strengthening their co-operation in all fields on the basis of equality, mutual interests and respects;

HAVE AGREED as follows:

CHAPTER I: Definitions

Article 1

Within the context of this Protocol,

‘Treaty’ means the Treaty of the Economic Community of West African States;

‘Community’ means the Economic Community of West African States;

‘Authority’ means the Authority of Heads of State and Government as defined in article 5 of the Treaty;

‘Member State’ or ‘Member States’ means a Member State or Member States of the Community;

‘Executive Secretary’ means Executive Secretary of the Community as defined in article 8 of the Treaty;

‘Aggression’ means the use of armed force by any State against the sovereignty and territorial integrity or political independence of another State or by any other manner incompatible with the Charter of the United Nations and OAU;

‘Assistance on Defence’ means all military aid (material, technical and personnel).

CHAPTER II: Objectives

Article 2

Member States declare and accept that any armed threat or aggression directed against any Member State shall constitute a threat or aggression against the entire Community.

Article 3

Member States resolve to give mutual aid and assistance for defence against any armed threat or aggression.

Article 4

Member States shall also take appropriate measures such as specified in articles 17 and 18 of the present Protocol in the following circumstances:

- (a) In case of armed conflict between two or several Member States if the settlement procedure by peaceful means as indicated in article 5 of the Non-Aggression Protocol mentioned in the Preamble proves ineffective;
- (b) In case of internal armed conflict within any Member State engineered and supported actively from outside likely to endanger the security and peace in the entire Community. In this case the Authority shall appreciate and decide on this situation in full collaboration with the Authority of the Member State or States concerned.

CHAPTER III: Institutions

Article 5

The institutions for the implementation of this Protocol shall be:

- The Authority;
- The Defence Council;
- The Defence Commission.

Section I: The Authority

Article 6

1. The Authority on the occasion of the annual ordinary meeting of ECOWAS shall examine general problems concerning peace and security of the Community;
2. The Authority may also hold extraordinary sessions on defence matters where circumstances so require;
3. The Authority shall decide on the expediency of the military action and entrust its execution to the Force Commander of the Allied Forces of the Community (AAFC);
4. Decisions taken by the Authority shall be immediately enforceable on Member States.

Section II: The Defence Council

Article 7

1. A Defence Council of the Community shall be established by the Authority;
2. It shall consist of Ministers of Defence and Foreign Affairs of Member States. However, in cases of crisis, the Defence Council shall be chaired by

the current Chairman of the Authority and it shall be enlarged to include any other Minister from Member States according to the circumstances. The Executive Secretary and the Deputy Executive Secretary in charge of military matters shall be in attendance at meetings of the Council.

Article 8

1. The Defence Council shall meet on the convocation by its Chairman to prepare the items of the Agenda of Sessions of the Authority dealing with defence matters;
2. In an emergency, the Defence Council shall examine the situation, the strategy to be adopted and the means of intervention to be used.

Article 9

In case of armed intervention, the Defence Council assisted by the Defence Commission shall supervise with the authority of the State or States concerned, all measures to be taken by the Force Commander and ensure that all necessary means for the intervention are made available to him. The actions of the Force Commander shall be subject to competent political authority of the Member State or States concerned.

Article 10

At the end of the operation, the Defence Council shall write a factual report to be addressed to the Authority.

Section III: The Defence Commission

Article 11

1. A Defence Commission shall be established by the Authority and shall consist of a Chief or Staff from each Member State;
2. The Defence Commission shall be responsible for examining the technical aspect of defence matters;
3. The Defence Commission shall establish its Rules of Procedure especially in respect of the convening of its meetings, the conduct of the business and the implementation of duties as assigned to it by the Defence Council.

CHAPTER IV: Administration

Article 12

1. The Defence Council shall appoint a Deputy Executive Secretary (Military) at the Executive Secretariat for a period of four years renewable only once;
2. The Deputy Executive Secretary (Military) shall be a senior serving military officer;
3. He shall be in charge of the administration and follow-up of the decisions taken by the Authority and in accordance with the present Protocol and under the authority of the Executive Secretary;
4. He shall update plans for the movement of troops and logistics and initiate joint exercises as provided for in paragraph 3 of article 13 below;
5. He shall be assisted in the discharge of his functions by the necessary staff members and personnel as determined by the Defence Council;

6. He shall prepare and manage the military budget of the Secretariat;
7. He shall study and make proposals to the Executive Secretariat in respect of all matters relating to personnel and equipment within his jurisdiction.

CHAPTER V: Modalities of Intervention and Assistance

Article 13

1. All Member States agree to place at the disposal of the Community, earmarked units from the existing National Armed Forces in case of any armed intervention;
2. These Units shall be referred to as the Allied Armed Forces of the Community (AAFC);
3. In order to better realise the objectives set forth in this Protocol, the Member States may organise, from time to time, as may be approved by the Authority, joint military exercises among two or more earmarked United of the AAFC.

Article 14

The Allied Armed Forces of the Community shall be under the command of the Forces Commander appointed by the Authority on the proposal of the Defence Council. He shall be entrusted with powers that are conferred upon him by the Authority. He, together with the Chief of Defence staff of the assisted country, shall be the joint Chief of Defence Staff of the Allied Armed Forces and shall be responsible for the implementation of armed intervention and assistance as decided by the Authority. He shall have at his disposal all necessary means of defence.

Article 15

1. Intervention by AAFC shall, in all cases be justified by the legitimate defence of the territories of the Community;
2. It shall therefore be carried out in accordance with the mechanism described in articles 16, 17 and 18 below.

Article 16

When an external armed threat or aggression is directed against a Member State of the Community, the Head of State of that country shall send a written request for assistance to the current Chairman of the Authority of ECOWAS, with copies to other Members. This request shall mean that the Authority is duly notified and that the AAFC are placed under a state of emergency. The Authority shall decide in accordance with the emergency procedure as stipulated in article 6 above.

Article 17

When there is a conflict between two Member States of the Community, the Authority shall meet urgently and take appropriate action for mediation. If need be, the Authority shall decide only to interpose the AAFC between the troops engaged in the conflict.

Article 18

1. In the case where an internal conflict in a Member State of the Community is actively maintained and sustained from outside, the provisions of articles 6, 9 and 16 of this Protocol shall apply;
2. Community forces shall not intervene if the conflict remains purely internal.

CHAPTER VI: Special Provisions**Article 19**

The implementation of this Protocol shall be supplemented by additional Protocols.

Article 20

1. Undertakings devolving from the provisions of this Protocol shall not be interpreted as being against the spirit of Conventions or Agreements binding one Member State to another third State or States, provided such Conventions and Agreements are not in conflict with the spirit of this Defence Assistance;
2. Nonetheless, a Defence Agreement concluded with some other State shall be denounced by the Member State concerned as soon as such other State shall have been identified by the Authority as an aggressor against a Member State;
3. Member States shall undertake to end the presence of foreign military bases within their national territories as soon as the Community is in the position to meet their requirements in matters relating to defence.

CHAPTER VII: General and Final Provisions**Article 21**

1. Any Member State which accedes to the Treaty, automatically accedes to this Protocol and to the Protocol of Non-Aggression signed in Lagos on the 22nd April 1978;
2. On the other hand, any Member State signatory to this present Protocol and having ratified it, or having acceded to it, becomes party to the above mentioned Non-Aggression Pact.

Article 22

1. Any Member State may submit proposals for the amendment or revision of this Protocol;
2. Any such proposals shall be submitted to the Executive Secretary who shall communicate them to other Member States not later than thirty days after the receipt of such proposals. Amendments or revising shall be considered by the Authority after Member States have been given one month's notice thereof.

Article 23

1. Any Member State wishing to withdraw from the Protocol shall give to the Executive Secretary one year's written notice. At the end of this period of one year, if such notice is not withdrawn, such a State shall cease to be a party to the Protocol;

2. During the period of one year referred to in the preceding paragraph, such a Member State shall nevertheless observe the provisions of this Protocol and shall remain liable for the discharge of its obligations under this Protocol.

Article 24

1. This Protocol shall enter into force provisionally at the signing by the Heads of State and Government, and definitively after ratification by not less than seven (7) signatories, in accordance with the Constitutional Laws of each Member State;

2. This Protocol, as well as all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies to all Member States and notify them of the dates of deposits of the instruments of ratification and shall register it with the Organization of African Unity (OAU), as well as the United Nations (UN) and any other Organisation as the Authority shall decide;

3. The Present Protocol shall be annexed to and shall form an integral part of the Treaty.

Declaration of a Moratorium on Importation, Exportation, and Manufacture of Light Weapons in West Africa (1998)

Adopted by the 21st session of the Authority of Heads of State and Government of ECOWAS, in Abuja, Nigeria, on 31 October, 1998. Available online at http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/ecowas/1ECOWASFirearms.pdf

We, the Heads of State and Government of the Economic Community of West African States (ECOWAS);

Considering the principles and objectives embodied in the revised ECOWAS Treaty, the Charter of the Organization of African Unity, and the United Nations Charter;

Considering the fact that the proliferation of light weapons constitutes a destabilising factor for ECOWAS Member States and a threat to the peace and security of our people;

Considering the resolutions of the United Nations conference on conflict prevention, disarmament and development held in Bamako in November 1996;

Considering the directives of the fourth extraordinary session of the ECOWAS Authority of Heads of State and Government which took place in Lomé, on 17 December, 1997, relating to the establishment of a subregional mechanism for conflict prevention, management, resolution, peacekeeping and security;

Considering the recommendations of the meeting of ECOWAS Ministers of Foreign Affairs; Defence, Internal Affairs and Security held in Yamoussoukro on 11 and 12 March 1998;

Considering the reaffirmation of the commitment made by the ECOWAS Member States at the Oslo Conference held on 1 and 2 April 1998, and the declared support of the international community for the proposal to place a moratorium on light weapons in West Africa;

Considering the repeated encouragement of the United Nations for disarmament in West Africa as stipulated in the relevant Resolutions of the 50th, 51st and 52nd Sessions of the General Assembly;

Considering the outcomes of the meetings of Ministers of Defence, Internal Affairs and Security and of Ministers of Foreign Affairs held in Banjul on 23 and 24 July 1998, and in Abuja on 26 to 29 October 1998 respectively, endorsed by us in Abuja on 31 October, 1998;

Considering the unqualified approval demonstrated by Member States of the Wassenaar Arrangement and on other arms manufacturers for a moratorium on Light Weapons in West Africa;

Hereby solemnly declare a moratorium on the importation, exportation and manufacture of light weapons in ECOWAS member states which shall take effect from the first day of November, 1998 for a renewable period of three (3) years.

Direct the ECOWAS Executive Secretary, in collaboration with the United Nations system to convene a meeting of Ministers of Foreign Affairs and of experts to launch the operational framework for the associated measures of the moratorium under the Programme for Coordination and Assistance for Security and Development (PCASED);

Seeking to ensure the success of the Moratorium;

Hereby Solicit the assistance of the Organization of African Unity, the United Nations and the international community in implementing the Programme for Coordination and Assistance for Security and Development (PCASED).

Direct the Executive Secretary, in collaboration with PCASED, to convene a meeting of Ministers of Foreign Affairs to assess and evaluate the moratorium at the end of the initial three-year period.

Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security (1999)

<p>Adopted by the 23rd session of the Authority of Heads of State and Government of ECOWAS in Lomé, Togo on 10 December 1999. Available online at http://www.sec.ecowas.int/sitecedeo/english/ap101299.htm</p>

Preamble

We, the Heads of State and Government of the Member States of The Economic Community of West African States (ECOWAS);

Mindful of the ECOWAS Revised Treaty signed in Cotonou on 23 July 1993 notably its article 58;

Mindful of the relevant provisions of the Charter of the Organization of African Unity (OAU);

Mindful of the United Nations Charter, with particular reference to its Chapters VI, VII and VIII;

Mindful of the provisions of Protocols A/P1/5/79, A/SP2/7/85, A/SP1/7/86, A/SP1/6/88, A/SP2/5/90 relating to the free movement of persons, the right of residence and establishment;

Recalling the Protocol on Non-Aggression signed in Lagos on 22 April 1978 and the Protocol on Mutual Assistance in Defence signed in Freetown on 29 May 1981, notably our resolve to give mutual aid and assistance for defence against any armed threat or aggression on a Member State;

Considering the Framework Agreement of the Protocol on Non-Aggression and Assistance in Defence (ANAD) signed in Abidjan on 9 June 1977;

Considering also the Protocol on the enforcement of the above-mentioned Framework Agreement signed in Dakar on 14 December 1981, as well as the subsequent Protocols;

Reaffirming our commitment to the ECOWAS Declaration of Political Principles adopted in Abuja on 6 July 1991, on freedom, people's rights and democratisation;

Recalling the relevant provisions of the ECOWAS Conventions on Mutual Assistance in Criminal Matters and on Extradition, signed in Dakar on 29 July 1992 and in Abuja on 6 August 1994, respectively;

Recalling also the Cairo Declaration of 29 June 1993 on the establishment of a Mechanism for Conflict Prevention, Management and Resolution in Africa adopted by the 29th Session of the OAU Conference of Heads of State and Government;

Concerned about the proliferation of conflicts which constitute a threat to the peace and security in the African continent, and undermines our efforts to improve the living standards of our peoples;

Convinced of the need to develop effective policies that will alleviate the suffering of the civil population, especially women and children, and, restore life to normalcy after conflicts or natural disasters, and desirous of making further efforts in the humanitarian sphere;

Conscious of the fact that good governance, the rule of law and sustainable development are essential for peace and conflict prevention;

Recalling the Declaration of the moratorium on the Importation, Exportation and Manufacture of Light Weapons, adopted by the 21st Session of the Authority of Heads of State and Government of ECOWAS, held in Abuja on 30 and 31 October 1998;

Recalling also the conclusions of the meeting of ECOWAS Ministers of Foreign Affairs on the effective implementation of PCASED, held in Bamako on 24 March 1999;

Convinced that cross-border crimes, the proliferation of small arms and all illicit trafficking contribute to the development of insecurity and instability and jeopardise the economic and social development of the sub-region;

Aware that these phenomena constitute serious social and economic problems which can only be resolved within the framework of increased and well co-ordinated multilateral co-operation;
Recognising the need to make the relevant treaties and protocols more adequate, effective and pragmatic;
Desiring to consolidate our achievements in the resolution of conflicts through the ECOWAS Cease-fire Monitoring Group (ECOMOG).
Recalling our Decision A/DEC.11/10/98 adopted in Abuja on 31 October 1998, relating to the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, peacekeeping and Security;
Desirous to establish an operational structure for the implementation of the said Decision;

HEREBY AGREE on the following:

Definitions

For the purposes of this Protocol;

‘Treaty’ means the revised Treaty of the Economic Community of West African States (ECOWAS) signed in Cotonou on 24 July 1993;

‘Community’ means the Economic Community of West African States referred to under article 2 of the Treaty;

‘Authority’ means the Authority of Heads of State and Government of the Economic Community of West African States established by article 7 of the Treaty;

‘Mediation and Security Council’ means the Mediation and Security Council as defined by article 8 of this Protocol;

‘Defence and Security Commission’ means the Defence and Security Commission as defined in article 18 of this Protocol;

‘Executive Secretary’ means the ECOWAS Executive Secretary appointed in accordance with article 18 of the Treaty;

‘Council of Elders’ means the Council of Elders as defined in article 20 of this Protocol;

‘Meeting of Ambassadors’ means the meeting of Ambassadors as defined by article 14 of this Protocol;

‘Special Representative’ means the Special Representative as defined by article 32 of this Protocol;

‘Deputy Executive Secretary’ means the Deputy Executive Secretary in charge of Political Affairs, Defence and Security as referred to in article 16 of this Protocol;

‘Institution’ means any of the structures provided for under article 4 of this Protocol;

‘Organ’ means any of the structures provided for under article 17 of this Protocol;

‘Observation and Monitoring Centre’ means the Regional Peace and Security Monitoring Centre as provided for under article 58 of the Treaty and referred to in article 23 of this Protocol;

‘ECOMOG’ means the ECOWAS Cease-fire Monitoring Group which constitutes the Community’s intervention force as defined in article 21 of this Protocol;

‘Force Commander’ means the Force Commander appointed in accordance with the provisions of article 33 of this Protocol;

‘Trans-border crime’ refers to all crimes organised or perpetrated by individuals, organisations or networks of local and/or foreign criminals

operating beyond the national boundaries of a Member State, or acting in complicity with associates based in one or several States adjoining the country where the crimes are actually committed or having any connection with any Member State;

'Member State in crisis' refers both to a Member State experiencing an armed conflict as well as a Member State facing serious and persisting problems or situations of extreme tension which, if left unchecked, could lead to serious humanitarian disaster or threaten peace and security in the sub-region or in any Member State affected by the overthrow or attempted overthrow of a democratically elected government.

Chapter I: Establishment, Principles and Objectives of the Mechanism

Article 1: Establishment

There is hereby established within the Economic Community of West African States (ECOWAS), a mechanism for collective security and peace to be known as 'Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security'.

Article 2: Principles

Member States reaffirm their commitment to the principles contained in the Charters of the United Nations Organisation (UNO) and the Organization of African Unity (OAU) and to the Universal Declaration of Human Rights, as well as to the African Charter on Human and People's Rights, particularly the following fundamental principles:

- (a) that economic and social development and the security of peoples and States are inextricably linked;
- (b) promotion and reinforcement of the free movement of persons, the right of residence and establishment which contribute to the reinforcement of good neighbourliness;
- (c) promotion and consolidation of a democratic government as well as democratic institutions in each Member State;
- (d) protection of fundamental human rights and freedoms and the rules of international humanitarian laws;
- (e) equality of sovereign States;
- (f) territorial integrity and political independence of Member States;

Article 3: Objectives of the Mechanism

The objectives of the Mechanism shall be as follows:

- (a) prevent, manage and resolve internal and inter-State conflicts under the conditions provided in paragraph 46 of the Framework of the Mechanism ratified as per Decision A/DEC.11/10/98 of 31 October 1998;
- (b) implement the relevant provisions of article 58 of the Revised Treaty;
- (c) implement the relevant provisions of the Protocols on Non-Aggression, Mutual Assistance in Defence, Free Movement of Persons, the Right of Residence and Establishment;
- (d) strengthen co-operation in the areas of conflict prevention, early-warning, peacekeeping operations, the control of cross-border crime, international terrorism and proliferation of small arms and anti-personnel mines;

- (e) maintain and consolidate peace, security and stability within the Community;
- (f) establish institutions and formulate policies that would allow for the organisation and coordination of humanitarian relief missions;
- (g) promote close co-operation between Member States in the areas of preventive diplomacy and peacekeeping;
- (h) constitute and deploy a civilian and military force to maintain or restore peace within the sub-region, whenever the need arises;
- (i) set up an appropriate framework for the rational and equitable management of natural resources shared by neighbouring Member States which may be causes of frequent inter-State conflicts;
- (j) protect the environment and take steps to restore the degraded environment to its natural state;
- (k) safeguard the cultural heritage of Member States;
- (l) formulate and implement policies on anti-corruption, money-laundering and illegal circulation of small arms.

Chapter II: Institutions of the Mechanism

Article 4: Institutions

The institutions of the Mechanism shall be:

- The Authority;
- The Mediation and Security Council;
- The Executive Secretariat;
- Any other institution as may be established by the Authority.

Article 5: Composition and Meetings of the Authority

The Authority is composed of Heads of State and Government of Member States as stipulated in paragraph 1, article 7 of the Revised Treaty. The Authority shall meet as often as necessary.

Article 6: Functions

The Authority shall be the Mechanism's highest decision-making body. It shall have powers to act on all matters concerning conflict prevention, management and resolution, peacekeeping, security, humanitarian support, peacebuilding, control of cross-border crime, proliferation of small arms, as well as all other matters covered by the provisions of this Mechanism.

Article 7: Delegation of Powers

Without prejudice to its wide-ranging powers as provided under article 9 of the Treaty and in article 6 above, the Authority hereby mandates the Mediation and Security Council to take, on its behalf, appropriate decisions for the implementation of the provisions of this Mechanism.

Article 8: Composition of the Mediation and Security Council

The Mediation and Security Council shall comprise nine (9) Member States of which seven (7) shall be elected by the Authority. The other two (2) members shall be the current chairman and the immediate past chairman of the Authority, each of whom shall have an automatic right to membership of the

Mediation and Security Council. The elected Members of the Mediation and Security Council shall serve for two (2) years renewable.

Article 9: Quorum and Decisions

The meeting of the Mediation and Security Council shall be properly constituted when at least two-thirds of its Members are present. Decisions of the Mediation and Security Council shall be taken by a two-thirds majority vote of Members present.

Article 10: Functions

The Mediation and Security Council shall take decisions on issues of peace and security in the sub-region on behalf of the Authority. It shall also implement all the provisions of this Protocol. Pursuant to the provisions of article 7 of this Protocol and paragraph 1 above, the Mediation and Security Council shall:

- (a) decide on all matters relating to peace and security;
- (b) decide and implement all policies for conflict prevention, management and resolution, peacekeeping and security;
- (c) authorise all forms of intervention and decide particularly on the deployment of political and military missions;
- (d) approve mandates and terms of reference for such missions;
- (e) review the mandates and terms of reference periodically, on the basis of evolving situations;
- (f) on the recommendation of the Executive Secretary, appoint the Special Representative of the Executive Secretary and the Force Commander.

Article 11: Meetings of the Mediation and Security Council

Deliberations of the Mediation and Security Council shall be held at three (3) levels: Heads of State and Government, Ministerial and Ambassadorial levels. All meetings of the Mediation and Security Council shall be presided over by the Member State elected as the current Chairman of the Authority.

Article 12: Meeting at the Level of Heads of State and Government

The Heads of State and Government of the Mediation and Security Council shall meet at least twice a year in ordinary sessions. Extraordinary Sessions may be convened by the Chairman when the need arises or at the request of a simple majority of the Members of the Council. The Heads of State and Government of the Mediation and Security Council shall take final decisions on all issues under their authority and competence, including field missions and approve the terms of reference, for such missions.

Article 13: Meeting at the Ministerial Level

The Ministers of Foreign Affairs, Defence, Internal Affairs and Security of the Mediation Security Council shall meet at least once every three (3) months to review the general political and security situation in the sub-region. They may also meet when the need arises. The recommendations emanating from the Ministerial meetings shall be submitted to the member Heads of State and Government of the Mediation and Security Council.

Article 14: Meeting at the Ambassadorial Level

ECOWAS Member States shall accredit Ambassadors as permanent representatives to the ECOWAS Executive Secretariat. These Ambassadors

may also be those accredited to the Federal Republic of Nigeria. The Ambassadors of Member States of the Mediation and Security Council shall meet once a month to review issues relating to subregional peace and security. They may also meet when the need arises. All reports and recommendations of meetings of the Ambassadors shall be forwarded by the Executive Secretary to all Member States of the Mediation and Security Council and to the Member States concerned. The Reports shall also be submitted for consideration by the meeting of Ministers of the Mediation and Security Council.

Article 15: Role and Functions of the Executive Secretary

The Executive Secretary shall have the power to initiate actions for conflict prevention, management, resolution, peacekeeping and security in the sub-region. Such actions may include fact-finding, mediation, facilitation, negotiation and reconciliation of parties in conflict. The role of the Executive Secretary shall include the following:

- (a) recommend the appointment of the Special Representative and the Force Commander for approval by the Mediation and Security Council;
- (b) appoint members of the Council of Elders;
- (c) have responsibility for political, administrative and operational activities and provide logistic support for the mission;
- (d) prepare periodic reports on activities of the Mechanism for the Mediation and Security Council and Member States;
- (e) deploy fact-finding and mediation missions, on the basis of his/her assessment of the existing situation;
- (f) convene, in consultation with the Chairman of the Authority, all meetings of the Mediation and Security Council, the Council of Elders, and the Defence and Security Commission;
- (g) Implement all decisions of the Mediation and Security Council.

The ECOWAS Secretariat shall service the Mediation and Security Council and the Defence and Security Commission.

In implementing the provisions of this Mechanism, the Executive Secretary shall be assisted by the Deputy Executive Secretary in charge of Political Affairs, Defence and Security.

Article 16: The Deputy Executive Secretary

1. Under the direction of the Executive Secretary, the Deputy Executive Secretary in charge of Political Affairs, Defence and Security shall initiate and undertake all activities relating to the implementation of the Mechanism.

2. The office of the Deputy Executive Secretary for Political Affairs, Defence and Security, shall be headed by a statutory officer appointed in accordance with paragraph 4(a), article 18 of the Treaty. He shall have under his supervision appropriate departments, divisions and sections, as may be necessary, including:

- (a) the Department of Political Affairs;
- (b) the Department of Humanitarian Affairs;
- (c) the Department of Defence and Security;
- (d) the Observation and Monitoring Centre; and
- (e) such other departments as may be established by the Council of Ministers on the recommendation of the Mediation and Security Council.

Chapter III: Supporting Organs of the Institutions of the Mechanism

In carrying out their missions, the Institutions stipulated in article 4 shall be assisted by the organs enumerated in article 17 of this Protocol.

Article 17: Organs

The following organs are hereby established to assist the Mediation and Security Council:

- The Defence and Security Commission;
- The Council of Elders;
- ECOWAS Cease-fire Monitoring Group (ECOMOG).

Article 18: Composition of the Defence and Security Commission

The following representatives from Member States shall constitute the Defence and Security Commission:

- (a) Chiefs of Defence Staff or equivalent;
- (b) Officers responsible for Internal Affairs and Security;
- (c) Experts of the Ministry of Foreign Affairs;
- (d) Depending on the agenda, Heads of any of the following services may be invited;
- (e) Immigration;
- (f) Customs;
- (g) Drug/Narcotic Agencies;
- (h) Border Guards; and
- (i) Civil Protection Force.

Article 19: Functions

The Defence and Security Commission shall examine all technical and administrative issues and assess logistical requirements for peacekeeping operations. It shall assist the Mediation and Security Council in:

- (a) formulating the mandate of the peacekeeping Force;
- (b) defining the terms of reference for the Force;
- (c) appointing the Force Commander;
- (d) determining the composition of the Contingents.

The Defence and Security Commission shall meet once every quarter and when necessary. The Commission shall examine reports from the Observation and Monitoring Centres and make recommendations to the Mediation and Security Council.

Article 20: Composition and Mandate of the Council of Elders

The Executive Secretary shall compile annually, a list of eminent personalities who, on behalf of ECOWAS, can use their good offices and experience to play the role of mediators, conciliators and facilitators. The list shall comprise eminent persons from various segments of society, including women, political, traditional and religious leaders. The list shall be approved by the Mediation and Security Council at the level of the Heads of State and Government.

These Personalities shall be requested by the Executive Secretary or the Mediation and Security Council, whenever the need arises, to deal with a given conflict situation.

Whenever the circumstances require, the Executive Secretary shall assemble eminent personalities from the approved list who shall now constitute the Council of Elders.

The composition and mandate of the Council of Elders shall be defined by the Executive Secretary on the basis of the missions to be carried out.

Members of the Council of Elders selected to deal with a given situation shall report to the Executive Secretary.

The Executive Secretary shall report to the Mediation and Security Council on the initiatives taken in conformity with the provisions of paragraphs 2 and 3 of this article.

Members of the Council of Elders shall be neutral, impartial and objective in carrying out their mission.

Article 21: Composition of ECOMOG

The ECOWAS Cease-fire Monitoring Group (ECOMOG) is a structure composed of several Stand-by multi-purpose modules (civilian and military) in their countries of origin and ready for immediate deployment.

Article 22: Role of ECOMOG

ECOMOG is charged, among others, with the following missions:

- (a) Observation and Monitoring;
- (b) Peacekeeping and restoration of peace;
- (c) Humanitarian intervention in support of humanitarian disaster;
- (d) Enforcement of sanctions, including embargo;
- (e) Preventive deployment;
- (f) Peacebuilding, disarmament and demobilisation;
- (g) Policing activities, including the control of fraud and organised crime;
- (h) Any other operations as may be mandated by the Mediation and Security Council.

Chapter IV: Subregional Peace and Security Observation System (Early Warning)

A subregional peace and security observation system known as the Early Warning System or 'The System' is hereby established for the purposes of conflict prevention and in accordance with article 58 of the Revised Treaty. The System shall consist of:

- (a) Observation and Monitoring Centre located at the Secretariat;
- (b) Observation and Monitoring Zones within the sub-region.

Article 23: Observation and Monitoring Centre

The Observation and Monitoring Centre shall be responsible for data collection and analyses and preparation of reports for the use of the Executive Secretariat. The Centre shall collaborate with the United Nations Organisation, the Organization of African Unity, research centres and all other relevant international regional and subregional organisations.

Article 24: Observation and Monitoring Zones

Member States shall be divided into zones on the basis of proximity, ease of communication and efficiency. Each zone shall be identified by a number and

each shall have a zonal headquarters. The following four (4) Observation and Monitoring Zones are hereby created:

ZONE NO, COUNTRIES AND ZONAL CAPITALS

Zone 1 serving Cape Verde, The Gambia, Guinea-Bissau, Mauritania and Senegal will have its headquarters in Banjul;

Zone 2 serving Burkina Faso, Cote d'Ivoire, Mali and Niger will have its headquarters in Ouagadougou;

Zone 3 serving Ghana, Guinea, Liberia and Sierra Leone will have its headquarters in Monrovia; and

Zone 4 serving Benin, Nigeria and Togo will have its headquarters in Cotonou.

The zoning provided for in paragraph 1 above may be altered, if necessary, by the Authority of Heads of State and Government.

Each zonal headquarters shall be provided with an office and placed under the authority of the Executive Secretary, through the office of the Deputy Executive Secretary.

Member States hereby undertake to guarantee the freedom of operations of the zonal headquarters in accordance with the privileges, immunities and security to property, assets and staff of the bureaux as provided by the ECOWAS General Convention on Privileges and Immunities and the Headquarters Agreement.

The Zonal Bureau shall maintain working relations with the host country and local and international institutions.

The Zonal Bureaux shall, on a state by state and day-to-day basis, collect data on indicators that impact on the peace and security of the zone and the sub-region.

The Zonal Headquarters shall process the data collected and prepare a report which they shall send to the Observation and Monitoring Centre. Accordingly, each of the Zonal Headquarters shall be directly linked by appropriate communication means to the Observation and Monitoring Centre.

Chapter V: Application of the Mechanism

Article 25: Conditions for Application

The Mechanism shall be applied in any of the following circumstances:

- In cases of aggression or conflict in any Member State or threat thereof;
- In case of conflict between two or several Member States;
- In case of internal conflict:

(a) that threatens to trigger a humanitarian disaster, or

(b) that poses a serious threat to peace and security in the sub-region;

In event of serious and massive violation of human rights and the rule of law.

In the event of an overthrow or attempted overthrow of a democratically elected government;

Any other situation as may be decided by the Mediation and Security Council.

Article 26: Authority to Initiate

The Mechanism shall be put into effect by any of the following:

- (a) Upon the decision of the Authority;
- (b) Upon the decision of the Mediation and Security Council;
- (c) At the request of a Member State;
- (d) On the initiative of the Executive Secretary;
- (e) At request of the Organization of African Unity or the United Nations.

Article 27: Procedure

The Mechanism shall be applied according to any of the following procedures: The Executive Secretary shall inform Member States of the Mediation and Security Council and, in consultation with the Chairman, take all necessary and urgent measures;

The Mediation and Security Council shall consider several options and decide on the most appropriate course of action to take in terms of intervention. Such options may include recourse to the Council of Elders, the dispatch of fact-finding missions, political and mediation missions or intervention by ECOMOG;

The Mediation and Security Council shall issue a mandate authorising the Executive Secretary to set up a mission and define its terms of reference; Where necessary, the Mediation and Security Council shall appoint the principal officers, such as the Special Representative of the Executive Secretary and the ECOMOG Force Commander.

The Chairman of the Mediation and Security Council shall submit a report on the situation to the Organization of African Unity and the United Nations; The Executive Secretariat shall mobilise all the resources required for the operations.

Chapter VI: Conflict Management**Article 28: Composite Stand-by Units**

Member States hereby agree to make available to ECOMOG units adequate resources for the army, air force, navy, gendarmerie, police and all other military, paramilitary or civil formations necessary for the accomplishment of the mission.

Each Member State shall provide ECOMOG with a unit the size of which shall be determined after consultation with each Member State.

The strengths of these units shall be reviewed according to the situation on the ground.

Article 29: Mandates of the Force and Missions of Deployed Units

Whenever the force is deployed, the strength, mandates and missions of the units shall vary according to the evolving situation on the ground.

Article 30: Training and Preparation of the Composite Stand-by Units

The Executive Secretary, through the departments concerned and, in consultation with Member States, shall contribute to the in training of civilian and military personnel that shall be part of the stand-by units in various fields, particularly in international humanitarian law and human rights.

In this regard, he shall:

- (a) support the development of common training programmes and instruction manuals for national schools and training centres;
- (b) organise training and proficiency courses for personnel of the units in the regional centres in Côte d'Ivoire and Ghana;
- (c) work towards the integration of these centres into subregional centres for the implementation of this Mechanism;
- (d) take the necessary measures for the organisation of periodic staff and commanders' exercises and joint operations.

Article 31: Observation Missions

Unarmed civilian and military personnel provided by Member States may be deployed alone or in conjunction with armed personnel. They shall, *inter alia*, supervise and monitor cease-fires, disarmament, de-mobilisation, elections, respect for human rights, humanitarian activities and investigate any complaints or claims brought to their notice. They shall undertake such other activities under the terms of reference as determined by the Mediation and Security Council.

The Observer Missions shall report on their activities and findings to the Executive Secretary.

Article 32: Appointment and Functions of the Special Representative

On the recommendation of the Executive Secretary the Mediation and Security Council shall appoint a Special Representative for each Operation undertaken by ECOMOG.

The principal role and functions of the Special Representative shall include the following:

- (a) Serve as the Chief of the Mission and shall be responsible for the political orientation of the mission;
- (b) Direct peacekeeping activities and initiate political and diplomatic negotiations with the parties, neighbouring States and other Governments involved in conflict resolution;
- (c) Brief troop-contributing States and other States on the situation and operations of the mission as and when required;
- (d) Co-ordinate activities of the subregional and international organisations, including NGOs involved in humanitarian relief and peace-building activities in the mission area. Where necessary, he shall be assisted by a Deputy responsible for humanitarian affairs;
- (e) Maintain constant contact with and submit regular reports to the Executive Secretary.

Article 33: Appointment and Functions of the ECOMOG Force Commander

On the recommendation of the Executive Secretary an ECOMOG Force Commander shall be appointed by the Mediation and Security Council and in consultation with the Defence and Security Commission for each operation. The role and functions of the ECOMOG Force Commander shall include the following:

- (a) He shall be responsible for the efficiency of operational, administrative and logistical plans of the mission;
- (b) He shall issue instructions to contingent commanders for all operational activities;

- (c) He shall ensure the security of personnel and material of humanitarian organisations in the mission area;
- (d) The ECOMOG Force Commander is accountable to the Executive Secretary, through the Special Representative.

Article 34: The Chain of Command

The Special Representative shall report directly to the Executive Secretary. The Force Commander shall report to the Executive Secretary through his Special Representative.

All Contingent Commanders shall report directly to the Force Commander. All Civil Units shall report directly to the Special Representative.

Article 35: Role of Member States

In addition to their responsibilities as stipulated by the Treaty and this Protocol:

Each Member State shall immediately, upon request, release Stand-by Units with the necessary equipment and material;

Member States hereby undertake to fully co-operate with ECOWAS in carrying out the mandates of this Protocol, including all forms of assistance and support required for the Mechanism, especially as regards the free movement of ECOMOG within their territories.

Chapter VII: Financing of the Mechanism

Article 36: Funding

The Executive Secretariat shall make provision in its annual budget, for funds to finance activities of the Mechanism. As soon as the Protocol governing conditions for application of the Community Levy enters into force, a percentage of the said Levy shall be earmarked for these activities.

Special requests for funds shall be made to the United Nations and other international agencies.

Funds for operations may also be raised from the OAU, voluntary contributions and grants from bilateral and multilateral sources.

Article 37: Pre-Financing

The States contributing contingents may be invited to bear the cost of operations during the first three (3) months. ECOWAS shall refund the expenditure incurred by the States within a maximum period of six (6) months and then proceed to finance the operations.

Article 38: Logistical Support

The organisation of logistics, including troop transport, shall be determined by the Executive Secretariat in consultation with the host country and the States contributing troops.

Article 39: Remuneration and Service Conditions

The remuneration and conditions of service of the personnel shall be determined by the Council of Ministers on the recommendation of the Mediation and Security Council.

Chapter VIII: Humanitarian Assistance

ECOWAS shall take active part in coordinating and conducting humanitarian assistance.

Article 40: Responsibilities of ECOWAS

ECOWAS shall intervene to alleviate the suffering of the populations and restore life to normalcy in the event of crises, conflict and disaster.

In this regard, ECOWAS shall develop own capacity to efficiently undertake humanitarian actions for the purposes of conflict prevention and management.

Where the environment of a Member State is gravely devastated, appropriate steps shall be taken to rehabilitate it.

ECOWAS shall recognise, encourage and support the role of women in its initiatives for conflict prevention, management, resolution, peacekeeping and security.

Article 41: Co-operation with Other Organisations

ECOWAS shall co-operate with the following institutions and organisations:

- (a) national, regional NGOs and religious organisations;
- (b) Organization of African Unity, the United Nations and its agencies;
- (c) other international organisations intervening in the humanitarian sector.

The ECOMOG unit shall be adequately equipped to undertake humanitarian activities in their mission area under the control of the Special Representative of the Executive Secretary.

ECOMOG shall provide assistance to all national, regional and international agencies, particularly on security issues.

When necessary, ECOMOG shall co-ordinate the activities of humanitarian agencies in the field.

Chapter IX: Peacebuilding

The Community hereby adopts a graduated strategy for building peace which shall be implemented as a continuum.

Article 42: ECOWAS Institutional Capacity for Peacebuilding

To stem social and political upheavals, ECOWAS shall be involved in the preparation, organisation and supervision of elections in Member States. ECOWAS shall also monitor and actively support the development of democratic institutions of Member States.

ECOWAS shall endeavour to assist Member States emerging from conflicts to increase their capacity for national, social, economic and cultural reconstruction.

In this regard, all ECOWAS financial institutions shall develop policies to facilitate funding for reintegration and reconstruction programmes.

Article 43: Peacebuilding During Hostilities

In zones of relative peace, priority shall be accorded to implementation of policies designed to reduce degradation of social and economic conditions arising from conflicts.

Article 44: Peacebuilding at the End of Hostilities

To assist Member States that have been adversely affected by violent conflicts, ECOWAS shall undertake the following activities:

- (a) Consolidation of the peace that has been negotiated;
- (b) establishment of conditions for the political, social and economic reconstruction of the society and governmental institutions;
- (c) Implementation of disarmament, demobilisation and reintegration programmes including those for child soldiers;
- (d) Resettlement and reintegration of refugees and internally displaced persons;
- (e) Assistance to vulnerable persons, including children, the elderly, women and other traumatised groups in the society.

Article 45: Restoration of Political Authority

In situations where the authority of government is absent or has been seriously eroded, ECOWAS shall support processes towards the restoration of political authority. Such support may include the preparation, organisation, monitoring and management of the electoral process, with the co-operation of relevant regional and international organisations. The restoration of political authority shall be undertaken at the same time as the development of respect for human rights, enhancement of the rule of law and the judiciary.

Chapter X: Subregional Security

Article 46: Control of Trans-Border Crime

In order to facilitate the control of trans-border crime, ECOWAS shall promote close co-operation among the security services of Member States.

The security services of Member States shall assist one another and ensure proper coordination for the apprehension of criminals.

Member States shall establish specialised departments within their ministries of Justice, Defence and Security with trained personnel and communication equipment for coordination and centralisation of co-operation matters in particular, mutual assistance in criminal matters, and extradition requests.

Member States shall supply the Executive Secretariat with documents setting out the details of criminal procedures in their countries. The information provided by Member States shall include a summary of the criminal process, from beginning to end, and shall outline what is needed for each State to grant a request for mutual assistance, extradition or the restraint or forfeiture of proceeds of crime. Member States shall also provide all the contract particulars for their national units and exchange information concerning any other relevant authorities and provide updated lists of the said units. The information shall be translated and circulated by the ECOWAS Secretariat to all the specialised units (Central authorities) established to handle requests and other related matters that may arise in the course of implementation.

With a view to strengthening national legal instruments on mutual legal assistance and extradition and making them more functional and efficient, all Member States shall harmonise their domestic law in accordance with the relevant ECOWAS Conventions on Mutual Assistance in Criminal Matters and Extradition. Member States undertake to adopt a convention to incriminate and make punishable the most commonly committed crimes in the sub-region. Member States shall keep statistics, in particular, on the number of mutual legal assistance and extradition requests received and sent, as well as results obtained. There shall also be periodic meetings of the specialised departments of the Ministries of Justice, Defence and Security and the Interpol National Central Bureaux for the purpose of exchanging information on past or on-going cases and on measures aimed at improving co-operation. Member States shall develop simplified restitution procedures for vehicles and other stolen objects seized by the requested State.

The judicial and police authorities of ECOWAS Member States shall consider the red notices published by the ICPO-Interpol at the request of an ECOWAS Member State as valid requests for provisional arrest for the purpose of article 22 of the ECOWAS Convention on Extradition.

Member States shall establish a special fund for detected proceeds of crime. This fund can be used for preventive and criminal justice response to, *inter alia*, trans-border crime and drug trafficking. Member States shall also give consideration to the establishment of confiscated asset management offices, where required.

Legislation on forfeiture of proceeds of crime in Member State shall be applicable to all crimes.

ECOWAS shall establish a Crime Prevention and Criminal Justice Centre (ECPCJS) to serve as focal point for mutual legal assistance. The Centre shall be part of the Legal Department within ECOWAS. This ECPCJC shall assist in linking up ECOWAS Member States to non-ECOWAS Member States in Mutual Assistance Matters. It shall also serve as a supervisory power to ensure that countries implement conventions they sign.

Article 47: Coordination of Policies

The Executive Secretary shall be responsible for the coordination and implementation of all decisions relating to subregional security.

Article 48: Anti-Corruption Measures

To eradicate corruption within their territories and in the sub-region, ECOWAS and its Member States shall promote transparency, accountability and good governance.

Article 49: Measures Against Money Laundering

The ECOWAS Secretariat and Member States shall adopt strategies for combating the problem of money laundering, by extending the scope of offences, enabling the confiscation of laundered proceeds and illicit funds and easing bank secrecy laws within and outside the sub-region.

Article 50: Control of the Proliferation of Small Arms

While taking into account the legitimate national defence and security needs, and those of international peacekeeping operations, ECOWAS shall establish effective measures to:

- (a) control the importation, exportation, manufacture and eradicate the flow of small arms;
- (b) register and control the movement and use of legitimate arms stock;
- (c) detect, collect and destroy all illicit weapons;
- (d) encourage Member States to collect and destroy all surplus weapons.

Article 51: Preventive Measures Against the Illegal Circulation of Small Arms

ECOWAS shall take all the necessary measures to combat illicit trafficking and circulation of small arms. These measures shall include:

- (a) developing a culture of peace;
- (b) training for military, security and police forces;
- (c) enhance weapons control at border posts;
- (d) establishment of a database and regional arms register;
- (e) collection and destruction of surplus and illegal weapons;
- (f) facilitating dialogue with producers and suppliers;
- (g) reviewing and harmonising national legislation and administrative procedures;
- (h) mobilising resources.

ECOWAS shall strengthen its institutional and operational capabilities and those of its Member States for the effective implementation of the measures mentioned in paragraph 1 above.

The Executive Secretariat's Department of Political Affairs, Defence and Security shall co-ordinate and monitor implementation of all programmes and activities and shall analyse information from the zonal headquarters.

In order to promote and ensure coordination of concrete measures at national level, Member States shall, in accordance with guidelines adopted by ECOWAS, establish national commissions made up of representatives of the relevant authorities and the civil society.

At the beginning of any ECOMOG peacekeeping operations, all dedicated light weapons and ammunition shall be declared to the Executive Secretariat so as to ensure their effective control as well as removal upon completion of the operations.

All weapons collected during any disarmament exercise shall be destroyed.

Chapter XI: Co-operation with the Organization of African Unity, United Nations and other International Organisations

Article 52: Co-operation

In pursuit of its objectives, ECOWAS shall co-operate with the Organization of African Unity (OAU), the United Nations Organisation (UNO) and other relevant international organisations.

In the implementation of this Mechanism, ECOWAS shall fully co-operate with the OAU Mechanism for Conflict Prevention, Management and Resolution.

In accordance with Chapters VII and VIII of the United Nations Charter, ECOWAS shall inform the United Nations of any military intervention undertaken in pursuit of the objectives of this Mechanism.

Chapter XII: Special Provisions

Article 53: Abrogation

The provisions of this Protocol shall replace all the provisions of the ECOWAS Protocol relating to Mutual Assistance in Defence signed on 29 May 1981, which are in conflict with the spirit of this Protocol.

The provisions of the Protocol on Non-Aggression signed on 22 April, 1978, which are incompatible with those of the present Protocol are hereby declared null and void.

Undertakings devolving from the provisions of this Protocol shall not be interpreted as being against the spirit of Conventions or Agreements between one Member State and a third State; provided such Conventions and Agreements are consistent with the spirit of this Protocol, otherwise, such provisions are null and void.

Article 54: Rationalisation of Subregional Institutions

ECOWAS shall take necessary measures to rationalise all mechanisms, institutions and organs of the sub-region, having similar aims and objectives with this Mechanism.

To this end, ANAD may be transformed into a specialised agency of ECOWAS.

Chapter XIII: General and Final Provisions

Article 55: Amendments

Any Member State may submit proposals for the amendment or revision of this Protocol. Any such proposals shall be submitted to the Executive Secretary who shall notify other Member States not later than thirty days after the receipt of such proposals. Amendments or revisions shall not be considered by the Authority unless Member States shall have been given at least one month's notice thereof. Amendments or revisions shall be adopted by the Authority.

Article 56: Withdrawal

Any Member State wishing to withdraw from this Protocol shall give a one-year written notice to the Executive Secretary who shall inform Member States thereof. At the end of this period of one year, if such notice is not withdrawn, such a State shall cease to be a party to the Protocol.

During the period of one year referred to in the preceding paragraph, such a Member State shall nevertheless continue to observe the provisions of this Protocol and discharge its obligations thereunder.

Article 57: Entry into Force

This Protocol shall enter into force provisionally upon signature by Heads of State and Government. Accordingly, signatory Member States and the Executive Secretariat hereby undertake to start implementing all provisions of this Mechanism upon signature.

This Protocol shall definitely enter into force upon ratification by at least nine (9) signatory States in accordance with the constitutional procedures of each Member State.

Article 58: Depository Authority

This Protocol and all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies to all Member States and notify them of the dates of deposit of instruments of ratification by the Member States and shall register it with the Organization of African Unity (OAU), as well as the United Nations (UN) and any other organisation as may be decided by the Council.

Protocol on Democracy and Good Governance (2001)

Adopted by the 25th session of the Authority of Heads of State and Government of ECOWAS in Dakar, Senegal on 21 December 2001 (Protocol A/SP1/12/01). Available online at: <http://www.sec.ecowas.int/sitecedeo/english/protocoles/Protocol%20on%20good-governance-and-democracy-rev-5EN.pdf>

Preamble

We, the Heads of State and Government of the Member States of the Economic Community of West African States (ECOWAS),

Mindful of the ECOWAS Treaty signed in Cotonou on 24th July 1993, notably its article 58;

Mindful of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security signed in Lomé on 10 December 1999;

Considering all the issues enumerated or reaffirmed in the preamble to the Protocol of 10th December 1999 referred to above;

Mindful of the principles set out in the OAU Solemn Declaration on Security, Stability, Development and Co-operation in Africa adopted in Abuja on 8 and 9 May 2000 and the Decision AHG. DEC 142 (XXV) on the framework for OAU'S reaction to unconstitutional change of government, adopted by Algiers in July 1999;

Considering the Harare Declaration adopted by the Commonwealth on 20 December 1991 and the Bamako Declaration adopted by the member countries of the Francophonie on 3 November 2000;

Considering also the Cotonou Declaration adopted on 6 December 2000 at the end of the 4th international conference on new or restored democracies;

Recalling that women's rights have been recognised and guaranteed in all international human rights instruments, notably the Universal Declaration of Human Rights, the African Charter on Human and Peoples Rights and the Convention on the Elimination of all forms of Discrimination Against Women;

Mindful of the ratification of the African Charter on Human and Peoples Rights and other international human rights instruments by the majority of

the Member States and their solemn commitment to eliminate all forms of discrimination and harmful practices against women;
Concerned about the increasing wave of international terrorism;
Concerned also about the increasing incidence of conflicts caused by religious intolerance, political marginalisation and non-transparent elections;
Having observed that to become really effective, the Protocol of 10 December 1999 needs to be complemented through the incorporation of provisions concerning issues such as prevention of internal crises, democracy and good governance, the rule of law, and human rights;
Having decided to enhance the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;

HAVE AGREED as follows:

Definitions

The terms and expressions used in the present Supplementary Protocol have the same meanings as those used in the Protocol of 10th December 1999.

The list of definitions is completed as follows:

‘Treaty’ means the Revised Treaty of the Economic Community of West African States (ECOWAS) signed in Cotonou on 24th July 1993;

‘Protocol’ means the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, signed in Lomé on 10 December 1999;

‘Supplementary Protocol’ means the Protocol on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;

‘Community’ means the Economic Community of West African States of the Community as defined in paragraph 2 of article 2 of the Treaty;

‘Member State’ or ‘Member States’ means a Member State or Member States of the Community as defined in paragraph 2 of article 2 of the Treaty;

‘Community citizen or citizens’ means any national(s) of Member States who satisfy the conditions stipulated in the Protocol defining Community citizenship;

‘Court of Justice’ means the Court of Justice of the Community established under article 15 of the Treaty;

‘Authority’ means the Authority of Heads of State and Government of the Economic Community of West African States established by article 7 of the Treaty;

‘Mediation and Security Council’ means the Mediation and Security Council as defined by article 8 of the Protocol;

‘Defence and Security Commission’ means the Defence and Security Commission as defined in article 18 of the Protocol;

‘Executive Secretary’ means the ECOWAS Executive Secretary appointed in accordance with article 18 of the Treaty;

‘Executive Secretariat’ means the Executive Secretariat established under article 17 of the Treaty;

‘Deputy Executive Secretary’ means the Deputy Executive Secretary in charge of Political Affairs, Defence and Security as referred to in article 16 of the Protocol;

‘ECOMOG’ means the ECOWAS Cease-fire Monitoring Group, which constitutes the Community’s intervention force as defined in article 21 of the Protocol relating to the Mechanism etc;

‘Armed Forces’ includes the army, Airforce, Navy, and Gendarmerie; ‘Security Forces’ the Police, Gendarmerie, National Guards and other Forces assigned with Security.

CHAPTER I: Principles

The provisions of this chapter complement and clarify the principles set out in article 2 of the Protocol of 10 December 1999.

Section 1: Constitutional Convergence Principles

Article 1

- (a) The following shall be declared as constitutional principles shared by all Member States:
 - Separation of powers - the Executive, Legislative and Judiciary.
 - Empowerment and strengthening of parliaments and guarantee of parliamentary immunity.
 - Independence of the Judiciary: Judges shall be independent in the discharge of their duties.
 - The freedom of the members of the Bar shall be guaranteed; without prejudice to their penal or disciplinary responsibility in the event of contempt of court or breaches of the common law.
- (b) Every accession to power must be made through free, fair and transparent elections.
- (c) Zero tolerance for power obtained or maintained by unconstitutional means.
- (d) Popular participation in decision-making, strict adherence to democratic principles and decentralisation of power at all levels of governance.
- (e) The armed forces must be apolitical and must be under the command of a legally constituted political authority; no serving member of the armed forces may seek to run for elective political.
- (f) Secularism and neutrality of the State in all matters relating to religion; freedom for each individual to practise, within the limits of existing laws, the religion of his/her choice everywhere on the national territory. The secularism shall extend to all parts of the State, but shall not deprive the State of the right to regulate, with due respect to human rights, the different religions practiced on the national territory or to intervene when law and order break down as a result of any religious activity.
- (g) The State and all its institutions belong to all the citizens; therefore none of their decisions and actions shall involve any form of discrimination, be it on an ethnic, racial, religion or regional basis.
- (h) The rights set out in the African Charter on Human and Peoples’ Rights and other international instruments shall be guaranteed in each of the ECOWAS Member States; each individual or organisation shall be free to have recourse to the common or civil law courts, a court of special jurisdiction, or any other national institution established within the framework of an international instrument on Human Rights, to ensure the protection of his/her rights. In the absence of a court of special

- jurisdiction, the present Supplementary Protocol shall be regarded as giving the necessary powers to common or civil law judicial bodies.
- (i) Political parties shall be formed and shall have the right to carry out their activities freely, within the limits of the law. Their formation and activities shall not be based on ethnic, religious, regional or racial considerations.
They shall participate freely and without hindrance or discrimination in any electoral process. The freedom of the opposition shall be guaranteed.
Each Member State may adopt a system for financing political parties, in accordance with criteria set under the law.
 - (j) The freedom of association and the right to meet and organise peaceful demonstrations shall also be guaranteed.
 - (k) The freedom of the press shall be guaranteed.
 - (l) All former Heads of State shall enjoy a special status including freedom of movement. They shall enjoy special benefits compatible to their status as former Heads of State.

Section II: Elections

Article 2

1. No substantial modification shall be made to the electoral laws in the last six (6) months before the elections, except with the consent of a majority of Political actors.
2. All the elections shall be organised on the dates or at periods fixed by the Constitution or the electoral laws.
3. Member States shall take all appropriate measures to ensure that women have equal rights with men to vote and be voted for in elections, to participate in the formulation of government policies and the implementation thereof and to hold public offices and perform public functions at all levels of governance.

Article 3

The bodies responsible for organising the elections shall be independent or neutral and shall have the confidence of all the political actors. Where necessary, appropriate national consultations shall be organised to determine the nature and the structure of the bodies.

Article 4

1. Each ECOWAS Member State shall ensure the establishment of a reliable registry of births and deaths. A central registry shall be established in each Member State.
2. Member States shall co-operate in this area with a view to exchanging experiences and where necessary providing technical assistance to each other in the production of reliable voters' lists.

Article 5

The voters' lists shall be prepared in a transparent and reliable manner, with the collaboration of the political parties and voters who may have access to them whenever the need arises.

Article 6

The preparation and conduct of elections and the announcement of results shall be done in a transparent manner.

Article 7

Adequate arrangements shall be made to hear and dispose of all petitions relating to the conduct of elections and announcement of results.

Article 8

Member States shall use the services of civil society organisations involved in electoral matters to educate and enlighten the public on the need for peaceful elections devoid of all acts of violence.

Article 9

The party and/or candidate who loses the elections shall concede defeat to the political party and/or candidate finally declared the winner, following the guidelines and within the deadline stipulated by the law.

Article 10

All holders of power at all levels shall refrain from acts of intimidation or harassment against defeated candidates or their supporters.

Section III: Election Monitoring and ECOWAS Assistance

Article 11

The provisions of article 42 of the Protocol of 10 December 1999 hereby complemented by the provisions under this section.

Article 12

1. At the request of any Member State, ECOWAS may provide assistance in the conduct of any election.
2. Such assistance may take any form.
3. Also, ECOWAS may dispatch a monitoring team to the country concerned for the purpose of monitoring the elections.
4. The decision in this respect shall be taken by the Executive Secretary.

Article 13

1. As elections in a Member State approach, the Executive Secretary shall dispatch a fact-finding Mission to the Member State conducting an election.
2. This mission may be followed by an exploratory Mission aimed at:
 - Collecting all texts governing the elections concerned;
 - Gathering all information on the conditions under which the elections shall be conducted;
 - Collecting all pertinent information relating to the contesting candidates or political parties;
 - Meeting all candidates, political party leaders, government authorities and other competent bodies;
 - Assessing the status of preparations for the elections;
 - Gathering any other useful information that may provide a clear picture of the situation.

Article 14

1. The Executive Secretary shall appoint the leader and the members of the Observer/Supervisory Mission, who shall be independent persons and Nationals of Member States other than the Member State conducting the Elections.
2. The Members of the Mission shall include women.
3. Staff of the Executive Secretariat shall be designated to assist the Mission.

Article 15

1. The Observer/Supervisory Mission, with the documents collected by the exploratory Mission and the report prepared by the Mission, shall arrive in the Member State concerned at least forty-eight hours prior to the conduct of the elections.
2. The Observer/Supervisory Mission may be preceded by ECOWAS Staff, who shall prepare the meetings to be held between the Mission and the national authorities.
3. The Mission shall be expected to hold consultations with the relevant authorities of the host government for an exchange of views and in order to determine the mode of deployment in the host Member State.
4. It may establish co-operation links with NGO or any other observer team while maintaining its autonomy.
5. The members of the Mission shall show restraint and refrain from making any individual statement. Any statement shall be made collectively and on behalf of the Mission by the team leader or a spokesperson appointed for this purpose.

Article 16

1. The Mission shall remain in the country throughout the election period and until the election results are announced.
2. The Mission shall also submit a report to the Executive Secretary.
3. The Report shall comprise:
 - The Mission's own observations;
 - Statements by witnesses;
 - Its assessment of the conduct of the elections from the point of view of the national laws governing the elections and the universal principles in electoral matters;
 - Its recommendations for the improvement of the conduct of future elections and monitoring Missions.

Article 17

1. The Observer/Supervisory Mission's report shall be signed by all Members of the Mission and submitted to the Executive Secretary by the Mission's leader within fifteen (15) days with effect from the date of accomplishment of the Mission.
2. Before leaving the host country, the Mission shall convene a consultative meeting for the preparation of the report.
3. Any member of the Mission, who is unable to attend the meeting, shall submit a report in writing to the Mission's leader before leaving the country.
4. ECOWAS Staff shall assist the Mission in the preparation of the report.

Article 18

The report shall be forwarded by the Executive Secretary, together with his own observations, if necessary, to the Mediation and Security Council for recommendations to be made to the country concerned and/or to all Member States, and for measures to be taken, where necessary.

Section IV: The Role of the Armed Forces, the Police and the Security Forces in a Democracy

Article 19

1. The armed forces and police shall be non-partisan and shall remain loyal to the nation. The role of the armed forces shall be to defend the independence and the territorial integrity of the State and its democratic institutions.
2. The police and other security agencies shall be responsible for the maintenance of law and order and the protection of persons and their properties.
3. The armed forces, the police and other security agencies shall participate in ECOMOG missions as provided for in article 28 of the Protocol.
4. They may also, on the decision of the constitutionally constituted authorities, participate in peacekeeping missions under the auspices of the African Union or the United Nations.
5. Members of the armed forces may be drafted to participate in national development projects.

Article 20

1. The armed forces, the police and other security agencies shall be under the authority of legally constituted civilian authorities.
2. The civilian authorities shall respect the apolitical nature of the armed forces and police. All political or trade union activities and propaganda shall be forbidden in the barracks and within the armed forces.

Article 21

The armed and security forces personnel as citizens, shall be entitled to all the rights set out in the constitution, except as may be stated otherwise in their special regulations.

Article 22

1. The use of arms to disperse non-violent meetings or demonstrations shall be forbidden. Whenever a demonstration becomes violent, only the use of minimal and/or proportionate force shall be authorised.
2. All cruel, inhuman and degrading treatment shall be forbidden.
3. The security forces, while carrying out investigations, shall not disturb or arrest family members or relations of the person presumed guilty or suspected of having committed an offence.

Article 23

1. The armed forces, the police and other security agencies shall during their training receive instructions on the Constitution of their country, ECOWAS principles and regulations, human rights, humanitarian law and

democratic principles. In this regard, seminars and meetings bringing together members of the armed forces, Police and other Security agencies and other sectors of society shall be organised from time to time.

2. Joint training sessions shall also be arranged for members of the armed forces from different ECOWAS countries, the police, other security forces, university dons and members of the civil society.

Article 24

1. The Member States undertake to strengthen their national agencies responsible for preventing and combating terrorism.

2. In accordance with articles 3(d) and 16(1) of the Protocol, the Department of Political Affairs, Defence and Security of the Executive Secretariat shall initiate joint activities for the national agencies of Member States in charge of preventing and combating terrorism.

Section V: Poverty Alleviation and Promotion of Social Dialogue

Article 25

Member States agree that poverty alleviation and promotion of social dialogue are important factors for peace.

Article 26

Member States undertake to provide the basic human needs of their populations.

Article 27

Member States undertake to fight poverty effectively in their respective countries and within the Community, especially by:

- Creating an environment conducive to private investment and the development of a dynamic and competitive private sector;
- Providing the instruments necessary for the enhancement of job creation and for the development of the social sector as a matter of priority;
- Ensuring equitable distribution of resources and income in order to consolidate national unity and solidarity;
- Enhancing the integration of economic, financial and banking activities through harmonisation of commercial and financial laws and establishment of Community multi-national corporations.

Article 28

1. Employers associations and trade unions shall be organised and/or strengthened in each Member State and at the regional level of ECOWAS.

2. Member States shall promote social dialogue. In this regard, employers associations and workers unions shall meet regularly among themselves and with political and administrative authorities with a view to preventing social conflict.

3. There shall be associations of farmers, artisans and artists in each Member State and at the subregional level of ECOWAS.

Section VI: Education, Culture and Religion

Article 29

Education, culture and religion are essential factors for peace, stability and development in each Member State.

Article 30

1. There shall be regular exchanges of students and academics between Member States.
2. Community institutions shall be established to provide training for students from the sub-region.
3. In accordance with article 36 of the Protocol, the Executive Secretariat shall, from now on, provide budgetary allocations for immediate funding of the programmes as contained in this article.
 - Each Member State shall in the shortest possible time also make a contribution for the take-off and implementation of the programmes contained in this article.
 - A percentage of the Community levy shall be allocated for the establishment of a fund for the implementation of the activities outlined in this article.
4. A policy to promote women's education at all levels and in all fields of training shall be adopted and implemented in each Member State and at the level of ECOWAS.
5. Member States shall guarantee women equal rights with men in the field of education and in particular, shall ensure the same conditions for career and vocational guidance, access to the same curricula, access to opportunities to benefit from scholarships and other study grants. They shall also ensure the elimination of stereotyped concepts of roles of men and women at all levels and in all forms of education.

Article 31

1. The culture of every group of people in each Member State shall be respected and developed.
2. The Executive Secretary shall take the necessary measures to organise, within the sub-region, periodic inter-state cultural events: festivals of arts and culture, symposia, various cultural events on literature, music, arts, and sports.
3. Member States undertake to take measures to eliminate or prevent religious conflicts and to promote religious tolerance and harmony. To this end, permanent structures for consultations among the different religions on the one hand and between the different religions and the State on the other hand, shall be established at national levels.
4. The Executive Secretary shall take the necessary measures to promote, through periodic meetings, consultations among the religious organisations of Member States. Section VII: Rule of Law, Human Rights and Good Governance

Article 32

Member States agree that good governance and press freedom are essential for preserving social Justice, preventing conflict, guaranteeing political stability and peace and for strengthening democracy.

Article 33

1. Member States recognise that the rule of law involves not only the promulgation of good laws that are in conformity with the provisions on human rights, but also a good judicial system, a good system of administration, and good management of the State apparatus.

2. They are also convinced that a system that guarantees smooth running of the State and its administrative and judicial services, contributes to the Consolidation of the rule of law.

Article 34

1. Member States and the Executive Secretariat shall endeavour to adopt at national and regional levels, practical modalities for the enforcement of the rule of law, human rights, justice and good governance.

2. Member States shall ensure accountability, professionalism, transparency, and expertise in the public and private sectors.

Article 35

1. Member States shall establish independent national institutions to promote and protect human rights.

2. The Executive Secretariat shall take measures to strengthen their capacities.

The institutions shall be organised into a regional network. Within the framework of this network, each national institution shall systematically submit to the Executive Secretariat, any report on human rights violations observed on its territory.

Such reports and reactions of governments shall be widely disseminated through the most appropriate means.

Article 36

Member States shall institutionalise a national mediation system.

Article 37

1. Each Member State shall work towards ensuring pluralism of the information sector and the development of the media.

2. Each Member State may give financial assistance to privately-owned media.

The distribution and allocation of such assistance shall be done by an Independent national body or by a body freely instituted by the journalists themselves.

Article 38

1. Member States undertake to fight corruption and manage their national resources in a transparent manner, ensuring that they are equitably distributed.

2. In this regard, Member States and the Executive Secretariat undertake to establish appropriate mechanisms to address issues of corruption within the Member States and at the Community level.

Article 39

Protocol A/P1/7/91 adopted in Abuja on 6 July 1991 relating to the Community Court of Justice, shall be reviewed so as to give the Court the

power to hear, inter-alia, cases relating to violations of human rights, after all attempts to resolve the matter at the national level have failed.

Section VIII: Women, Children and the Youth

Article 40

Member States agree that the development and promotion of the welfare of women are essential factors for development, progress and peace in the society. Consequently, they undertake to eliminate all forms of discrimination and harmful and degrading practices against women.

Article 41

1. Member States shall guarantee children's rights and give them access to basic education.
2. Special laws shall be enacted in each Member State and at the level of the Community against child trafficking and child prostitution.
3. The Community shall adopt laws and regulations on Child Labour in line with the provisions of the International Labour Organisations (ILO).

Article 42

1. Member States shall agree on rules to be adopted on the training and development of the youth.
2. Uniform laws shall be adopted within the Community to prevent and handle cases of juvenile delinquency.

Article 43

The Executive Secretariat shall put in place all necessary structures within its establishment to ensure the effective implementation of common policies and programmes relating to the education and the promotion of the welfare of women and youth.

CHAPTER II: Modalities for Implementation and Sanctions

Article 44

1. This article complements the provisions of Chapter V of the Protocol of 10 December 1999.
2. In order to give full force to the provision of article 28 of this Supplementary Protocol and in accordance with article 57 of the Treaty, a legal convention incorporating, if need be, Convention A/P1/7/91 relating to mutual assistance in criminal matters, and the Convention A/P1/8/94 on Extradition shall be elaborated and adopted not later than twelve months after the entry into force of this Supplementary Protocol.

Article 45

1. In the event that democracy is abruptly brought to an end by any means or where there is massive violation of Human Rights in a Member State, ECOWAS may impose sanctions on the State concerned.
2. The sanctions which shall be decided by the Authority, may take the following forms, in increasing order of severity:

- Refusal to support the candidates presented by the Member State concerned for elective posts in international organisations;
 - Refusal to organise ECOWAS meetings in the Member State concerned;
 - Suspension of the Member State concerned from all ECOWAS decision-making bodies. During the period of the suspension the Member State shall be obliged to pay its dues for the period.
3. During the period of suspension, ECOWAS shall continue to monitor, encourage and support the efforts being made by the suspended Member State to return to normalcy and constitutional order.
 4. On the recommendation of the Mediation and Security Council, a decision may be taken at the appropriate time to proceed as stipulated in article 45 of the Protocol of 10 December 1999.

CHAPTER III: General and Final Provisions

Article 46

This Supplementary Protocol shall form an integral part of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, signed in Lome on 10 December 1999.

Article 47: Amendments

1. Any Member State may submit proposals for the amendment or revision of this Supplementary Protocol.
2. Any such proposals shall be submitted to the Executive Secretary who shall notify other Member States not later than thirty days after the receipt of such proposals. Amendments or revisions shall not be considered by the Authority, unless Member States shall have been given at least one month's notice thereof.
3. Amendments or revisions shall be adopted by the Authority.

Article 48: Withdrawal

1. Any Member State wishing to withdraw from this Supplementary Protocol shall give a one-year written notice to the Executive Secretary who shall inform Member States thereof. At the end of this period of one year, if such notice is not withdrawn, such a State shall cease to be a party to this Supplementary Protocol.
2. During the period of one year referred to in the preceding paragraph, such a Member State shall nevertheless continue to observe the provisions of this Supplementary Protocol and discharge its obligations thereunder.

Article 49: Entry into force

This Supplementary Protocol shall enter into force upon ratification by at least nine (9) signatory States in accordance with the constitutional procedures of each Member State.

Article 50: Depository Authority

This Supplementary Protocol and all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies to all Member States and notify them of the dates of deposit of instruments of ratification by the Member States and shall register it with the

Organization of African Unity (OAU)/African Union (AU), as well as the United Nations (UN) and any other organisation as may be decided by the Council.

**(f) Intergovernmental
Authority on Development
(IGAD)**



BP 2653 Djibouti Republic of Djibouti Tel: +25 33 54-0050 Fax: +25 33 56-994/353 520 Website: http://www.igad.org E-mail: igad@intnet.dj	<ul style="list-style-type: none"> • Djibouti • Eritrea • Ethiopia • Kenya • Somalia • Sudan • Uganda
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**Agreement Establishing the Intergovernmental
Authority on Development (IGAD) (1996)**

Adopted by the Assembly of Heads of State and Government in Nairobi, Kenya on 21 March 1996. Available online at http://www.igad.org/about/agreement_establishing_igad.pdf

...

Article 6A: Principles

The Member States solemnly reaffirm their commitment to the following principles:

- (a) The sovereign equality of all Member States;
- (b) Non-interference in the internal affairs of Member States;
- (c) The peaceful settlement of inter- and intra-State conflicts through dialogue;
- (d) Maintenance of regional peace, stability and security;
- (e) Mutual and equitable sharing of benefits accruing from co-operation under this Agreement;

- (f) Recognition, promotion and protection of human and people's rights in accordance with the provisions of the African Charter on Human and People's Rights.

...

Article 13A: Areas of Co-operation

Member States agree to develop and expand co-operation and undertake to:

- (a) enhance co-operation and coordination of their macroeconomic policies in the areas of sustainable agricultural development and food security;
 - (b) improve the handling and analysis of data in agro-meteorology and climatology, nutrition, social and economic indicators and establish a strong food information system;
 - (c) co-ordinate and strengthen effective mechanisms for monitoring and control of migrant pests, spread of animal and plant diseases and pests;
 - (d) co-operate in improving their capacity in agricultural research, training and extension services;
 - (e) co-ordinate their effort to:
 - preserve, protect and improve the quality of the environment;
 - ensure the prudent and rational utilisation of natural resources;
 - develop harmonious environmental management strategies and policies;
 - strengthen national and subregional meteorological networks and services;
 - strengthen the subregional seismological network;
 - strengthen the hydrological networks and services;
 - strengthen land resource monitoring systems;
 - promote environmental education and training.
 - (f) co-ordinate their efforts towards the sustainable management and utilisation of shared natural resources;
 - (g) harmonise existing national plans of action for marginal lands and dry lands management and control of land degradation in line with the resolution of Urgent Action for Africa under the UN Convention to Combat Desertification (UNCCD). In this regard Member States shall prepare National Action Programmes to implement the UNCCD;
 - (h) support the elaboration of Subregional Action Programmes for the implementation of the UNCCD in line with the Implementation Annex for Africa under the Convention;
 - (i) work towards the promotion of trade and gradual harmonisation of their trade policies and practices and the elimination of tariff and non-tariff barriers to trade so that it can lead to regional economic integration;
 - (j) gradually harmonise their transport and communication policies, and development of infrastructure and remove physical and non physical barriers to inter-state transport and communications;
 - (k) co-operate in the gradual harmonisation of their fiscal and monetary policies;
 - (l) create an enabling environment for cross border investment and gradually harmonise their investment policies;
 - (m) co-operate in increased sustainable utilisation and development of energy resources in the sub-region, and in the gradual harmonisation of their national energy policies and energy development plans;
- ...
- (o) facilitate the free movement and right of establishment of residence of their nationals within the sub-region;

- (p) promote social and cultural exchanges as an effective means of consolidating regional co-operation and understanding;
- (q) respect the fundamental and basic rights of the peoples of the region to benefit from emergency and other forms of humanitarian assistance;
- (r) at the national level and in their relations with one another, be at all times guided by the objectives of saving lives, of delivering timely assistance to people in distress and of alleviating human suffering. In this regard, Member States shall facilitate the movement of food and emergency supplies in the event of man-made or other natural disasters from surplus of deficit areas;
- (s) facilitate repatriation and reintegration of refugees, returnees and displaced persons and demobilised soldiers in co-operation with relevant governmental and non-governmental organisations in accordance with the existing national, regional and international instruments;
- (t) work out programmes and projects that could help establish a relief, rehabilitation and development continuum.

...

Article 18A: Conflict Resolution

Member States shall act collectively to preserve peace, security and stability which are essential prerequisites for economic development and social progress. Accordingly Member States shall:

- (a) take effective collective measures to eliminate threats to regional co-operation peace and stability;
- (b) establish an effective mechanism of consultation and co-operation for the pacific settlement of differences and disputes;
- (c) accept to deal with disputes between Member States within this subregional mechanism before they are referred to other regional or international organisations.

...

The IGAD region has also developed two key instruments relating to peace and security namely:

Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States (2002)

Signed in Khartoum, Sudan on 9 January 2002. The Conflict Early Warning and Response Mechanism (CEWARN) Unit for IGAD was set up in June 2003 in Addis Ababa, Ethiopia. Available online at http://www.igad.org/psd/cewarn_protocol.pdf

...

Recalling the principles and objectives enshrined in the Agreement Establishing the Intergovernmental Authority on Development (IGAD);

Reaffirming the objectives of promoting regional peace, security and stability and creating mechanisms for the prevention, management and resolution of inter- and intra-state conflicts through dialogue;

Determined to act collectively to preserve peace, security and stability in the region, to enhance regional co-operation and to eliminate all forms of threat thereto;

Inspired by the need to establish an effective mechanism of consultation and co-operation for the peaceful settlement of disputes;

Convinced of the need to respond early to conflicts in the region;

Taking note of the Khartoum Declaration of the Eighth IGAD Summit that took place on 23 November, 2000, and particularly the resolution for the establishment of a Conflict Early Warning and Response Mechanism (CEWARN) for IGAD Member States

HAVE AGREED as follows:

Article 1: Definitions

In this Protocol:

'Protocol' means the Protocol Establishing a Conflict Early Warning and Response Mechanism for IGAD member states;

'Establishing Agreement' means the Agreement Establishing the Intergovernmental Authority on Development (IGAD);

'Khartoum Declaration' means the Khartoum Declaration of the 8th IGAD Summit of 23 November 2000;

'Member state' means a member of CEWARN;

'Assembly' means the Assembly of Heads of State and Government of IGAD;

'Council' means the Council of Ministers of IGAD;

'Committee' means the Committee of Ambassadors of IGAD

'Chairman of the Council' means the Chairman of the Council of Ministers of IGAD;

'Executive Secretary' means the Chief Executive Officer of IGAD;

'Secretariat' means the executive body of the Assembly (article 12, Establishing Agreement);

'CEWARN' means the Conflict Early Warning and Response Mechanism established by this Protocol;

'CEWARN Unit' means the IGAD Secretariat's technical arm of CEWARN;

'CEWERU' means national conflict early warning and response mechanism;

'Early warning' is the process of collecting, verifying and analysing information and communicating the results to decision-makers;

'Information' means raw data that has not been analysed;

'Analysis' means the interpretation of data in a specific context;

'Response' means actions to prevent, mitigate and manage conflict.

Article 2: Establishment of CEWARN

1. A Conflict Early Warning and Response Mechanism (CEWARN) is hereby established.

2. CEWARN shall become an integral part of the Intergovernmental Authority on Development.

3. Only Member states which have ratified this protocol are entitled to participate in the activities of CEWARN.

Article 3: The Legal Foundation of CEWARN

1. In addition to the Establishing Agreement and the Khartoum Declaration, the following shall form the legal foundation of CEWARN:

- (a) The Protocol establishing CEWARN;
- (b) Agreements which may be concluded between CEWARN and international, regional and subregional organisations;
- (c) National laws on information and security subject to the provisions of this Protocol and the guidelines provided in the Annex.

2. Member states are encouraged to adjust their relevant national laws in order to accommodate their obligations under this Protocol.

Article 4: Structure of CEWARN

1. The decision-making structures for CEWARN established under this Protocol are complementary to those already existing in IGAD.

2. The structure of CEWARN is established as follows:

- (a) The policy arm consisting of the Assembly, Council and Committee;
- (b) The administrative arm consisting of the Secretariat;
- (c) The technical arm consisting of:
 - (i) CEWARN Unit;
 - (ii) CEWERUs.
- (d) The co-operating arms consist of:
 - (i) optional inter-state structures;
 - (ii) optional subregional councils.
- (e) The coordinating arms consist of:
 - (i) The Committee of Permanent Secretaries established under article 9 of this Protocol;
 - (ii) The Technical Committee on Early Warning (TCEW).

Article 5: Functions of CEWARN

1. The functions of CEWARN cover both early warning and response and shall include the following:

- (a) Promote the exchange of information and collaboration among member states on early warning and response on the basis of the following principles:
 - (i) timeliness;
 - (ii) transparency;
 - (iii) co-operation;
 - (iv) free flow of information.
- (b) Gather, verify, process and analyse information about conflicts in the region according to the guidelines provided in the Annex;
- (c) Communicate all such information and analysis to decision makers of IGAD policy organs and the national governments of Member States;
- (d) More specifically, the early warning functions of CEWARN shall include:
 - (i) receiving information and reports from CEWERUs;
 - (ii) processing and analysing such information;
 - (iii) bringing that information to the attention of the secretariat;
 - (iv) providing the necessary feedback to the CEWERUs;

- (v) disseminating such information as it is authorised, to those who are authorised, and in a manner that member states prescribe;
- (vi) updating and synthesising information;
- (vii) setting standards;
- (viii) monitoring and coordinating information collection and reporting;
- (ix) promoting dialogue on information and analysis;
- (x) networking among information gathering organisations;
- (xi) verifying information received from the CEWERUs.

Article 6: The CEWARN Unit

1. The CEWARN unit shall be part of the Directorate of Political and Humanitarian Affairs and will be governed by the IGAD service regulations.
2. The CEWARN unit shall have financial autonomy to the extent necessary for the performance of its functions.
3. The CEWARN Unit may initiate co-operative arrangements with inter-national, regional and subregional organisations.
4. The terms, conditions and modalities governing such arrangements shall be governed by agreements concluded between IGAD and such other organisations.
5. The terms and conditions will be decided by the Executive Secretary in consultation with the Committee of Permanent Secretaries.

Article 7: Functions of the CEWARN Unit

The functions of the CEWARN Unit shall be to:

1. Assist the Secretariat to administer IGAD's Documentation Centre.
2. Identify users of the information processed by CEWARN, and their needs.
3. Establish networks of co-operation in early warning and response among member states.
4. Serve users by:
 - (a) acting as a clearing house for information;
 - (b) creating and managing databases on information for early warning and response;
 - (c) providing a shared internet communication centre for CEWERUs;
 - (d) developing guidelines for information users in consultation with the Committee on Early Warning;
 - (e) setting standards and developing common practices for information collection, reporting and documentation, and establishing common formats for reporting on conflict early warning;
 - (f) harmonising common information policies and systems for early warning in member states.
5. Support the development of CEWERUs and provide technical assistance for their establishment.
6. Develop close co-operation among CEWERUs.
7. Establish collaborative relationships, including information sharing, with similar international, regional and subregional mechanisms in Africa.
8. Train CEWERU personnel and generally promote human and institutional capacity building in the area of early warning and response.
9. Recommend mechanisms for regional responses to cross-border and trans-border conflicts.

Article 8: Structures of Co-operation

1. Member states may establish inter-state structures for co-operation in addition to the national and regional structures for co-operation in early warning provided for in this Protocol.
2. Such inter-state structures of co-operation may be established through bilateral agreements, memoranda of understanding, or through any other means that the cooperating members may decide.
3. While the right of member states to establish inter-state structures of co-operation in early warning and response is preserved, such structures should complement and strengthen the integrity and sustainability of CEWARN.
4. Individual clusters of member states experiencing common security problems, such as livestock rustling, may form Subregional Peace Councils, or refer such problems to existing bilateral arrangements.
5. Subregional Peace Councils shall meet as often as their members may decide for the purposes of sharing information on specific peace and security related issues in the sub-regions.
6. The Executive Secretary shall facilitate administratively periodic reports of the subregional peace councils to the Committee on Early Warning.
7. Any agreement concluded by subregional member states shall promote the objectives, functioning and sustainability of CEWARN.

Article 9: Co-ordinating Structures

1. The regional structure of early warning shall consist of CEWARN, the Secretariat, the Committee on Early Warning, the Committee of Ambassadors, the Council of Ministers and the Assembly.
2. There shall be a Committee of Permanent Secretaries. This Committee shall be composed of:
 - (a) Permanent Secretaries or equivalent ranks of the Ministries for Foreign Affairs;
 - (b) The Executive Secretary, the Director of Political and Humanitarian Affairs and Coordinator of the CEWARN Unit as *ex officio* members.
3. The Committee of Permanent Secretaries shall report directly to the Council.
4. The Committee of Permanent Secretaries shall meet at least twice a year.
5. There shall be a Technical Committee on Early Warning composed of:
 - (a) the Heads of CEWERU;
 - (b) one representative from civil society or one representative from an independent research institution of each member state;
 - (c) the coordinator of the CEWARN Unit.
6. The Technical Committee on Early Warning will report to the Committee of Permanent Secretaries
7. The Technical Committee on Early Warning shall meet at least twice a year.

Article 10: Co-ordinating Functions

1. The functions of the Committee of Permanent Secretaries are to:
 - (a) exchange information on conflict and early warning;
 - (b) be a link between the Assembly, the Council, the Committee and the Secretariat;

- (c) harmonise coordination between CEWARN and CEWERUs;
 - (d) report and make recommendations to the Council on the following areas:
 - (i) conflict in the IGAD region;
 - (ii) coordination between CEWARN and CEWERUs;
 - (iii) co-operation between governments and civil society in early warning and conflict management;
 - (iv) recommendations for preventive action.
 - (e) review periodically the functioning of CEWARN;
 - (f) approve users of information suggested by the secretariat;
 - (g) link and co-ordinate the policy, administrative and technical functions.
2. The functions of the Early Warning Committee shall be to:
- (a) promote co-operation between CEWERUs of member states;
 - (b) promote co-operation between CEWERUs and CEWARN Unit;
 - (c) review periodically the Protocol on information sharing and recommend amendments whenever necessary;
 - (d) review the reports of the following consultative mechanisms:
 - (i) consultations between representatives of CEWARN and CEWERUs held at least twice a year;
 - (ii) consultations between CEWERUs and local units which will be held quarterly or at such more frequent intervals as each member state may determine.
 - (e) liaise between civil society and the Secretariat.

Article 11: Structure of CEWERUs

1. A CEWERU shall be established in the most suitable location as member states decide taking into account their logistical and administrative arrangements.
2. A CEWERU will consist of:
- (a) an optional steering committee;
 - (b) a focal point;
 - (c) local committees.
3. The CEWERU steering committee shall include:
- (a) representatives of the central government;
 - (b) representatives from parliament;
 - (c) representatives of the provincial administration;
 - (d) police;
 - (e) military;
 - (f) representatives of civil society, including religious organisations;
 - (g) academic institutions;
 - (h) research institutions;
 - (i) such other representatives as individual governments may designate.
4. The steering committee shall report to the Committee of Permanent Secretaries.
5. CEWERUs shall be linked to IGAD through the CEWARN Unit and the Ministry of Foreign Affairs in each member state and shall serve as the focal point for communications between CEWERUs and CEWARN.

Article 12: Function of CEWERUs

1. The functions of CEWERUs shall include:
- (a) collecting information relevant to early warning and response;

- (b) liaising with civil society groups involved in collecting information at the grassroots and other levels;
- (c) undertaking preliminary analysis of collected information;
- (d) reviewing analyses received;
- (e) formulating response strategies;
- (f) preparing periodic conflict early warning reports;
- (g) communicating information and analysis gathered to the CEWARN Unit.

Article 13: Privileges and Immunities

Member states shall accord designated experts and officials on special mission for CEWARN privileges and immunities necessary for the performance of their activities. Such privileges and immunities shall not be lesser than those accorded to officials of the Secretariat of comparable status

Article 14: Resources of the Mechanism

1. CEWARN, through the IGAD Secretariat, shall have the power to solicit and receive grants and donations related to the performance of its functions
2. The resources of CEWARN shall come from:
 - (a) contributions from member states;
 - (b) grants, donations and contributions from other sources approved by the Council.

...

Policy Framework for the Establishment of the Eastern Africa Standby Brigade (EASBRIG) (2005)

Adopted at the first EASBRIG Assembly of Heads of State and Government in Addis Ababa, Ethiopia on 11 April 2005. Available online at <http://www.reliefweb.int/library/documents/2005/igad-afr-11apr.pdf>

Introduction

1. Pursuant to the provision of article 4 of the Constitutive Act of the African Union and the Protocol for the establishment of the Peace and Security Council (PSC), adopted by the Heads of State and Government at the Meeting held in July 2002, in Durban, South Africa, relating to the maintenance of peace and security in Africa, consistent with Chapter VIII of the Charter of the United Nations and;
2. Consistent with the Protocol adopted by the Summit of the African Union, held between 6 and 8 July, 2004, in Addis Ababa, Ethiopia, relating to the establishment of the African Standby Force (ASF) and;
3. Following the Decision of the Summit of the African Union held between 6 and 8 July 2004, in Addis Ababa, Ethiopia, obligating the establishment of the Eastern Africa Standby Brigade (EASBRIG), a Policy Framework for the

establishment of the Brigade HQ (BRIG HQ), the Planning Element (PLANELM) and Logistics base, is hereby formulated.

4. Establishment of EASBRIG

There shall be an Eastern Africa Standby Brigade (EASBRIG) composed of countries in the region namely Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mauritius, Rwanda, Seychelles, Somalia, Sudan, Tanzania and Uganda.

5. Decision making structure

The decision making structure of the EASBRIG shall be composed as follows:

- (a) The Assembly of Heads of State and Government;
- (b) The Council of Ministers of Defence and Security; and
- (c) The Committee of Chiefs of Defence Staff.

6. The Chair, the Vice Chair and the Rapporteur

- (a) The Chair of the EASBRIG of all three structures shall be held by one Member State on a one-year rotational basis. The Chairing country will co-ordinate with IGAD on all matters affecting the EASBRIG, in the interim period;
- (b) The Vice Chair: There shall be a Vice Chair of all three structures of the EASBRIG, to be held on a one year rotational basis;
- (c) The Rapporteur: The Rapporteur shall be the outgoing Chair.

7. The EASBRIG structures

The EASBRIG shall be composed of the Standby Brigade HQs, the Planning Element (PLANELM) and the Logistic Base.

8. Standby Brigade HQ

The arrangements for the Standby Brigade HQ shall be:

- (a) A Standby Brigade HQ shall be established and located as a separate entity from the PLANELM;
- (b) The Brigade HQ shall be located in Ethiopia;
- (c) The head of the Brigade HQ shall be a military officer of the rank of a Brigadier or equivalent;
- (d) Each Member State shall second officers to the Brigade Headquarters for a period of one year. A mechanism for staggering the rotations shall be worked out, in order to ensure continuity;
- (e) The country hosting the HQ shall appoint the Commander of the Brigade in the first year. Subsequently, the appointment of the commander shall be on a rotational basis (alphabetical order of Member States);
- (f) When nominating a commander for appointment by the Council, the Chiefs of Defense shall consider the appropriateness of the offer;
- (g) Where the AU mandates a deployment the PSC shall appoint the commander;
- (h) The host nation shall offer to the EASBRIG HQ physical facilities, such as office buildings, furniture, fittings and other facilities that may be required for the smooth functioning for the Brigade HQ.

9. The PLANELM

There shall be a Planning Element (PLANELM) of the Brigade.

- (a) A PLANELM shall be established and located in Kenya;
- (b) The host nation shall offer free physical facilities, such as office buildings, furniture, fittings and other facilities, that may be required for the smooth functioning of the PLANELM;
- (c) The head of PLANELM shall be a Chief of Staff, a military officer of the military rank of Colonel, or equivalent;

- (d) The Chief of Staff in the first year shall be appointed from the country hosting the PLANELM. Thereafter, the Chief of Staff should be appointed on a rotational basis (alphabetical order of Member States);
- (e) Each Member State of the EASBRIG shall second officers to the PLANELM for a minimum period of one year. A mechanism for staggering the rotations shall be worked out, in order to ensure continuity.

10. Logistic base

In consideration of the need for effective command and control of the regional logistic resources, in support of the EASBRIG deployments, the EASBRIG Logistic Base shall be co-located with the standby Brigade HQ.

- (a) The EASBRIG Logistic Base shall be located in Ethiopia, with outposts in Member States as and when required;
- (b) The head of the Logistic Base shall be a military officer of the rank of Colonel or equivalent;
- (c) Positions at the Logistic Base shall be held on rotational basis.

11. Staffing and remuneration

- (a) Officers and professional civilians who shall man specific positions in the Brigade HQ, the PLANELM and the Log Base shall be contributed by Member States, who shall continue to pay their salaries. As for mission allowances the said staff shall be covered by the EASBRIG;
- (b) The Non Commissioned Officers (NCOs), employed in the three Organs of the EASBRIG, shall be contributed and remunerated by the host nations;
- (c) The civilian support staff employed in the three Organs of the EASBRIG shall be employed and paid by the EASBRIG;
- (d) All other allowances such as medical, insurance, travel and out of station duty allowance for all staff working at the EASBRIG shall be met by the EASBRIG.

12. Hosting agreements

Hosting agreements shall be concluded between the EASBRIG coordinating body and the host Nations, for the Brigade HQ, PLANELM and Logistic Base, regarding the status of the facilities and their legal and administrative aspects.

...

14. Interim coordination of the EASBRIG

IGAD shall play an interim coordination role:

- (a) Co-ordinate all activities of the EASBRIG;
- (b) Call meetings of the Council of Ministers of Defence and Security for EASBRIG;
- (c) Calling the meetings of the Assembly of Heads of States;
- (d) Undertake fundraising in conjunction with other RECs, the AU and the UN to support the work of the EASBRIG;
- (e) Provide/share information to facilitate planning for the EASBRIG;
- (f) Establish an EASBRIG Fund, to which all funds and resources offered by the International Community and partners will be deposited.

15. Mandate

All the EASBRIG missions shall be mandated by the Peace and Security Council (PSC) of the African Union (AU).

16. Mission scenarios

The EASBRIG shall adopt the following the following mission scenarios:

- (a) Scenario 1: AU/Regional military advice to a political mission, e.g., in Cote d'Ivoire;

- (b) Scenario 2: AU/Regional observer mission co-deployed with a UN Mission, e.g., the OAU/AU Liaison Mission in Ethiopia-Eritrea (OLMEE) or the Verification Monitoring Team (VMT) in the Sudan;
 - (c) Scenario 3: Stand-alone AU/Regional observer mission, e.g., the AU Mission in Burundi (AMIB) or the AU Mission in the Comoros (AMIC);
 - (d) Scenario 4: AU/Regional peacekeeping force for Chapter VI and preventive deployment missions (and peacebuilding), e.g., the AU Mission in Burundi (AMIB);
 - (e) Scenario 5: AU peacekeeping force for complex multidimensional peacekeeping missions, including those involving low-level spoilers;
 - (f) Scenario 6: AU intervention, e.g., in genocide situations where the international community does not act promptly.
17. The EASBRIG shall conform to the two-phased approach recommended by the African Chiefs of Defence Staff and Ministers of Defence and Security.
- (a) Phase One. (Up to the year 2005) the AU's key objective is to establish a strategic level management capacity, while RECs would complement the AU by establishing regional forces up to a brigade;
 - (b) Phase Two. It is envisaged that by the Year 2010 AU shall develop capacity to manage complex peacekeeping operations, while the RECs continue to develop the capacity to deploy a mission HQ for Scenario 4, involving AU/Regional peacekeeping forces.
18. In Phase One (up to June 2005) the priority shall be on the military and police aspects of EASBRIG since UN humanitarian, development and human rights elements, which do not require UN Security Council mandate, could deploy in tandem with EASBRIG and other ASF missions.
19. Scenarios 1-3 entail less complex structures, minimal management effort and lesser resources for deployment and sustainment. In contrast, Scenarios 5-6 entail enormous management effort, as well as considerable resources for deployment and sustainment of missions, that may only be attained during Phase 2 of the establishment of the ASF (up to June 2010). Between these 2 extremes, Scenario 4 appears to be the type of mission and structure for which all regional brigades, including the EASBRIG, are likely to be involved in normally and in the foreseeable future. In line with the guidelines received from the various AU meetings, the efforts of the Eastern Africa region should therefore aim at establishing an EASBRIG for Chapter VI peacekeeping operations and preventive deployment, as well as peace-building missions along the lines of AMIB. (The relevant structure is at Annex D-3 of the Framework Policy, Part II 'Annexes' adopted by the 3rd ACDS Meeting, May 2003).
20. The EASBRIG force structure
- Based on continental view in favour of moving towards standardised regional standby brigades optimised for scenario 4 as opposed to specific structures for each of the ASF structures, the EACDS concurred with the basic force requirements as set out by the AU. In doing so the EACDS recognised that the tables as set out below are largely derived from the UN tables for reimbursement purposes and that the AU would probably utilise the same standardised system.
- (a) Brigade (Mission Level) HQ Support Unit of up to 65 personnel and 16 vehicles;
 - (b) HQ Company and Support Unit of up to 120 personnel;

- (c) 4 x Light Infantry Battalions, each composed of up to 750 personnel and 70 vehicles. Note: The EACDS decided that EASBRIG aim to establish 3 x Light Infantry Battalions and one Mechanised Battalion;
- (d) Engineer Unit of up to 505 personnel;
- (e) Light Signals Unit of up to 135 personnel;
- (f) Reconnaissance Company (Wheeled) of up to 150 personnel;
- (g) Helicopter Unit of up to 80 personnel, 10 vehicles and 4 helicopters;
- (h) Military Police Unit of up to 48 personnel and 17 vehicles;
- (i) Light Multi-Role Logistical Unit of up to 190 personnel and 40 vehicles;
- (j) Level 2 Medical Unit of up to 35 personnel and 10 vehicles;
- (k) Military Observer Group of up to 120 officers;
- (l) Civilian Support Group consisting of logistical, administration and budget components.

21. The TOE's of EASBRIG shall conform to the standards set by the AU for the development of Tables of Organisation and Equipment.

22. The EACDS decided that when the PLANELM finalises the TOE of the EASBRIG, it should also include:

- (a) Sealift capabilities given the extended coastline of the Eastern Africa region;
- (b) Additional fire-support capabilities in case of scenario's 5 and 6.

23. The PLANELM in conjunction with the brigade HQ shall deal with shortfalls on an on going basis through the planning exercises and /or verification visits. In doing so the brigade HQ and the PLANELM will have to ensure that the contributions include and retain a pool of units on standby in Member States that are supported by appropriate administrative, logistics and training infrastructures, to ensure the EASBRIG Member states provide for redundancy against rotations and multiple commitments. Thereafter the PLANELM, shall be responsible for ongoing rectification of shortfalls. The Regional PLANELM therefore constitutes a permanent and separate structure, responsible for force preparation of EASBRIG. The Staff of the PLANELM may deploy in - theatre and /or at the real headquarters, or be divided between the two locations and determined by the Brigade Commander.

24. Tables of Organisations and Equipment

The EASBRIG national contingents shall continue to use their respective national TOEs, pending the development of standardised regional TOEs that are consistent with those of the AU and the UN.

25. Centres of Excellence

There shall be Centres of Excellence in the Eastern Africa Region, with the capacity to train the three levels for peace support operations: Tactical, Operational and Strategic.

26. Standardisation of Doctrine and SOPs

The EASBRIG's doctrine shall be consistent with the doctrine, procedures and standards of the UN. Furthermore, the training curriculum shall include the African Charter on Human and Peoples Rights (ACHPR), the International Humanitarian Law (IHL), the Human Rights Law (HRL) and the Refugee Law (RL), as well as the UN code of conduct for peacekeepers.

In conformity with the guidelines from the AU, the EASBRIG shall adopt the relevant UN doctrine for PSO. In this respect, the Eastern African PLANELM shall not only start the development of appropriate SOPs for EASBRIG, given requisite resources and expertise, it shall in addition start the development of appropriate doctrine for the operational and tactical employment of the Brigade.

The development of such a document shall enable the region to tap regional expertise and resources for a contribution towards the work of the joint work group to be established by the AU and the RECs. It is not necessary for the PLANELM to aim at the development of a document covering the whole spectrum of operational and tactical employment of the EASBRIG; it shall develop appropriate sections of the document for submission to the AU Commission to facilitate the harmonisation of the ASF doctrine.

27. The EASBRIG fund, budget and financial contribution

The following guidelines shall apply:

- (a) An EASBRIG Fund shall be established;
- (b) Member States of the EASBRIG shall meet the cost of equipment and running the EASBRIG;
- (c) The Council shall examine and approve an annual budget of the EASBRIG;
- (d) Member States shall contribute towards the annual budget of the EASBRIG in accordance with the AU formula for assessed contribution;
- (e) IGAD, in conjunction with the AU, the UN, and other RECs, shall undertake resource mobilisation from Member States, Donors, and Partners for the EASBRIG;
- (f) Member States shall themselves make contributions to the fund, in order to make it possible for essential activities to start off towards the establishment of the EASBRIG;
- (g) The EASBRIG as part of the ASF shall therefore benefit from the African Peace Facility.

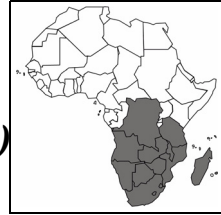
28. External initiatives

The Eastern Africa Member States shall as much as possible, undertake the establishment of the EASBRIG with their own resources. The AU shall co-ordinate all external initiatives to build African peacekeeping capacity and that the Eastern Africa Region shall devise a central and common approach to external initiatives.

29. Legal framework

The EASBRIG shall operate on the basis of a Memorandum of Understanding (MOU). The MOU shall outline the mode of establishment and management of the Brigade. It shall also outline the principles, which guide the Brigade and the other Organs of EASBRIG.

**(g) Southern African
Development Community (SADC)**



<p>Private Bag 0095 Gaborone Botswana Tel: +26 73 95-1863 Fax: +26 73 72-848 Website: http://www.sadc.int E-mail: registry@sadc.int</p>	<ul style="list-style-type: none"> • Angola • Botswana • Congo, DR • Lesotho • Madagascar • Malawi • Mauritius • Mozambique • Namibia • South Africa • Swaziland • Tanzania • Zambia • Zimbabwe
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**Treaty of the Southern African Development
Community (SADC) (1992/1993)**

Adopted in Windhoek, Namibia on 17 August 1992 (amending the Treaty of July 1981), entered into force in September 1993. Available online at http://www.sadc.int/english/documents/legal/treaties/amended_declaration_and_treaty_of_sadc.php

...

Article 4: Principles

SADC and its Member States shall act in accordance with the following principles:

- (a) sovereign equality of all Member States;
- (b) solidarity, peace and security;
- (c) human rights, democracy and the rule of law;
- (d) equity, balance and mutual benefit; and
- (e) peaceful settlement of disputes.

Article 5: Objectives

1. The objectives of SADC shall be to:

- (a) promote sustainable and equitable economic growth and socioeconomic development that will ensure poverty alleviation with the ultimate objective of its eradication, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through regional integration;
- (b) promote common political values, systems and other shared values which are transmitted through institutions which are democratic, legitimate and effective;
- (c) consolidate, defend and maintain democracy, peace, security and stability;
- (d) promote self-sustaining development on the basis of collective self-reliance, and the interdependence of Member States;
- (e) achieve complementarity between national and regional strategies and programmes;
- (f) promote and maximise productive employment and utilisation of resources of the Region;
- (g) achieve sustainable utilisation of natural resources and effective protection of the environment;
- (h) strengthen and consolidate the long standing historical, social and cultural affinities and links among the people of the Region;
- (i) combat HIV/AIDS or other deadly and communicable diseases;
- (j) ensure that poverty eradication is addressed in all SADC activities and programmes; and
- (k) mainstream gender in the process of community building.

2. In order to achieve the objectives set out in paragraph 1 of this article, SADC shall:

...

- (j) develop such other activities as Member States may decide in furtherance of the objectives of this Treaty.

...

Article 10A: Organ on Politics, Defence and Security Co-operation

1. The Summit shall select a Chairperson and a Deputy Chairperson of the Organ on the basis of rotation from among the members of the Summit except that the Chairperson of the Summit shall not simultaneously be the chairperson of the Organ.

2. The term of office of the Chairperson, Incoming Chairperson and the Outgoing Chairperson of the Organ shall be one year respectively.

3. The Chairperson of the Organ shall consult with the Troika of the Summit and report to the Summit.

4. There shall be a Ministerial Committee of the Organ, consisting of the Ministers responsible for:

- (a) foreign affairs;
- (b) defence;
- (c) public security; or
- (d) state security,

from each of the Member States, which shall be responsible for the coordination of the work of the Organ and its structures.

5. The structure, functions, powers and procedures of the Organ and other related matters shall be prescribed in a Protocol.

6. The Secretariat shall provide Secretariat services to the Organ.

7. Decisions of the Organ shall be taken by consensus.

...

Article 21: Areas of Co-operation

1. Member States shall co-operate in all areas necessary to foster regional development and integration on the basis of balance, equity and mutual benefit.
 2. Member States shall, through appropriate institutions of SADC, co-ordinate, rationalise and harmonise their overall macro-economic policies and strategies, programmes and projects in the areas of co-operation.
 3. In accordance with the provisions of this Treaty, Member States agree to co-operate in the areas of:
 - (a) food security, land and agriculture;
 - (b) infrastructure and services;
 - (c) trade, industry, finance, investment and mining;
 - (d) social and human development and special programmes;
 - (e) science and technology;
 - (f) natural resources and environment;
 - (g) social welfare, information and culture; and
 - (h) politics, diplomacy, international relations, peace and security.
 4. Additional areas of co-operation may be decided upon by the Council.
- ...

SADC has also developed the following four key instruments relating to peace, defence and security.

Protocol on Politics, Defence and Security Co-Operation (2001/2004)

Adopted in Blantyre, Malawi on 14 August 2001, entered into force in March 2004.
Available online at: http://www.sadc.int/index.php?action=a1001&page_id=protocols_politics

Preamble

We, the Heads of State or Government of:

...

Taking cognisance of the decision of SADC to create the ORGAN on Politics, Defence and Security Co-operation which appears in the Gaborone Communiqué of 28th June 1996;

Noting article 9 of the Treaty which establishes the Organ;

Bearing in mind that Chapter VIII of the UN Charter recognises the role of regional arrangements in dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action;

Recognising and Reaffirming the principles of strict respect for sovereignty, sovereign equality, territorial integrity, political independence, good

neighbourliness, interdependence, non-aggression and non-interference in internal affairs of other States;

Recalling the 1964 resolution of the Assembly of Heads of State and Government of the Organization of African Unity, declaring that all Member States pledge to respect the borders existing on their achievement of national independence;

Further reaffirming the primary responsibility of the United Nations Security Council in the maintenance of international peace and security, and the role of the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution;

Convinced that peace, security and strong political relations are critical factors in creating a conducive environment for regional co-operation and integration;

Convinced further that the Organ constitutes an appropriate institutional framework by which Member States could co-ordinate policies and activities in the area of politics, defence and security;

Determined to achieve solidarity, peace and security in the Region through close co-operation on matters of politics, defence and security;

Desirous to ensure that close co-operation on matters of politics, defence and security shall at all times promote the peaceful settlement of disputes by negotiation, conciliation, mediation or arbitration;

Acting in pursuance of article 10A of the Treaty;

HEREBY AGREE as follows:

Article 1: Definitions

1. In this Protocol terms and expressions defined in article 1 of the Treaty shall bear the same meaning unless the context otherwise requires.

2. In this Protocol, unless the context otherwise requires:

‘Chairperson’ means the Chairperson of the Organ;

‘ISDSC’ means the Inter-State Defence and Security Committee;

‘ISPDC’ means the Inter-State Politics and Diplomacy Committee.

‘Signatory’ means a Member State which signs this Protocol;

‘State Party’ means a Member State that has ratified or acceded to this Protocol.

Article 2: Objectives

1. The general objective of the Organ shall be to promote peace and security in the Region.

2. The specific objectives of the Organ shall be to:

- (a) protect the people and safeguard the development of the Region against instability arising from the breakdown of law and order, intra-state conflict, interstate conflict and aggression;
- (b) promote political co-operation among State Parties and the evolution of common political values and institutions;
- (c) develop common foreign policy approaches on issues of mutual concern and advance such policy is collectively in international fora;
- (d) promote regional coordination and co-operation on matters related to security and defence and establish appropriate mechanisms to this end;
- (e) prevent, contain and resolve inter-and intra-state conflict by peaceful means;

- (f) consider enforcement action in accordance with international law and as a matter of last resort where peaceful means have failed;
- (g) promote the development of democratic institutions and practices within the territories of State Parties and encourage the observance of universal human rights as provided for in the Charters and Conventions of the Organization of African Unity and United Nations respectively;
- (h) consider the development of a collective security capacity and conclude a Mutual Defence Pact to respond to external military threats;
- (i) develop close co-operation between the police and state security services of State Parties in order to address:
 - cross border crime; and
 - promote a community based approach to domestic security;
- (j) observe, and encourage State Parties to implement, United Nations, African Union and other international conventions and treaties on arms control, disarmament and peaceful relations between states;
- (k) develop peacekeeping capacity of national defence forces and co-ordinate the participation of State Parties in international and regional peacekeeping operations; and
- (l) enhance regional capacity in respect of disaster management and co-ordination of international humanitarian assistance.

Article 3: Structures

1. The Organ shall be an institution of SADC and shall report to the Summit.
2. The Organ shall have the following structures:
 - (a) the Chairperson of the Organ;
 - (b) the Troika;
 - (c) a Ministerial Committee;
 - (d) an Inter-State Politics and Diplomacy Committee (ISPDC);
 - (e) an Inter-State Defence and Security Committee (ISDSC); and
 - (f) such other sub-structures as may be established by any of the ministerial committees.
3. The Troika shall consist of:
 - (a) the Chairperson of the Organ;
 - (b) the Incoming Chairperson who shall be the Deputy Chairperson of the Organ; and
 - (c) the Outgoing Chairperson.

Article 4: Chairperson of the Organ

1. The Summit shall elect a Chairperson and a Deputy Chairperson of the Organ on the basis of rotation from among the members of the Summit except that the Chairperson and the Deputy Chairperson of the Summit shall not simultaneously be the Chairperson of the Organ.
2. The term of office of the Chairperson and Deputy Chairperson of the Organ shall be one year respectively.
3. The Chairperson of the Organ shall consult with the Troika of SADC and report to the Summit.
4. The Chairperson, in consultation with the Troika of SADC, shall be responsible for the overall policy direction and the achievement of the objectives of the Organ.
5. The Chairperson may request reports from any ministerial committee of the Organ on any matter which is within the competence of the committee.

6. The Chairperson may request any ministerial committee of the Organ to consider any matter, which is within the competence of the committee.
7. The Chairperson may request the Chairperson of SADC to table for discussion any matter that requires consideration by the Summit.

Article 5: Ministerial Committee

1. The Ministerial Committee shall comprise the ministers responsible for foreign affairs, defence, public security and state security from each of the State Parties.
2. The Committee shall be responsible for the coordination of the work of the Organ and its structures.
3. The Committee shall report to the Chairperson.
4. The Committee shall be chaired by a Minister from the same country as the Chairperson for a period of one year on a rotation basis.
5. The Chairperson of the Committee shall convene at least one meeting on an annual basis.
6. The Chairperson of the Committee may when necessary convene other meetings of the Ministerial Committee at a request of either ISPDC or ISDSC.
7. The Committee may refer any relevant matter to, and may request reports from, ISPDC and ISDSC.

Article 6: Inter-State Politics and Diplomacy Committee

1. ISPDC shall comprise the ministers responsible for foreign affairs from each of the State Parties.
2. ISPDC shall perform such functions as may be necessary to achieve the objectives of the Organ relating to politics and diplomacy.
3. ISPDC shall report to the Ministerial Committee without prejudice to its obligation to report regularly to the Chairperson.
4. ISPDC shall be chaired by a Minister from the same country as the Chairperson for a period of one year and on a rotation basis.
5. The Chairperson of ISPDC shall convene at least one meeting on an annual basis.
6. The Chairperson of ISPDC may convene such other meetings as he or she deems necessary or as requested by another Minister serving on ISPDC.
7. ISPDC may establish such sub-structures as it deems necessary to perform its functions.

Article 7: Inter-State Defence and Security Committee

1. ISDSC shall comprise the ministers responsible for defence, ministers responsible for public security and ministers responsible for state security from each of the State Parties.
2. ISDSC shall perform such functions as may be necessary to achieve the objectives of the Organ relating to defence and security, and shall assume the objectives and functions of the existing Inter-State Defence and Security Committee.
3. ISDSC shall report to the Ministerial Committee without prejudice to its obligation to report regularly to the Chairperson.
4. ISDSC shall be chaired by a Minister from the same country as the Chairperson for a period of one year and on a rotating basis.
5. The Chairperson of ISDSC shall convene at least one meeting on an annual basis.

6. The Chairperson of ISDSC may convene such other meetings as he or she deems necessary or as requested by another minister serving on ISDSC.
7. ISDSC shall retain the Defence, State Security and Public Security Sub-Committees and other subordinate structures of the existing Inter-State Defence and Security Committee.
8. ISDSC may establish such other structures as it deems necessary to perform its functions.

Article 8: Committee Procedures

The following provisions shall apply to the ministerial committees of the Organ:

- (a) the quorum for all meetings shall be two-thirds of the State Parties;
- (b) the ministerial committees shall determine their own rules of procedure; and
- (c) decisions shall be taken by consensus.

Article 9: Secretariat

The SADC Secretariat shall provide secretariat services to the Organ.

Article 10: Co-operation with non-State Parties and International Organisations

1. In recognition of the fact that political, defence and security matters transcend national and regional boundaries, co-operation agreement on these matters between State Parties and non State Parties, and between State Parties and organisations, other than SADC, shall be accepted provided that such agreements shall not:
 - (a) be inconsistent with the objectives and other provisions of the Treaty and this Protocol;
 - (b) impose obligations upon a State Party that is not a party to such co-operation agreement; and
 - (c) impede a State Party from fulfilling its obligations under the Treaty and this Protocol.
2. Any agreement between the Organ and a non State Party, or between the Organ and an international organisation, shall be subject to approval by the Summit.

Article 11: Conflict Prevention, Management and Resolution

1. **Obligation of the Organ under International Law**
 - (a) In accordance with the Charter of the United Nations, State Parties shall refrain from the threat or use of force against the territorial integrity or political independence of any state, other than for the legitimate purpose of individual or collective self-defence against an armed attack;
 - (b) State Parties shall manage and seek to resolve any dispute between two or more of them by peaceful means;
 - (c) The Organ shall seek to manage and resolve inter- and intra-state conflict by peaceful means;
 - (d) The Organ shall seek to ensure that the State Parties adhere to and enforce all sanctions and arms embargoes imposed on any party by the United Nations Security Council.
2. **Jurisdiction of the Organ**

- (a) The Organ may seek to resolve any significant inter-state conflict between State Parties or between a State Party and non State Party and a 'significant inter-state conflict' shall include:
 - a conflict over territorial boundaries or natural resources;
 - a conflict in which an act of aggression or other form of military force has occurred or been threatened; and
 - a conflict which threatens peace and security in the Region or in the territory of a State Party which is not a party to the conflict.
- (b) The Organ may seek to resolve any significant intra-state conflict within the territory of a State Party and a 'significant intra-state conflict' shall include:
 - large-scale violence between sections of the population or between the state and sections of the population, including genocide, ethnic cleansing and gross violation of human rights;
 - a military coup or other threat to the legitimate authority of a State;
 - a condition of civil war or insurgency; and
 - a conflict which threatens peace and security in the Region or in the territory of another State Party.
- (c) In consultation with the United Nations Security Council and the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution, the Organ may offer to mediate in a significant interior intra-state conflict that occurs outside the Region.

3. Methods

- (a) The methods employed by the Organ to prevent, manage and resolve conflict by peaceful means shall include preventive diplomacy, negotiations, conciliation, mediation, good offices, arbitration and adjudication by an international tribunal;
- (b) The Organ shall establish an early warning system in order to facilitate timeous action to prevent the outbreak and escalation of conflict;
- (c) Where peaceful means of resolving a conflict are unsuccessful, the Chairperson acting on the advice of the Ministerial Committee may recommend to the Summit that enforcement action be taken against one or more of the disputant parties;
- (d) The Summit shall resort to enforcement action only as a matter of last resort and, in accordance with article 53 of the United Nations Charter, only with the authorisation of the United Nations Security Council;
- (e) External military threats to the Region shall be addressed through collective security arrangements to be agreed upon in a Mutual Defence Pact among the State Parties.

4. Procedures

- (a) In respect of both inter- and intra-state conflict, the Organ shall seek to obtain the consent of the disputant parties to its peacemaking efforts;
- (b) The Chairperson, in consultation with the other members of the Troika, may table any significant conflict for discussion in the Organ;
- (c) Any State Party may request the Chairperson to table any significant conflict for discussion in the Organ and in consultation with the other members of the Troika of the Organ, the Chairperson shall meet such request expeditiously;
- (d) The Organ shall respond to a request by a State Party to mediate in a conflict within the territory of that State and the Organ shall endeavour by diplomatic means to obtain such request where it is not forthcoming;

- (e) The exercise of the right of individual or collective self-defence shall be immediately reported to the United Nations Security Council and to the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution.

Article 12: Confidentiality of Information

1. The State Parties undertake not to disclose any classified information, obtained under this Protocol or as a result of their participation in the Organ, other than to members of their own staff to whom such disclosure is essential for purposes of giving effect to this Protocol or any decision taken by the Organ.
2. State Parties shall ensure that the staff referred to in paragraph 1 of this article shall at all times maintain strict secrecy.
3. State Parties further undertake not to use any classified information obtained during any multilateral co-operation between them to the detriment of any Member State.
4. A State Party shall remain bound by the requirement of confidentiality under this article even after it withdraws from the Organ.

Article 13: Settlement of Disputes

Any dispute arising between two or more State Parties from the interpretation or application of this Protocol which cannot be settled amicably shall be referred to the Tribunal.

Article 14: Withdrawal

A signatory may withdraw from this Protocol upon the expiration of twelve (12) months from the date of giving written notice to that effect to the Chairperson of the Organ. Such Signatory shall cease to enjoy all rights and benefits under this Protocol upon the withdrawal becoming effective.

Article 15: Relationship with other International Agreements

1. This Protocol in no way detracts from the rights and obligations of State Parties under the Charters of the United Nations and the Organization of African Unity.
2. This Protocol in no way detracts from the responsibility of the United Nations Security Council to maintain international peace and security.
3. This Protocol shall not derogate from existing agreements between a State Party and another State Party or a non-State Party and an international organisation, other than SADC, provided that such agreements are consistent with the principles and objectives of this Protocol.
4. Where an existing agreement is inconsistent with the principles and objectives of this Protocol, the Member State shall take steps to amend the agreement accordingly.

...

SADC Mutual Defence Pact (2003/)

Adopted in Dar es Salaam, Tanzania on 27 August 2003, not yet in force. Available online at <http://www.sadc.int/index.php>

Preamble

We, the Heads of State and Government of:

...

Pursuant to the decision of the Summit, held in Gaborone, Botswana on 28 June 1996 and directives issued subsequent thereto:

In compliance with the provisions of article 2(2)(h) of the Protocol on Politics, Defence and Security Co-operation (hereinafter referred to as 'the Protocol');

Reaffirming our commitment to the principles of the Charter of the United Nations, the Constitutive Act of the African Union, the Protocol Establishing the Peace and Security Council of the African Union and the SADC Treaty;

Desirous to live at peace with all peoples and Governments;

Acknowledging our commitment to the SADC Treaty and Protocol on Politics, Defence and Security Co-operation;

Recognising the sovereign equality of all States and their intention to strengthen the bonds that exist amongst them on the basis of respect for their independence and non-interference in their internal affairs;

Seeking to promote peace, security, stability and well being among our peoples;

Determined to defend and safeguard the freedom of our peoples and their civilisation, as well as their individual liberties and the rule of law;

Convinced that close co-operation in matters of defence and security will be to the mutual benefit of our peoples;

Having resolved to unite our efforts towards collective self-defence and the preservation of peace and stability.

HEREBY AGREE to conclude this Mutual Defence Pact (hereinafter referred to as 'the Pact').

Article 1: Definitions

1. In this Pact, terms and expressions defined in article 1 of the Treaty and of the Protocol on Politics, Defence and Security Co-operation shall bear the same meaning unless the context otherwise requires.

2. In this Pact, unless the context otherwise requires:

'armed attack' means the use of military force in violation of the sovereignty, territorial integrity and independence of a State Party;

'collective self-defence' means the measures undertaken collectively by the State Parties to ensure peace, stability and security in the Region;

'destabilise' means to instigate, plan, execute or assist in any of the following:

- (a) an armed attack against a State Party;
- (b) sabotage aimed at the people of a State Party or an asset of a State Party, whether inside or outside the territory of the State Party; or
- (c) any act or activity aimed at changing the constitutional order of a State Party through unconstitutional means;

‘state party’ means a Member State that has ratified or acceded to this Pact;
 ‘signatory state’ means a Member State which has signed this Pact;
 ‘third party’ means a State or entity which is not a party to this Pact.

Article 2: Objective

The objective of this Pact is to operationalise the mechanisms of the Organ for mutual co-operation in defence and security matters.

Article 3: Conflict Resolution

1. State Parties shall, in accordance with the principles of the Charter of the United Nations, settle any international dispute in which they may be involved, by peaceful means, in such a manner that regional and international peace, security and justice are enhanced.
2. State Parties shall refrain, in their international relations, from the threat of or use of force in any manner inconsistent with the principles mentioned in paragraph 1.

Article 4: Military Preparedness

In order to effectively achieve the objectives of this Pact, State Parties shall individually and collectively, by means of continuous co-operation and assistance, maintain and develop their individual and collective self-defence capacity to maintain peace, stability and security.

Article 5: Consultation

1. Any State Party that considers its territorial integrity, political independence and security to be under threat from another State Party, shall consult with such other State Party first and then with the Organ.
2. Where such consultation does not yield satisfactory results the Chairperson of the Organ may constitute a joint verification mission to investigate the reported threat or alleged threat by a State Party.

Article 6: Collective Self-Defence and Collective Action

1. An armed attack against a State Party shall be considered a threat to regional peace and security and such an attack shall be met with immediate collective action.
2. Collective action shall be mandated by Summit on the recommendation of the Organ.
3. Each State Party shall participate in such collective action in any manner it deems appropriate.
4. Any such armed attack, and measures taken in response thereto, shall immediately be reported to the Peace and Security Council of the African Union and the Security Council of the United Nations.

Article 7: Non-Interference

1. Without prejudice to the provisions of article 11(2) of the Protocol on Politics, Defence and Security co-operation, State Parties undertake to respect one another’s territorial integrity and sovereignty and, in particular, observe the principle of non-interference in the internal affairs of one another.
2. No action shall be taken to assist any State Party in terms of this Pact, save at the State Party’s own request or with its consent, except where the

Summit decides that action needs to be taken in accordance with the Protocol.

Article 8: Destabilising Factors

State Parties undertake not to nurture, harbour or support any person, group of persons or institutions whose aim is to destabilise the political, military, territorial and economic or social security of a State Party.

Article 9: Defence Co-operation

In order to realise the objective of this Pact, State Parties shall co-operate in defence matters and facilitate interaction among their armed forces and defence-related industries in the following and any other areas of mutual interest:

- (a) the training of military personnel in any field of military endeavour and, to that end, they may from time to time hold joint military exercises in one another's territory;
- (b) exchange military intelligence and information in all relevant matters subject to any restrictions or otherwise of national security; and
- (c) joint research, development and production under license or otherwise of military equipment, including weapons and munitions, and to facilitate the supply of, or the procurement of defence equipment and services among defence-related industries, defence research establishments and their respective armed forces.

Article 10: Supplementary Agreements

State Parties may, in respect of any particular issue covered by the provisions of this Pact, make such subsequent agreements, of a specific or general nature, as would, in their opinion, enhance the effective implementation of this Pact.

Article 11: Implementation

1. State Parties shall receive delegations of Member States for the purpose of consultation regarding implementation of any aspect of this Pact.
2. The Secretariat of the SADC Organ shall co-ordinate the implementation of this Pact.

Article 12: Confidentiality

1. State Parties undertake not to disclose any classified information obtained in the implementation of this Pact, or any other related agreements, other than to their own staff, to whom such disclosure is essential for purposes of giving effect to this Pact or such further agreements pursuant to this Pact.
2. State Parties further undertake not to use any classified information obtained during any multilateral co-operation among them to the detriment of or against the interests of any State Party.
3. Visiting personnel shall, in the implementation of this Pact, comply with the security regulations of the host State Party and any information disclosed or made available to such visiting personnel shall be treated in accordance with this article.

Article 13: Settlement of Disputes

Any dispute among the State Parties arising from the interpretation or application of this Pact, shall be settled amicably and where there is no resolution, the matter shall be referred to the Tribunal.

Article 14: Withdrawal

Any State Party may withdraw from this Pact upon the expiration of twelve (12) months from the date of giving written notice to that effect to the Chairperson of the Organ and shall cease to enjoy all rights and benefits under this Pact, and shall indefinitely remain bound by the provisions of article 12.

Article 15: Saving Provisions

1. The State Parties shall:
 - (a) declare that none of the international engagements between them and with any Third Party is in conflict with the spirit and provisions of this Pact;
 - (b) recognise existing defence agreements, provided such agreements are not in conflict with the spirit and provisions of this Pact.
 2. Where an existing agreement is inconsistent with this Pact, the State Parties concerned shall take steps to amend the agreement accordingly.
 3. This Pact shall not derogate from the State Parties' rights and obligations under the Charter of the United Nations and the Constitutive Act of the African Union and relevant treaties and conventions concerning human rights and international humanitarian law.
 4. This Pact shall not derogate from the responsibility of the United Nations Security Council for the maintenance of international peace and security.
- ...

Protocol on the Control of Firearms, Ammunition and other Related Materials in the Southern African Development Community (SADC) Region (2001/2004)

Adopted in Blantyre, Malawi on 14 August 2001, entered into force in November 2004. Available online at http://www.sadc.int/index.php?action=a1001&page_id=protocols_firearms

We, the Heads of State or Government of the:

...

Considering article 21 of the Treaty which provides for areas of co-operation, article 22 of the Treaty which provides for the conclusion of Protocols which may be necessary in agreed areas of co-operation and article 5 of the Treaty

which provides for promotion and defence of peace and security as one of the objectives of SADC;

Conscious that illegal firearms, most commonly used in the perpetration of crime, contribute to the high levels of instability, extended conflict, violence and social dislocation evident in Southern Africa and the African continent as a whole;

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials, and their excessive and destabilising accumulation, trafficking, possession and use, and owing to the harmful effects of those activities on the security of each State and the Region and the danger they pose to the well-being of people in the Region, their social and economic development and their rights to live in peace;

Reaffirming that priority should be given to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials and their excessive and destabilising accumulation, trafficking, possession and use of firearms, because of their links with, *inter alia*, drug trafficking, terrorism, transnational organised crime, mercenary and other violent criminal activities;

Convinced that the prevention, combating and eradication of the illicit manufacturing of firearms, ammunition and the other related materials and their excessive and stabilising accumulation, trafficking, possession and use requires international co-operation, the exchange of information, and other appropriate measures at the national, regional and global levels;

Stressing the need, especially during peace processes and post-conflict situations, to maintain effective control over firearms, ammunition and other related materials;

Recognising the importance of regional and international co-operation and regional and international initiatives undertaken to prevent, combat and eradicate the illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, possession and use of firearms and related materials;

HEREBY AGREE as follows:

Article 1: Definitions

1. In this Protocol, terms and expressions defined in article 1 of the Treaty shall bear the same meaning unless the context otherwise requires.

2. In this Protocol, unless the context otherwise indicates:

‘ammunition’ means the complete cartridge including the cartridge case, unfired primer, propellant, bullets and projectiles that are used in a firearm, provided those components are themselves subject to authorisation in the respective State Parties;

‘brokering means:

- (a) acting for a commission, advantage or cause, whether pecuniary or otherwise; or
- (b) to facilitate the transfer, documentation or payment in respect of any transaction relating to the buying or selling of firearms, ammunition or other related materials;

and thereby acting as intermediary between any manufacturer or supplier of, or dealer in, firearms, ammunition and other related materials and buyer or recipient thereof;

‘firearm’ means:

- (a) any portable lethal weapon that expels, or is designed to expel, a shot, bullet or projectile by the action of burning propellant, excluding antique firearms or their replicas that are not subject to authorisation in the respective State Parties;
- (b) any device which may be readily converted into a weapon referred to in paragraph (a);
- (c) any small arm as defined in this article; or
- (d) any light weapon as defined in this article;

‘illicit manufacturing’ means the manufacturing or assembly of fire arms, ammunition and other related materials, without a licence or permit from a competent authority of the State Party where the manufacture or assembly takes place;

‘illicit trafficking’ means the import, export, acquisition, sale, delivery, movement or transfer of firearms, ammunition and other related materials from, to, or across the territory of a State Party without the authority of State Parties concerned;

‘light weapons’ include the following portable weapons designed for use by several persons serving as a crew: heavy machine guns, automatic cannons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder fired rockets, anti-aircraft weapons and launchers and air defence weapons.

‘other related materials’ means any components, parts or replacement parts of a firearm that are essential to the operation of the firearm;

‘small arms’ include light machine guns, sub-machines guns, including machine pistols, fully automatic rifles and assault rifles and semi-automatic rifles;

‘State Party’ means a member of SADC that is party to this Protocol.

Article 2: Sovereignty

State Parties shall fulfil their obligations and exercise their rights under this Protocol in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of State Parties.

Article 3: Objectives

The objectives of this Protocol are to:

- (a) prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials, and their excessive and destabilising accumulation, trafficking, possession and use in the Region;
- (b) promote and facilitate co-operation and exchange of information and experience in the Region to prevent, combat, and eradicate the illicit manufacturing of, excessive and destabilising use and accumulation of, trafficking in, possession and use of, firearms, ammunition and other related materials; and
- (c) co-operate closely at the regional level as well as at international fora to effectively prevent, combat, and eradicate the illicit manufacturing of, excessive and destabilising use and accumulation of, trafficking in, possession and use of, firearms, ammunition and other related materials in collaboration with international partners

Article 4: International Initiatives

State Parties undertake to consider becoming parties to international instruments relating to the prevention, combating and eradication of illicit manufacturing of, excessive and destabilising accumulation of, trafficking in, possession and use of firearms, ammunition and other related materials and to implement such instruments within their jurisdictions.

Article 5: Legislative Measures

1. State Parties shall enact the necessary legislation and take other measures to establish as criminal offences under their national law to prevent, combat and eradicate, the illicit manufacturing of firearms, ammunition and other related materials, and their excessive and destabilising accumulation, trafficking, possession and use.

2. State Parties shall enact the necessary legislation and take other measures to sanction criminally, civilly or administratively under their national law the violation of arms embargoes mandated by the Security Council of the United Nations;

3. State Parties further undertake to incorporate the following elements in their national laws as a matter of priority:

- (a) the prohibition of unrestricted possession of small arms by civilians;
- (b) the total prohibition of the possession and use of light weapons by civilians;
- (c) the coordination of procedures for the import, export and transit of firearm shipments;
- (d) the regulation and centralised registration of all civilian owned firearm in their territories;
- (e) measures ensuring that proper controls are exercised over the manufacturing of, possession and use of firearms, ammunition and other related materials;
- (f) provisions promoting legal uniformity and minimum standards in respect of the manufacture, control, possession, import, export and transfer of firearms, ammunition and other related materials;
- (g) provisions ensuring the standardised marking and identification of firearms at the time of manufacture, import or export;
- (h) provisions that adequately provide for the seizure, confiscation, and forfeiture to the State of all firearms, ammunition and other related materials manufactured or conveyed in transit without or in contravention of licences, permits, or written authority;
- (i) provisions that ensure the effective control of firearms including the storage and usage thereof, competency testing of prospective firearm owners and restriction on owner's rights to relinquish control, use, and possession of firearms, ammunition and other related materials;
- (j) the monitoring and auditing of licences held in a person's possession, and the restriction on the number of firearms that may be owned by any person;
- (k) provisions that prohibit the pawning and pledging of firearms, ammunition and other related materials;
- (l) provisions that prohibit the misrepresentation or withholding of any information given with a view to obtain any licence or permit;
- (m) provisions that regulate firearm brokering in the territories of State Parties; and
- (n) provisions that promote legal uniformity in the sphere of sentencing.

Article 6: Operational Capacity

State Parties, undertake to improve the capacity of police, customs, border guards, the military, the judiciary and other relevant agencies to fulfil their roles in the implementation of this Protocol and to:

- (a) co-ordinate national training programmes for police, customs and border guards, the judiciary and other agencies involved in preventing, combating and eradicating the illicit manufacturing of firearms, ammunition and other related materials and their excessive and destabilising accumulation, trafficking, possession and use;
- (b) establish and improve national data-bases, communication systems and acquire equipment for monitoring and controlling the movement of firearms across borders;
- (c) establish inter-agency working groups, involving police, military, customs, home affairs, foreign affairs and other relevant agencies, to improve policy coordination, information sharing and analysis at national level regarding firearms, ammunition and other related material; and
- (d) undertake joint training exercises for officials, from countries within the Region drawn from the police, customs and other relevant agencies, including the military where it is involved with border control, and explore the possibility for exchange programmes for such officials within the Region, and with their counterparts in other regions.

Article 7: Control over Civilian Possession of Firearms

State Parties undertake to consider a co-ordinated review of national procedures and criteria for issuing and withdrawing of firearm licences and establishing and maintaining national electronic databases of licensed firearms, firearm owners, and commercial firearms traders within their territories.

Article 8: State-owned Firearms

State Parties undertake to:

- (a) establish and maintain complete national inventories of firearms, ammunition and other related materials held by security forces and other state bodies;
- (b) enhance their capacity to manage and maintain secure storage of state owned firearms;
- (c) harmonise relevant import, export and transfer documents and end-user control certificates regarding firearms, ammunition and related material; and
- (d) establish systems to verify the validity and authenticity of documents issued by licensing authorities in the Region.

Article 9: Marking of Firearms and Record-Keeping

1. State Parties undertake to establish agreed systems to ensure that all firearms are marked with a unique number, at the time of manufacture or import, on the barrel, frame and, where applicable, the slide and undertake to keep proper records of the markings.

2. The marking referred to in paragraph 1 of this article shall identify the country of manufacture, the serial number, and the manufacturer of the firearm.

Article 10: Disposal of State-owned Firearms

1. State Parties undertake to identify and adopt effective programmes for the collection, safe-storage, destruction and responsible disposal of firearms rendered surplus, redundant or obsolete through, *inter alia*,:
 - (a) peace agreements;
 - (b) demobilisation or reintegration of ex-combatants; and
 - (c) re-equipment, or restructuring of armed forces or other armed state bodies.
2. State Parties shall pursuant to paragraph 1 of this article consider:
 - (a) encouraging full preparation for, and implementation of the collection, safe-storage, destruction or responsible disposal of firearms as part of the implementation of peace agreements;
 - (b) establishing and implementing guidelines and procedures for ensuring that firearms, ammunition and other related materials rendered surplus, redundant or obsolete through the re-equipment or re-organisation of armed forces or other state bodies are securely stored, destroyed or disposed off in a way that prevents them from entering the illicit firearm market or flowing into regions in conflict or any other destination that is not fully consistent with agreed criteria for restraint; and
 - (c) destroying surplus, redundant or obsolete state-owned firearms, ammunition or other related materials.

Article 11: Disposal of Confiscated or Unlicensed Firearms

1. State Parties undertake to adopt co-ordinated national policies for the disposal of confiscated or unlicensed firearms that come into the possession of state authorities.
2. State Parties undertake to develop joint and combined operations across the borders of State Parties to locate, seize and destroy caches of firearms, ammunition and other related materials left over after conflict and civil wars.

Article 12: Voluntary Surrender of Firearms

State Parties shall introduce programmes to encourage:

- (a) lawful firearm holders to voluntarily surrender their firearms for destruction by the State, and in such cases, the State may consider paying compensation in cash or in kind; and
- (b) illegal firearm holders to surrender their firearms for destruction, and, in such cases, the State may consider granting immunity from prosecution.

Article 13: Public Education and Awareness Programmes

State Parties undertake to develop national and regional public education and awareness programmes to enhance public involvement and support for efforts to tackle firearms proliferation and illicit trafficking and to encourage responsible ownership and management of firearms, ammunition and other related materials.

Article 14: Mutual Legal Assistance

1. State Parties shall co-operate with each other to provide mutual legal assistance in a concerted effort to prevent, combat and eradicate the illicit

manufacturing of firearms, ammunition and other related materials and their excessive and destabilising accumulation, trafficking, possession and use.

2. Mutual legal assistance shall, *inter alia*, include the following:
 - (a) communication of information and transfer of exhibits;
 - (b) investigation and detection of offences;
 - (c) obtaining evidence or statements;
 - (d) execution of searches and seizures;
 - (e) inspection of sites or examination of objects or documents;
 - (f) request for judicial documents;
 - (g) service of judicial documents;
 - (h) communication of relevant documents and records;
 - (i) identification or tracing of suspects or proceeds of crime; and
 - (j) application of special investigative techniques, such as forensics and ballistic and fingerprinting.
3. State Parties may further agree upon any other form of mutual legal assistance consistent with their national laws.
4. State Parties shall designate a competent authority, the name of which shall be communicated to the Executive Secretary, which shall have the responsibility and power to execute and monitor requests for mutual legal assistance.
5. Requests for mutual legal assistance shall be made in writing to the competent authority and shall contain details of the following:
 - (a) the identity of the authority making the request;
 - (b) the subject matter and nature of the investigation or prosecution to which the request relates;
 - (c) the description of the assistance sought;
 - (d) the purpose for which the evidence, information or action is sought; and
 - (e) all relevant information available to the requesting State Party and which may be of use to the requested State Party.
6. A State Party may seek any such additional information which it considers necessary for the execution of the request in accordance with its national laws.

Article 15: Law Enforcement

State Parties shall establish appropriate mechanisms for co-operation among law enforcement agencies of the State Parties to promote effective implementation of this Protocol including the:

- (a) establishment of direct communication systems to facilitate a free and fast flow of information among the law enforcement agencies in the Region;
- (b) establishment of an infrastructure to enhance effective law enforcement, including suitable search and inspection facilities at all designated ports of exit and entry;
- (c) establishment of multi-disciplinary law enforcement units for preventing, combating and eradicating the illicit manufacturing of firearms, ammunition and other related materials and their excessive and destabilising accumulation, trafficking, possession and use;
- (d) promotion of co-operation with international organisations such as the International Criminal Police Organisation and World Customs Organisation and to utilise existing data bases such as the Interpol Weapons and Explosives Tracing System;

- (e) establishment of national focal contact points within the respective law enforcement agencies for the rapid information exchange to combat cross-border firearm trafficking; and
- (f) introduction of effective extradition arrangements.

Article 16: Transparency and Information Exchange

State Parties undertake to:

- (a) develop and improve transparency in firearms accumulation, flow and policies relating to civilian owned firearms; and
- (b) establish national firearms databases to facilitate the exchange of information on firearms imports, exports and transfers.

Article 17: Institutional Arrangement

State Parties shall establish a Committee to oversee the implementation of this Protocol.

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Strategic Indicative Plan for the Organ on Politics, Defence, and Security Co-operation (SIPO) (2004)

Adopted on 5 August 2004. Available online at <http://www.sadc.int/english/documents/sipo/index.php>

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1. Introduction

1.1 The Declaration and the Treaty define the SADC vision as the SHARED FUTURE in an environment of peace, security and stability, regional co-operation and integration based on equity, mutual benefit and solidarity.

1.2 This vision needs to be appreciated within the context and historical processes and experiences of the region. Formal co-operation in politics, defence and security can be traced back to the creation of the Front Line States (FLS) in 1977. The Front Line States played a pivotal role in the liberation of Southern Africa.

1.3 To strengthen the existing co-operation, preserve independence, ensure regional development and integration, the region established the Southern African Development Coordination Conference (SADCC) in 1980.

1.4 The need for peace and security, economic and social development through regional integration culminated in the birth of the Southern African Development Community (SADC) in 1992.

1.5 Recognising the need for establishing a climate conducive to social and economic development in the region, SADC has been undertaking various actions aimed at contributing to the maintenance and consolidation of peace and security. It has, in particular, structured itself in a manner designed to make its efforts to preserve peace and security more effective.

1.6 Member States are demonstrating the political will to co-operate in political, defence and security matters and this has created an enabling environment for peace, security and stability in the region through the prevention, management and resolution of conflicts within and between states. However, the region still faces potential and actual military threats that include *inter alia*, armed conflicts in some Member States, unfinished demobilisation, disarmament, reintegration and monitoring of former military personnel, terrorism and the prevalence of landmines.

1.7 The Summit of Heads of State and Government held on the 28th June 1996, in Gaborone, Botswana, established the SADC Organ on Politics, Defence and Security Co-operation.

1.8 On 17 August 1999, in Maputo, Mozambique, the Heads of State and Government decided to restructure all SADC Institutions including the Organ. The Extra-ordinary Summit of Heads of State and Government, in Windhoek, Namibia, on the 9th March 2001, approved the Report on the Review of the Operations of the SADC institutions.

1.9 On 14 August 2001, in Blantyre, Malawi, the Heads of State and Government signed the Protocol on Politics, Defence and Security Co-operation, which provides an institutional framework by which Member States co-ordinate policies and activities in the areas of politics, defence, and security.

1.10 At its extraordinary meeting held in Blantyre, Malawi, on 14 January 2002, Summit mandated the SADC Organ on Politics, Defence and Security Co-operation to prepare the Strategic Indicative Plan for the Organ (SIPO), which would provide guidelines for the implementation of the Protocol on Politics, Defence and Security Co-operation for the next five years.

1.11 The Strategic Indicative Plan for the Organ is based on the objectives and common agenda of SADC stated in article 5 of the Treaty as amended on 14 August 2001 in Blantyre, Malawi. The guiding principles for the strategic activities outlined in the SIPO are those that guides the implementation of the common agenda as stated in the Report on the Review of the Operations of SADC Institutions approved by Extraordinary Summit on 9 March 2001 in Windhoek, Namibia.

2. The SIPO Development Process

2.2.1 The 1st Meeting of the Ministerial Committee of the SADC Organ on Politics, Defence and Security Co-operation, held on 17 to 18 December 2001, in Luanda, Angola, noted that since its inception, in 1996, the SADC Organ on Politics, Defence and Security Co-operation had not formally produced an Indicative Strategic Plan for its mid and long-term activities. The Committee also noted that with the signing of the SADC Protocol on Politics, Defence and Security Co-operation the Organ was given a new thrust, which had created great expectations within and outside the region. It is in this context that non-State Parties expressed their willingness to support and co-operate with the Organ.

2.2.2 In this regard, the Ministerial Committee recommended that the Chairperson of the Organ, assisted by the Secretariat, should draft the Terms of Reference (TORs) for the development of the SIPO, pursuant to article 2 of the Protocol on Politics, Defence and Security Co-operation.

2.2.3 At its Extra-Ordinary meeting held on 14th January 2002 in Blantyre, the SADC Summit of Heads of State and Government approved the Terms of Reference (TOR) for the development of the SIPO and established a Task

Force comprising the Troika of SADC and that of the Organ to undertake the exercise.

2.2.4 After the Summit mandate, the Draft Inception Paper was developed in Maputo, from 24 to 26 April 2002. The Ministerial Committee of the Organ approved the Inception Paper at its meeting held on 23 August 2002 in Maputo, Mozambique.

2.2.5 The Task Force met in Harare, Zimbabwe, from 9 to 13 September 2002 and prepared a Zero draft of the SIPO. At its meeting held from 18 to 22 October 2002, in Dar es Salaam, the United Republic of Tanzania, the Task Force produced the First Draft SIPO. In the process of improving the First Draft, the Task Force met from 18 to 21 March 2003 in Maseru, the Kingdom of Lesotho and produced the Second Draft SIPO.

2.2.6 The Task Force submitted the Second Draft for consideration and input by all Member States at a Workshop held from 13 to 16 April 2003 in Gaborone, Botswana. All Member States except the DRC and Seychelles attended the workshop. Mauritius sent apologies.

2.3 The structure

2.3.1 The Strategic Indicative Plan for the Organ is divided into four main Sectors. These are:

- (i) The Political Sector;
- (ii) The Defence Sector;
- (iii) The State Security Sector; and
- (iv) The Public Security Sector.

2.3.2 The objectives of the SIPO are those provided for in the Protocol on Politics, Defence and Security Co-operation. The SIPO therefore, seeks to identify strategies/ activities to achieve the objectives.

3. The Political Sector

3.1 Analysis

3.1.1 Following the achievement of peace in Angola and the ongoing peace efforts in the Democratic Republic of Congo (DRC) the Southern African region is currently enjoying relative peace, political stability and security.

3.1.2 The regional political situation is characterised by the acceptance of political pluralism. In this regard, SADC countries hold regular democratic elections and conduct consultations aimed at enhancing and deepening a democratic culture. Good political co-operation has ushered in peace and created an enabling environment for socio-economic development.

3.1.3 In the diplomatic sphere, Member States undertake regular consultations on matters of mutual interest both through formal and informal networks. The formal networks that Member States maintain to promote political, economic, and social and other forms of co-operation include accreditation of resident and non-resident missions to each other's Capital.

3.1.4 A number of regional institutions have been created with the aim of, among others, deepening co-operation and mutual trust among Member States. One such institution is the Inter-State Politics and Diplomacy Committee (ISPDC).

3.1.5 Statespersons and eminent persons of the region have assisted in the mediation of conflicts within the region and beyond.

3.1.6 The prevailing peace and the deepening of democratic practices have contributed to the emergence and growth of civil society organisations.

Various organisations within civil society are involved in different developments initiatives that directly impact on the lives of the people.

3.1.7 The strengthening of existing common values and culture is at the centre stage of co-operation among Member States. Whereas conventional borders confer nationality to citizens cultural values transcend boundaries. The process of building the nation-state is taking place in tandem with the process of building the SADC Community.

3.1.8 A number of public and private research institutions are involved in the analysis of politics, international relations, security and human rights issues.

3.1.9 At the continental level SADC has been active in the establishment and consolidation of the African Union (AU), its institutions and programmes such as the Peace and Security Council and the New Partnership for Africa's Development (NEPAD).

3.2 Challenges

3.2.1 Despite the above positive developments, SADC still faces a number of political, economic and social challenges. These include:

- (i) Economic underdevelopment and poverty;
- (ii) The HIV and AIDS pandemic;
- (iii) Inter- and intra-state conflicts;
- (iv) Consolidation of democracy and good governance;
- (v) Refugees, irregular movers, illegal migrants and internally displaced persons;
- (vi) The need to redress imbalances in the accessibility to natural resources and wealth;
- (vii) The demobilisation, disarmament, reintegration and monitoring of ex-combatants;
- (viii) The development and consolidation of regional disaster management mechanisms; and
- (ix) Corruption.

3.3 Objectives

3.3.1 The overall objectives of the Organ in the Political Sector are stipulated in article 2 of the Protocol on Politics, Defence and Security Co-operation, and are:

OBJECTIVE 1

To protect the people and safeguard the development of Region against instability arising from the breakdown of law and order, intra-state and inter-state conflicts and aggression.

Strategies / activities

- (i) Promote exchanges of information on and reviews of regional and other developments;
- (ii) Establish appropriate mechanisms to avert aggression against Member States through diplomatic initiatives.
- (iii) Consolidate peace, security and stability to achieve sustainable socio-economic development and eradicate poverty
- (iv) Establish and strengthen bilateral commissions; and
- (v) Devise measures to Combat the HIV and AIDS pandemic.

OBJECTIVE 2

To promote political co-operation among Member States and the evolution of common political values and institutions

Strategies / activities

- (i) Promote public debates and awareness activities through out SADC on its achievements;
- (ii) Convene seminars to establish a forum of the region's research and academic institutions on foreign policy';
- (iii) Submit to the regional fora of research and academic institutions concrete proposals on studies to be taken on foreign policy.;
- (iv) Introduce SADC related matters in the curricula of the school system;
- (v) Implement the Protocol on Education and Training, giving 5% of vacancies in public training institutions to students from the region;
- (vi) Promote regular cultural, arts and sports events; and
- (vii) Harmonise structures dealing with SADC Affairs.

OBJECTIVE 3

To prevent, contain and resolve inter and intra-State conflict by peaceful means

Strategies / activities

- (i) Establish early warning units in each Member State;
- (ii) Define common standards to identify conflicts;
- (iii) Enhance the capacity for conflict prevention, management and resolution;
- (iv) Encourage the contribution of civil society to conflict prevention, management and resolution;
- (v) Establish and operationalise confidence building measures for conflict prevention, management and resolution mechanisms;
- (vi) Operationalise the ISPDC structures;
- (vii) Promote regular assessment of factors that have the potential to lead to conflict e.g.: imbalances in welfare and poverty;
- (viii) Develop appropriate policies for social reintegration of ex-combatants, refugees and internally-displaced persons:
 - Establish a common understanding on the target groups for reintegration and identify partners for funding;
 - Develop a hand book on social reintegration;
 - Share the best experience and practices of the region on social reintegration of demobilised combatants, refugees and internally displaced persons; and
 - Organise training workshops and seminars.

OBJECTIVE 4

To promote the development of democratic institutions and practices by State Parties and encourage the observance of universal human rights

Strategies / activities

- (i) Establish common electoral standards in the region, including a code of electoral conduct;
- (ii) Promote the principles of democracy and good governance;

- (iii) Encourage political parties to accept the outcome of elections held in accordance with both the African Union and the SADC Electoral Standards;
- (iv) Establish a SADC Electoral Commission and define its functions;
- (v) Establish a Regional Commission for the promotion of and respect for human rights; and
- (vi) Strengthen Members States judicial systems.

OBJECTIVE 5

To observe and encourage State Parties to implement the United Nations Charter, African Union Constitutive Act and other international conventions and treaties on peaceful relations between states

Strategies / activities

- (i) Ratify and accede to the relevant Conventions, Treaties and Protocols; and
- (ii) Promote regular bilateral and multilateral consultations on matters of mutual interests.

OBJECTIVE 6

Develop peacekeeping capacity of national defence forces and co-ordinate the participation of State Parties in international and regional peacekeeping operations

Strategies / activities

- (i) Co-ordinate the region's involvement in international peacekeeping missions; and
- (ii) Mobilise resources and enhance regional capacity for peace support operations.

OBJECTIVE 7

Enhance regional capacity in respect of disaster management and coordination of international humanitarian assistance

Strategies / activities

- (i) Strengthen and consolidate regional disaster management mechanisms;
- (ii) Conduct research and establish a database on regional intervention capacity;
- (iii) Strengthen national capacity for combating natural calamities; and
- (iv) Oversee the activities of the Regional Committee on Disasters Management.

OBJECTIVE 8

Develop common foreign policy approaches on issues of mutual concern and advance such policy collectively in international fora

Strategies / activities

- (i) Operationalise the Inter-State Politics and Diplomacy Committee;
- (ii) Develop common foreign policy approaches;
- (iii) Undertake regular consultations;

- (iv) Define criteria for identifying and fielding candidatures for positions in international organisations and for hosting regional events.
- (v) Establish specialised structures and mechanisms.

4. Defence Sector

4.1 Analysis

4.1.1 The Southern African region has for decades been developing and strengthening regional co-operation in the Defence Sector. It is this co-operation that underpinned the establishment of the Inter-State Defence and Security Committee (ISDSC) in 1977, which is a forum for defence, and security co-operation. ISDSC played a crucial role in the liberation struggles against colonial and racist regimes and in the maintenance of the national sovereignty and territorial integrity of the Member States.

4.1.2 The advent of relative peace throughout the region has expanded the focus of the military to the secondary roles such as peace support operations, humanitarian assistance and support to civil authority. For example, during the floods-induced disasters of 2000/2001 in Mozambique the SADC Defence Forces played a critical role in saving lives and in the restoration of communication links before civilian authorities could resume reconstruction activities.

4.1.3 In order to ensure effective conduct of peace support operations the ISDSC established a Regional Peacekeeping Training Centre in Zimbabwe. In enhancing effectiveness in the conduct of peace support operations SADC Defence Forces have held a series of joint peace support exercises such as Blue Hungwe, Blue Crane, Tanzanite and Airborne Africa 2002.

4.1.4 At the international level, many SADC Member States have contributed personnel to UN peace missions in Somalia, Sierra Leone, Ethiopia/Eritrea, Burundi, in Africa; and as far afield as East Timor and Cambodia in Asia, Bosnia and Croatia in Europe.

4.2 Challenges

4.2.1 Notwithstanding the achievements stated above, the region still faces a number of challenges, which impact on the defence sector. These include:

- (i) Armed conflicts within Member States;
- (ii) Terrorism;
- (iii) HIV and AIDS;
- (iv) Developing policies and capacities to ensure that the region maintains trained units ready to be deployed in peace support operations in the region or under the auspices of the African Union or the United Nations;
- (v) Developing a regional capacity on defence technology;
- (vi) The clearance of landmines and Unexploded Ordnances (UXOs);
- (vii) Responding to external aggressions;
- (viii) The reintegration of ex-combatants and rehabilitation of child soldiers;
- (ix) Developing a doctrine that will enable the inter-operability of the Defence Forces;
- (x) Disaster relief support capability;
- (xi) The proliferation of and illicit trafficking in small arms and light weapons; and
- (xii) Any other threats.

4.3 Objectives and activities

4.3.1 The overall objectives of the Organ in the Defence arena are stipulated in article 2 of the Protocol on Politics, Defence and Security Co-operation, and these are:

OBJECTIVE 1

To protect the people and safeguard the development of the Region against instability arising from the breakdown of law and order, intra-state and inter-state conflicts and aggression

Strategies / activities

- (i) Develop regional defence capability against military aggression;
- (ii) Conduct regular assessment of the regional security situation;
- (iii) Define and identify common interests and threats in the region; and
- (iv) Formulate regional policies with regard to reintegration of demobilised ex-soldiers including ex- child soldiers.

OBJECTIVE 2

Promote regional coordination and co-operation on matters related to security and defence and establish appropriate mechanisms to this end

Strategies / activities

- (i) Harmonise national defence policies to be constantly in line with foreign policy objectives;
- (ii) Establish and operationalise confidence building measures for conflict prevention, management and resolution;
- (iii) Promote interaction among senior officials of the Member States Security and Defence Forces through consultation and joint training programmes;
- (iv) Conduct activities aimed at enabling coordination in handling conflicts, harmonise policies and strategies;
- (v) Promote debates and meetings on the establishment of an early warning system and mutual defence measures;
- (vi) Promote social, cultural and leisure activities within Armed Forces; and
- (vii) Monitor the implementation of the decisions taken by the Summit on external policies with regard to defence issues.

OBJECTIVE 3

To consider enforcement action in accordance with international law, as a matter of last resort, where peaceful means have failed

Strategies / activities

- (i) Establish stand-by arrangements and promote professionalism of the defence forces in the conduct of peace support operations;
- (ii) Design and implement professional training pro-grammes for the defence forces; and
- (iii) Promote civil-military relations.

OBJECTIVE 4

To consider the developments of a collective security capacity and conclude a mutual defence pact to respond to external military threats

Strategies / activities

- (i) Finalise of the draft SADC Mutual Defence Pact;
- (ii) Operationalise the SADC Mutual Defence Pact;
- (iii) Promote and disseminate Mutual Defence Pact within the Member States Institutions
- (iv) Harmonise military doctrines and operational concepts in the region in order to achieve regional inter-operability; and
- (v) Adopt and rehearse operational procedures aimed at achieving the spirit of the Pact.

OBJECTIVE 5

To observe and encourage State Parties to implement United Nations, African Union and other international conventions and treaties on Arms Control, Disarmament and peaceful relations between states

Strategies / activities

- (i) Develop a regional culture of binding our defence forces to relevant International Conventions and Treaties; and
- (ii) Incorporate in the training programmes and curricula the existing international conventions and treaties.

OBJECTIVE 6

To develop peacekeeping capacity of national defence forces and co-ordinate the participation of State Parties in International and Regional Peacekeeping Operations

Strategies / activities

- (i) Develop a regional peace support operational capability based upon each individual Member State's standby arrangements;
- (ii) Consolidate and develop the activities of the Regional Peacekeeping Training Centre;
- (iii) Finance the Regional Peacekeeping Training Centre (RPTC) according to the capacities of Member States or through possible foreign partners;
- (iv) Design and establish a regional peace support operational structure with appropriate means;
- (v) Promote the inter-operability of military equipment to be used in peace support operations;
- (vi) Train regional forces for peace support operations; and
- (vii) Conduct joint multinational exercises.

OBJECTIVE 7

To enhance regional capacity in respect of disaster management and co-ordination of international humanitarian assistance

Strategies / activities

- (i) Implement Early Warning Systems and establish operational procedures related to disaster management;
- (ii) Train national defence forces for an effective rapid response in search and rescue missions;
- (iii) Conduct joint exercises for humanitarian assistance and disaster relief
- (iv) Identify areas of intervention that could be funded by cooperating partners;
- (v) Adopt operational emergency procedures that will guide the use of military forces in search and rescue operations;
- (vi) Ensure that Member States have equipment to be used in case of emergency;
- (vii) Strengthen the regional mechanism and coordination of the SADC Mine Action Programme;

5. The State Security Sector**5.1 Analysis**

5.1.1 The success of the integration process in the SADC region requires a satisfactory level of state security. Political co-operation has created a conducive environment for enhanced security co-operation.

5.1.2 While the security situation in the region is characterised by peace and stability there are externally and internally induced threats to the security of Member States. The following are some of the main areas of concern:

- Threats to subvert constitutional order and diminish national sovereignty; and
- Manoeuvres or activities designed to undermine the economic interests of Member States and/or the Region.

5.1.3 Regular exchange of intelligence information among the services and mutual assistance rendered to each are some of the important factors defining the current state of co-operation in the State Security Sector. This process has also significantly benefited from the formal and informal links between the services.

5.1.4 The state of bilateral co-operation among the services is one of the key pillars underpinning the growth of regional security co-operation.

5.2 Challenges

5.2.1 Despite the above positive developments, the State Security sector still faces a number of challenges. These include:

- (i) Enhancement of the capacity to prevent the subversion of the constitutional order and national sovereignty;
- (ii) The negative effects of globalisation such as the growing vulnerability of national borders, increase in organised and transnational crime, drug trafficking, money laundering and human trafficking;
- (iii) Terrorism;
- (iv) Enhancement of bilateral relations;
- (v) Implementation of Early Warning System (EWS);
- (vi) Address the impact of the HIV and AIDS pandemic;
- (vii) Limited resources;
- (viii) Food security; and
- (ix) Protection of maritime resources.

5.3 Objectives and activities

5.3.1 The overall objectives of the Organ in the State Security Sector are stipulated in article 2 of the Protocol on Politics, Defence and Security Co-operation, and these are:

OBJECTIVE 1

To protect the people and safeguard the development of the Region against instability arising from the breakdown of law and order, intra-state conflict, inter-state conflict and aggression

Strategies / activities

- (i) Identify and diffuse threats of instability within the region;
- (ii) Exchange intelligence information relating to acts which potentially threaten the stability of Member States;
- (iii) Exchange training programmes;
- (iv) Share information on suspected terrorist syndicates within the region;
- (v) Hold regular workshops and seminars on combating terrorism;
- (vi) Organise specialised regional training programmes on combating terrorism;
- (vii) Co-ordinate sourcing of assistance to prevent and combat terrorism;
- (viii) Enact and or strengthen national legislation on terrorism;
- (ix) Prevent the spread of the HIV and AIDS pandemic through public awareness and advocacy campaigns;
- (x) Identify the sources of opportunistic and communicable diseases and other pandemics;
- (xi) Undertake HIV and AIDS education against stigmatisation and discrimination; and
- (xii) To promote the observance of human rights in security related issues.

OBJECTIVE 2

To promote regional coordination and co-operation on matters related to security and defence and establish appropriate mechanisms to this end

Strategies / activities

- (i) Undertake regular exchange of intelligence;
- (ii) Hold regional workshops, seminars and training programmes;
- (iii) Hold regional meetings; and
- (iv) Share resources both financial and technological.

OBJECTIVE 3

To prevent, contain and resolve inter- and intra-state conflict by peaceful means

Strategies / activities

- (i) Identify potential early warning signs of inter-state and intra-state conflicts;
- (ii) Monitor regional security situation; and
- (iii) Exchange information of common interest.

OBJECTIVE 4

To consider the development of a collective security capacity and conclude a mutual defence pact to respond to external military threats

Strategies / activities

- (i) Exchange intelligence of mutual interest;
- (ii) Harmonise intelligence systems; and
- (iii) Undertake regional training initiatives.

OBJECTIVE 5

To develop close co-operation between the police and state security services of Member States in order to address:

- (i) Cross border crime; and
- (ii) Promotion of a community-based approach to domestic security

Strategies / activities

- (i) Hold meetings between police and state security services; and
- (ii) Exchange intelligence through the development of a common database on cross border crime.

6. Public Security Sector**6.1 Analysis**

6.1.1 The situation in the public security sector is characterised by an increased co-operation and collaboration between various services responsible for law enforcement and public security.

6.1.2 Law enforcement agencies have been conducting joint crossborder operations, which resulted in the reduction of crime and recovery of stolen property. Transnational organised crime and incidents of terrorism constitute some of the serious concerns to law enforcement agencies such as Immigration, Police, Customs, Border Guards, Coast Guards and Fiscal Inspectors.

6.1.3 The immigration services of the SADC are engaged in collective planning aimed at strengthening the control and facilitation of the movement of persons in the region. The region's long and porous borders, economic attractions and the relative peace and stability make the region a preferred destination and transit of, not only investments, but also criminal elements.

6.1.4 The Public Security Sector has also been engaged in the prevention of poaching in some Member States and in illegal trade in wildlife products.

6.1.5 Member States have also been working together to curb incidents of transit fraud and under-valuation of imported second hand goods from Asia as well as cross border smuggling.

6.1.6 Cognisant of the region's vulnerability to cross-border crime, SADC, through its security institutions, has been active in the development of international instruments to fight transnational crime. SADC, through the Southern African Regional Police Chief Co-operation Organisation (SARPCCO), prepared the Protocol on Firearms, Ammunition and Other Related Materials which was adopted and signed at the Blantyre Summit on 14 August 2001.

6.1.7 SADC also adopted and signed the Protocols on Extradition, Against Corruption and on Mutual Legal Assistance in Matters of Crime.

6.1.8 At the Continental level, SADC Member States were instrumental in the development and adoption in 2000 of the Bamako Declaration on Small Arms and Light Weapons.

6.1.9 At the International level, SADC actively participated at the UN Conference on Illicit Trade in Small Arms and in the adoption of the respective Programme of Action held in July 2001 in New York. SADC countries were also instrumental in the adoption of the UN Convention on Transnational Crime.

6.2 Challenges

6.2.1 Despite the above achievements, the Public Security Sector still faces numerous challenges which include:

- (i) Transnational criminal activities and organised criminal syndicates;
- (ii) Cyber crime;
- (iii) Terrorism;
- (iv) Drug dealing and trafficking;
- (v) Violent crime;
- (vi) Control and regulation of private security companies for the elimination of mercenary activities;
- (vii) The proliferation of and trafficking in small arms and light weapons;
- (viii) Money laundering and cash in transit heist;
- (ix) The negative effects of globalisation such as the growing vulnerability of national borders;
- (x) The scarcity of resources;
- (xi) Efficient communication systems backed by a reliable criminal intelligence network;
- (xii) Combating human trafficking;
- (xiii) Combating and prevention of rape, abuse and violence against women, and children;
- (xiv) HIV and AIDS; and
- (xv) Enforcement of the agreed policies pertaining to the control of conflict diamonds.

6.3 Objectives and activities

6.3.1 The overall objectives of the Organ in the Public Security Sector are stipulated in article 2 of the Protocol on Politics, Defence and Security Co-operation, and these are:

OBJECTIVE 1

To protect the people and safeguard the development of the Region against instability arising from the breakdown of law and order, intra-state conflicts and aggression

Strategies / activities

- (i) Conduct regular assessment and evaluation of the regional public security situation;
- (ii) Ensure safety of the region and build the capacity for combating cyber crime and terrorism;
- (iii) Devise effective measures to address the HIV and AIDS pandemic in the law enforcement agencies;
- (iv) Hold regular meetings to identify and combat activities likely to promote the breakdown of law and order;

- (v) Train law enforcement officers on effective law and order maintenance strategies;
- (vi) Regularly review law and order related matters; and
- (vii) Intensify joint operations and exchange of information.

OBJECTIVE 2

To promote regional coordination and co-operation on matters related to security and defence and establish appropriate mechanisms to this end

Strategies / activities

- (i) Develop a Database for law enforcement agencies;
- (ii) Conduct regional workshops, seminars and training;
- (iii) Hold regular meetings between legal experts of the law enforcement agencies and SADC Legal Affairs Unit to develop the necessary legislation on combating crime;
- (iv) Establish a common approach on illegal migration and refugees;
- (v) Establish mechanisms for regional coordination among Customs and Immigration Services;
- (vi) Harmonise and consolidate immigration procedures and control mechanisms to facilitate the movement of people amongst Member States;
- (vii) Institute measures to combat human trafficking; and
- (viii) Strengthen internal and external co-operation to combat terrorist acts.

OBJECTIVE 3

To consider enforcement action in accordance with international law and as a matter of last resort where peaceful means have failed

Strategies / activities

- (i) Train the police on special operations management; and
- (ii) Ensure and promote professional accountability within the police services;

OBJECTIVE 4

To promote the development of democratic institutions and practices within the territories of State Parties and encourage the observance of universal human rights as provided for in the charters and conventions of the AU and UN

Strategies / activities

- (i) Develop a common code of conduct for law enforcement agencies;
- (ii) Undertake regular joint training programmes; and
- (iii) Develop a culture of observance of the existing international provisions on Human Rights.

OBJECTIVE 5

To develop close co-operation with State Security and Defence Forces of State Parties in order to address cross border crime and promote a community based approach to domestic security

Strategies / activities

- (i) Exchange information through development of a common database on cross border crime;
- (ii) Hold regular meetings between police and state security services;
- (iii) Identify and implement common community-based policing initiatives;
- (iv) Establish a common approach on contraband, counterfeit and illicit trade of goods; and
- (v) Promote co-operation and sharing of best practices on combating poaching, illegal fishing and border crime;

OBJECTIVE 6

To observe and encourage State Parties to implement UN, African Union and other international conventions and Treaties on Arms Control, Disarmament and peaceful relations between states

Strategies / activities

- (i) Encourage ratification and implementation of the various existing legal instruments; and
- (ii) Conduct joint training courses and operations.

OBJECTIVE 7

To develop peacekeeping capacity of national police services and co-ordinate the participation of State Parties in International and Regional Peacekeeping Operations

Strategies / activities

- (i) Promote the joint training of Civil Police for peace support missions; and
- (ii) Establish a regional database of trained personnel.

OBJECTIVE 8

To enhance regional capacity in respect of disaster management and co-ordination of international humanitarian assistance

Strategies / activities

- (i) Conduct joint humanitarian assistance and disaster management training;
- (ii) Establish a database on available resources in respect of disaster management in the region; and
- (iii) Strengthen regional coordination mechanism for disaster prevention and response.

7. Strategies for Sustainability of the Plan

7.1 Political commitment

7.1.1 Political commitment is the linchpin and fundamental ingredient underlying all stages of the implementation of SIPO. Member States have to uphold the principles and objectives of the SADC Treaty and the Protocol on Politics, Defence and Security Co-operation as they implement the SIPO. It is therefore, important that Member States ratify the Protocol and effectively implement other relevant legal instruments, particularly those concerning the Organ, such as the Protocol on Politics Defence and Security Co-operation (2001), Protocol on Combating Illicit Drugs (1996); Protocol on the Control of

Firearms, Ammunition and Other Related Materials (2001), the Protocol Against Corruption (2001) and the Protocol on Extradition (2002).

7.2 Partnership

7.2.1 Southern African Development Community (SADC), in recognition of the fact that political, defence and security matters transcend national and regional borders, seeks to co-operate with non-state parties and international organisations and, where possible, involve co-operation agreements between State Parties and Non-State Parties on such matters as provided for in the Protocol on Politics, Defence and Security Co-operation.

7.3 Funding, budget management and financial audit

7.3.1 FUNDING

7.3.1.1 The activities of the Organ will, as a matter of principle, be funded through assessed contributions from Member States. They may also be catered for by other contributions such as special funds, endowment funds and other external sources as Summit may decide;

7.3.1.2 The external funding of the Organ shall be in line with the provisions of article 10 of the SADC Protocol on Politics, Defence and Security Co-operation.

7.3.1.3 The areas amenable for co-operation with international cooperating partners include:

- (i) Peace Support and Humanitarian Operations;
- (ii) Disaster management;
- (iii) Combating organised crime including drug trafficking, anti-money laundering and human trafficking;
- (iv) Post-Conflict reconstruction and social reintegration programmes;
- (v) Mine Action Programmes;
- (vi) HIV and AIDS programmes;
- (vii) Small arms and light weapons control;
- (viii) Drug trafficking control programmes;
- (ix) Joint training exercises;
- (x) Food security; and
- (xi) Other areas as may be decided by Summit;

7.4 Budget and budget management

7.4.1 The Ministerial Committee of the Organ shall propose the budget to Council for approval. However, the present regulations governing the management of SADC budget should apply in the management of the budget of the Organ. The Ministerial Committee of the Organ is the competent authority to approve the allocation of the resources for the normal functioning of the Organ.

7.5 Auditing

The regulations governing the auditing of SADC finances shall apply to the auditing of the finances of the Organ. However, the team of the Auditors shall be drawn from institutions akin to activities of the Organ.

7.6. Monitoring and evaluation

Strict monitoring and evaluation mechanism shall be put in place. The monitoring mechanism shall include:

- (i) Review of the implementation of planned activities; and
- (ii) Provision of information on regular basis to stakeholders.

Format of the Reporting Mechanism		
PRODUCT OF MONITORING & EVALUATION PROCESS	OBJECTIVES	CONTENT
Quarterly Reports	To monitor the implementation of the planned activities in the light of the defined targets	Activities which have been undertaken and those still in progress;
Annual Reports	<ul style="list-style-type: none"> • To assess the stage of implementation of the annual objectives; • In the light of the above assessment, to recommend necessary adjustments. 	<ul style="list-style-type: none"> • Planned activities and the progress in their implementation; • Perspectives and Recommendations.

8. Institutional Structure and Staffing

8.1 The office of the chairperson of the organ

8.1.1 The task of chairing the Organ entails financial commitments that ought not to be borne solely by the chairing Member State. It is against this background that provisions should be put in place to ensure that resources are available to meet these obligations.

8.1.2 The Office of the Chairperson is hereby established and shall be staffed by two (2) assistants to be drawn from nationals of the Member State chairing the Organ. This Office may be funded by the Organ.

8.1.3 The assistants shall be responsible for the implementation of assignments as may be decided upon by the Chairperson of the Organ. Moreover, they shall liaise with the SADC substructures responsible for the affairs of the Organ.

8.2 The role of the secretariat

8.2.1 Article 9 of the Protocol assigns to the SADC Secretariat the responsibility to provide secretariat services to the Organ. In view of this, the Secretariat shall assist both the Chairperson of the Organ and the committees, keeping records of meetings, assisting in policy development and monitoring the implementation of decisions. It shall also provide administrative backup to the functioning of the Organ.

8.3 The structure

8.3.1 Against this background and pursuant to Summit decision taken at its Extra-Ordinary Meeting held in Blantyre, Malawi, in January 2002, a new sub-structure called Department for Politics, Defence and Security is hereby established within the SADC Secretariat. A Chief Director, to report directly to the Executive Secretary, shall head this Department.

- (i) The Department shall comprise the following sub-divisions
- (ii) Directorate for Politics and Diplomacy;
- (iii) Directorate for Defence and Security; and
- (iv) Strategic Analysis Unit, also responsible for the Situation Room.

8.3.2 The requirements to fill the above posts will include, among others, the following:

- (i) Chief Director
 - An advanced degree in either political science, international relations, strategic studies or other relevant areas;
 - At least 10 years working experience 5 of which should be at managerial level;
 - Working knowledge of SADC structures;
 - Research skills; practical experience in projects monitoring and evaluation;
 - International working experience shall be an added experience;
 - Solid computer literacy and use of GIS software; knowledge of at least one SADC official languages.
 - Be a citizen of the Southern African Development Community (SADC).
- (ii) Directors
 - Advanced degree or equivalent and background in the relevant areas; 7 years working experience of which 2 at managerial level and familiarity with SADC working practice; report writing skills, computer literacy; and be a citizen of the Southern African Development Community (SADC).
- (iii) Officers in the Directorates
 - Degree and background in the relevant areas; 4 years working experience in the relevant areas; computer literacy; excellent drafting skills and working with GIS software; familiarity with SADC objectives; and be a citizen of the Southern African Development Community (SADC).

Section 5

International Partnerships

International partnerships are vital to the success of the African peace and security agenda because the AU and regional bodies lack the financial resources and capacity to shoulder the full burden of maintaining peace and security in Africa. Furthermore, the United Nations is mandated to maintain international peace and security (UN Charter, article 1), and retains ultimate responsibility for keeping world peace. The UN Charter lays out the circumstances in which the UN can respond to threats to the peace, either through mediation, negotiation, or other peaceful means (Chapter VI) or through use of force (Chapter VII). The Charter also stipulates the relationship between the UN and regional or subregional organisations, such as the AU or the RECs (Chapter VIII). This relationship has become a matter of interest in the last decade as the role of regional organisations in peace keeping takes prominence.

Since the end of the Cold War, the UN has come under increasing pressure to respond to the numerous conflicts that erupted across the world. Between 1988 and 1992, it launched an unprecedented 13 peacekeeping missions, the same number it had carried out in the previous 40 years. At present, the UN has peacekeeping missions in Sudan, Burundi, Cote d'Ivoire, Liberia, DRC, Ethiopia/Eritrea, Sierra Leone and Western Sahara, yet the body lacks the capacity and will to respond to all of Africa's conflicts effectively. The withdrawal of the UN mission from Somalia in 1993 and the failure to prevent the genocide in Rwanda in 1994 are clear examples of situations where the UN failed to fulfil its mandate.

In response to this reality, the UN engaged in a number of initiatives to reform its efforts in responding to challenges. Out of these efforts have emerged two watershed reports that urge the restructuring of the manner in which peacekeeping missions are mounted and the need to link peace, security and development. These are the Brahimi Report (2000) and the Report of the High Level Panel on Threats, Challenges and Change (2004). There has also been a move towards restructuring the UN system to enable it to respond to the new dynamics, including emerging threats. In July 2005, Africa submitted a proposal for UN reform to be discussed at the General Assembly in September 2005. This proposal included the expansion of the UN Security Council to make it more inclusive, democratic and reflective of global dynamics. Africa views the reform of the United Nations as critical to increase its relevance at a time when several glaring failures have brought it into doubt.

The AU has also entered into partnerships with other regional blocs, such as the European Union (EU). The Cotonou Agreement (2000) governs relations between Europe and African, Caribbean and Pacific States (ACP), and includes measures to be undertaken by the parties in post-conflict situations (especially articles 11, 26, 56, 72, 84). In 2003, at the request of the AU, the EU set up the African Peace Facility, a 250 million Euro fund to support African peace initiatives.

In 2002, the Group of Eight Major Industrialised Nations (G8) launched the Africa Action Plan at its summit in Kananaskis, in which they pledged support for NEPAD and for African efforts at conflict prevention and resolution. Since then, the G8 has repeated its pledges of support for African-owned peace and security initiatives, although these have yet to translate into real commitments. At the July 2005 Gleneagles Summit, the G8 reiterated its commitment to provide technical assistance, training, logistical and financial support to the AU and regional organisations for their peace and security initiatives.

At the Tokyo International Conference on African Development (TICAD), Asian and African countries developed a framework to support African development, while TICAD III focused on achieving the Millennium Development Goals (MDGs) and achieving NEPAD's regional priorities.

(For more information on the relation between the Millennium Declaration and Peace and Security in Africa see the UPEACE Reader on Conflict Prevention, Management and Resolution).

1. United Nations

Charter of the United Nations (1945)

Adopted on 26 June 1945 in San Francisco, United States. The UN officially came into existence on 24 October 1945. Available online at: <http://www.un.org/about/un/charter>

...

CHAPTER I: Purposes and Principles

Article 1

The Purposes of the United Nations are:

- (i) To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

- (ii) To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
- (iii) To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
- (iv) To be a centre for harmonising the actions of nations in the attainment of these common ends.

...

Article 2

The Organisation and its Members, in pursuit of the Purposes stated in article 1, shall act in accordance with the following Principles:

...

- (vii) Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

...

CHAPTER VI: Pacific Settlement of Disputes

Article 33

- (i) The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice;
- (ii) The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

- (i) Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in article 34, to the attention of the Security Council or of the General Assembly;
- (ii) A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter;
- (iii) The proceedings of the General Assembly in respect of matters brought to its attention under this article will be subject to the provisions of articles 11 and 12.

Article 36

- (i) The Security Council may, at any stage of a dispute of the nature referred to in article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment;
- (ii) The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties;
- (iii) In making recommendations under this article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

- (i) Should the parties to a dispute of the nature referred to in article 33 fail to settle it by the means indicated in that article, they shall refer it to the Security Council;
- (ii) If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

...

**CHAPTER VII: Action with Respect to Threats to the Peace,
Breaches of the Peace, and Acts of Aggression**

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

- (i) All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security;
- (ii) Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided;
- (iii) The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

- (i) There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament;

- (ii) The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work;
- (iii) The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently;
- (iv) The Military Staff Committee, with the authorisation of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

- (i) The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine;
- (ii) Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII: Regional Arrangements

Article 52

- (i) Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for

regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations;

- (ii) The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council;
- (iii) The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council;
- (iv) This article in no way impairs the application of articles 34 and 35.

Article 53

- (i) The Security Council shall, where appropriate, utilise such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorisation of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this article, provided for pursuant to article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organisation may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state;
- (ii) The term enemy state as used in paragraph 1 of this article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

...

An Agenda for Peace: Preventive diplomacy, peacemaking and peacekeeping (1992)

UN Secretary-General Boutros Boutros-Ghali prepared the ground-breaking 'Agenda for Peace' pursuant to the request of the Security Council (SC) meeting at the Heads of States and Government level held on 31 January 1992. The UNSC requested an 'analysis and recommendations on ways of strengthening and making more efficient within the framework and provisions of the Charter the capacity of the United Nations for preventive diplomacy, for peacemaking and for peacekeeping'.

I. The changing context

8. In the course of the past few years the immense ideological barrier that for decades gave rise to distrust and hostility and the terrible tools of destruction that were their inseparable companions has collapsed. Even as the issues between States north and south grow more acute, and call for attention at the highest levels of government, the improvement in relations between States east and west affords new possibilities, some already realised, to meet successfully threats to common security.

9. Authoritarian regimes have given way to more democratic forces and responsive Governments. The form, scope and intensity of these processes differ from Latin America to Africa to Europe to Asia, but they are sufficiently similar to indicate a global phenomenon. Parallel to these political changes, many States are seeking more open forms of economic policy, creating a world wide sense of dynamism and movement.

10. To the hundreds of millions who gained their independence in the surge of decolonisation following the creation of the United Nations, have been added millions more who have recently gained freedom. Once again new States are taking their seats in the General Assembly. Their arrival reconfirms the importance and indispensability of the sovereign State as the fundamental entity of the international community.

11. We have entered a time of global transition marked by uniquely contradictory trends. Regional and continental associations of States are evolving ways to deepen co-operation and ease some of the contentious characteristics of sovereign and nationalistic rivalries. National boundaries are blurred by advanced communications and global commerce, and by the decisions of States to yield some sovereign prerogatives to larger, common political associations. At the same time, however, fierce new assertions of nationalism and sovereignty spring up, and the cohesion of States is threatened by brutal ethnic, religious, social, cultural or linguistic strife. Social peace is challenged on the one hand by new assertions of discrimination and exclusion and, on the other, by acts of terrorism seeking to undermine evolution and change through democratic means.

12. The concept of peace is easy to grasp; that of international security is more complex, for a pattern of contradictions has arisen here as well. As major nuclear powers have begun to negotiate arms reduction agreements, the proliferation of weapons of mass destruction threatens to increase and conventional arms continue to be amassed in many parts of the world. As racism becomes recognised for the destructive force it is and as apartheid is being dismantled, new racial tensions are rising and finding expression in violence. Technological advances are altering the nature and the expectation of life all over the globe. The revolution in communications has united the world in awareness, in aspiration and in greater solidarity against injustice. But progress also brings new risks for stability: ecological damage, disruption of family and community life, greater intrusion into the lives and rights of individuals.

13. This new dimension of insecurity must not be allowed to obscure the continuing and devastating problems of unchecked population growth, crushing debt burdens, barriers to trade, drugs and the growing disparity between rich and poor. Poverty, disease, famine, oppression and despair abound, joining to produce 17 million refugees, 20 million displaced persons and massive migrations of peoples within and beyond national borders. These

are both sources and consequences of conflict that require the ceaseless attention and the highest priority in the efforts of the United Nations. A porous ozone shield could pose a greater threat to an exposed population than a hostile army. Drought and disease can decimate no less mercilessly than the weapons of war. So at this moment of renewed opportunity, the efforts of the Organisation to build peace, stability and security must encompass matters beyond military threats in order to break the fetters of strife and warfare that have characterised the past. But armed conflicts today, as they have throughout history, continue to bring fear and horror to humanity, requiring our urgent involvement to try to prevent, contain and bring them to an end.

14. Since the creation of the United Nations in 1945, over 100 major conflicts around the world have left some 20 million dead. The United Nations was rendered powerless to deal with many of these crises because of the vetoes – 279 of them – cast in the Security Council, which were a vivid expression of the divisions of that period.

15. With the end of the cold war there have been no such vetoes since 31 May 1990, and demands on the United Nations have surged. Its security arm, once disabled by circumstances it was not created or equipped to control, has emerged as a central instrument for the prevention and resolution of conflicts and for the preservation of peace. Our aims must be:

- To seek to identify at the earliest possible stage situations that could produce conflict, and to try through diplomacy to remove the sources of danger before violence results;
- Where conflict erupts, to engage in peacemaking aimed at resolving the issues that have led to conflict;
- Through peacekeeping, to work to preserve peace, however fragile, where fighting has been halted and to assist in implementing agreements achieved by the peacemakers;
- To stand ready to assist in peacebuilding in its differing contexts: rebuilding the institutions and infrastructures of nations torn by civil war and strife; and building bonds of peaceful mutual benefit among nations formerly at war;
- And in the largest sense, to address the deepest causes of conflict: economic despair, social injustice and political oppression. It is possible to discern an increasingly common moral perception that spans the world's nations and peoples, and which is finding expression in international laws, many owing their genesis to the work of this Organisation.

16. This wider mission for the world Organisation will demand the concerted attention and effort of individual States, of regional and non-governmental organisations and of all of the United Nations system, with each of the principal organs functioning in the balance and harmony that the Charter requires. The Security Council has been assigned by all Member States the primary responsibility for the maintenance of international peace and security under the Charter. In its broadest sense this responsibility must be shared by the General Assembly and by all the functional elements of the world Organisation. Each has a special and indispensable role to play in an integrated approach to human security. The Secretary-General's contribution rests on the pattern of trust and co-operation established between him and the deliberative organs of the United Nations.

17. The foundation-stone of this work is and must remain the State. Respect for its fundamental sovereignty and integrity are crucial to any common

international progress. The time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality. It is the task of leaders of States today to understand this and to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world. Commerce, communications and environmental matters transcend administrative borders; but inside those borders is where individuals carry out the first order of their economic, political and social lives. The United Nations has not closed its door. Yet if every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation, and peace, security and economic well-being for all would become ever more difficult to achieve.

18. One requirement for solutions to these problems lies in commitment to human rights with a special sensitivity to those of minorities, whether ethnic, religious, social or linguistic. The League of Nations provided a machinery for the international protection of minorities. The General Assembly soon will have before it a declaration on the rights of minorities. That instrument, together with the increasingly effective machinery of the United Nations dealing with human rights, should enhance the situation of minorities as well as the stability of States.

19. Globalism and nationalism need not be viewed as opposing trends, doomed to spur each other on to extremes of reaction. The healthy globalisation of contemporary life requires in the first instance solid identities and fundamental freedoms. The sovereignty, territorial integrity and independence of States within the established international system, and the principle of self-determination for peoples, both of great value and importance, must not be permitted to work against each other in the period ahead. Respect for democratic principles at all levels of social existence is crucial: in communities, within States and within the community of States. Our constant duty should be to maintain the integrity of each while finding a balanced design for all.

II. Definitions

20. The terms preventive diplomacy, peacemaking and peacekeeping are integrally related and as used in this report are defined as follows:

- Preventive diplomacy is action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur.
- Peacemaking is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations.
- Peacekeeping is the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peacekeeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace.

21. The present report in addition will address the critically related concept of post-conflict peacebuilding – action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict. Preventive diplomacy seeks to resolve disputes before violence breaks out; peacemaking and peacekeeping are required to halt conflicts and

preserve peace once it is attained. If successful, they strengthen the opportunity for post-conflict peacebuilding, which can prevent the recurrence of violence among nations and peoples.

22. These four areas for action, taken together, and carried out with the backing of all Members, offer a coherent contribution towards securing peace in the spirit of the Charter. The United Nations has extensive experience not only in these fields, but in the wider realm of work for peace in which these four fields are set. Initiatives on decolonisation, on the environment and sustainable development, on population, on the eradication of disease, on disarmament and on the growth of international law – these and many others have contributed immeasurably to the foundations for a peaceful world. The world has often been rent by conflict and plagued by massive human suffering and deprivation. Yet it would have been far more so without the continuing efforts of the United Nations. This wide experience must be taken into account in assessing the potential of the United Nations in maintaining international security not only in its traditional sense, but in the new dimensions presented by the era ahead.

III. Preventive diplomacy

23. The most desirable and efficient employment of diplomacy is to ease tensions before they result in conflict or, if conflict breaks out, to act swiftly to contain it and resolve its underlying causes. Preventive diplomacy may be performed by the Secretary-General personally or through senior staff or specialised agencies and programmes, by the Security Council or the General Assembly, and by regional organisations in co-operation with the United Nations. Preventive diplomacy requires measures to create confidence; it needs early warning based on information gathering and informal or formal fact-finding; it may also involve preventive deployment and, in some situations, demilitarised zones.

Measures to build confidence

24. Mutual confidence and good faith are essential to reducing the likelihood of conflict between States. Many such measures are available to Governments that have the will to employ them. Systematic exchange of military missions, formation of regional or subregional risk reduction centres, arrangements for the free flow of information, including the monitoring of regional arms agreements, are examples. I ask all regional organisations to consider what further confidence-building measures might be applied in their areas and to inform the United Nations of the results. I will undertake periodic consultations on confidence-building measures with parties to potential, current or past disputes and with regional organisations, offering such advisory assistance as the Secretariat can provide.

Fact-finding

25. Preventive steps must be based upon timely and accurate knowledge of the facts. Beyond this, an understanding of developments and global trends, based on sound analysis, is required. And the willingness to take appropriate preventive action is essential. Given the economic and social roots of many potential conflicts, the information needed by the United Nations now must encompass economic and social trends as well as political developments that may lead to dangerous tensions.

(a) An increased resort to fact-finding is needed, in accordance with the Charter, initiated either by the Secretary-General, to enable him to meet his responsibilities under the Charter, including Article 99, or by the Security Council or the General Assembly. Various forms may be employed selectively as the situation requires. A request by a State for the sending of a United Nations fact-finding mission to its territory should be considered without undue delay.

(b) Contacts with the Governments of Member States can provide the Secretary-General with detailed information on issues of concern. I ask that all Member States be ready to provide the information needed for effective preventive diplomacy. I will supplement my own contacts by regularly sending senior officials on missions for consultations in capitals or other locations. Such contacts are essential to gain insight into a situation and to assess its potential ramifications.

(c) Formal fact-finding can be mandated by the Security Council or by the General Assembly, either of which may elect to send a mission under its immediate authority or may invite the Secretary-General to take the necessary steps, including the designation of a special envoy. In addition to collecting information on which a decision for further action can be taken, such a mission can in some instances help to defuse a dispute by its presence, indicating to the parties that the Organisation, and in particular the Security Council, is actively seized of the matter as a present or potential threat to international security.

(d) In exceptional circumstances the Council may meet away from Headquarters as the Charter provides, in order not only to inform itself directly, but also to bring the authority of the Organisation to bear on a given situation.

Early warning

26. In recent years the United Nations system has been developing a valuable network of early warning systems concerning environmental threats, the risk of nuclear accident, natural disasters, mass movements of populations, the threat of famine and the spread of disease. There is a need, however, to strengthen arrangements in such a manner that information from these sources can be synthesised with political indicators to assess whether a threat to peace exists and to analyse what action might be taken by the United Nations to alleviate it. This is a process that will continue to require the close co-operation of the various specialised agencies and functional offices of the United Nations. The analyses and recommendations for preventive action that emerge will be made available by me, as appropriate, to the Security Council and other United Nations organs. I recommend in addition that the Security Council invite a reinvigorated and restructured Economic and Social Council to provide reports, in accordance with Article 65 of the Charter, on those economic and social developments that may, unless mitigated, threaten international peace and security.

27. Regional arrangements and organisations have an important role in early warning. I ask regional organisations that have not yet sought observer status at the United Nations to do so and to be linked, through appropriate arrangements, with the security mechanisms of this Organisation.

Preventive deployment

28. United Nations operations in areas of crisis have generally been established after conflict has occurred. The time has come to plan for circumstances warranting preventive deployment, which could take place in a variety of instances and ways. For example, in conditions of national crisis there could be preventive deployment at the request of the Government or all parties concerned, or with their consent; in inter-State disputes such deployment could take place when two countries feel that a United Nations presence on both sides of their border can discourage hostilities; furthermore, preventive deployment could take place when a country feels threatened and requests the deployment of an appropriate United Nations presence along its side of the border alone. In each situation, the mandate and composition of the United Nations presence would need to be carefully devised and be clear to all.

29. In conditions of crisis within a country, when the Government requests or all parties consent, preventive deployment could help in a number of ways to alleviate suffering and to limit or control violence. Humanitarian assistance, impartially provided, could be of critical importance; assistance in maintaining security, whether through military, police or civilian personnel, could save lives and develop conditions of safety in which negotiations can be held; the United Nations could also help in conciliation efforts if this should be the wish of the parties. In certain circumstances, the United Nations may well need to draw upon the specialised skills and resources of various parts of the United Nations system; such operations may also on occasion require the participation of non-governmental organisations.

30. In these situations of internal crisis the United Nations will need to respect the sovereignty of the State; to do otherwise would not be in accordance with the understanding of Member States in accepting the principles of the Charter. The Organisation must remain mindful of the carefully negotiated balance of the guiding principles annexed to General Assembly resolution 46/182 of 19 December 1991. Those guidelines stressed, *inter alia*, that humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality; that the sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations; and that, in this context, humanitarian assistance should be provided with the consent of the affected country and, in principle, on the basis of an appeal by that country. The guidelines also stressed the responsibility of States to take care of the victims of emergencies occurring on their territory and the need for access to those requiring humanitarian assistance. In the light of these guidelines, a Government's request for United Nations involvement, or consent to it, would not be an infringement of that State's sovereignty or be contrary to Article 2, paragraph 7, of the Charter which refers to matters essentially within the domestic jurisdiction of any State.

31. In inter-State disputes, when both parties agree, I recommend that if the Security Council concludes that the likelihood of hostilities between neighbouring countries could be removed by the preventive deployment of a United Nations presence on the territory of each State, such action should be taken. The nature of the tasks to be performed would determine the composition of the United Nations presence.

32. In cases where one nation fears a cross-border attack, if the Security Council concludes that a United Nations presence on one side of the border,

with the consent only of the requesting country, would serve to deter conflict, I recommend that preventive deployment take place. Here again, the specific nature of the situation would determine the mandate and the personnel required to fulfil it.

Demilitarised zones

33. In the past, demilitarised zones have been established by agreement of the parties at the conclusion of a conflict. In addition to the deployment of United Nations personnel in such zones as part of peacekeeping operations, consideration should now be given to the usefulness of such zones as a form of preventive deployment, on both sides of a border, with the agreement of the two parties, as a means of separating potential belligerents, or on one side of the line, at the request of one party, for the purpose of removing any pretext for attack. Demilitarised zones would serve as symbols of the international community's concern that conflict be prevented.

IV. Peacemaking

34. Between the tasks of seeking to prevent conflict and keeping the peace lies the responsibility to try to bring hostile parties to agreement by peaceful means. Chapter VI of the Charter sets forth a comprehensive list of such means for the resolution of conflict. These have been amplified in various declarations adopted by the General Assembly, including the Manila Declaration of 1982 on the Peaceful Settlement of International Disputes and the 1988 Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field. They have also been the subject of various resolutions of the General Assembly, including resolution 44/21 of 15 November 1989 on enhancing international peace, security and international co-operation in all its aspects in accordance with the Charter of the United Nations. The United Nations has had wide experience in the application of these peaceful means. If conflicts have gone unresolved, it is not because techniques for peaceful settlement were unknown or inadequate. The fault lies first in the lack of political will of parties to seek a solution to their differences through such means as are suggested in Chapter VI of the Charter, and second, in the lack of leverage at the disposal of a third party if this is the procedure chosen. The indifference of the international community to a problem, or the marginalisation of it, can also thwart the possibilities of solution. We must look primarily to these areas if we hope to enhance the capacity of the Organisation for achieving peaceful settlements.

35. The present determination in the Security Council to resolve international disputes in the manner foreseen in the Charter has opened the way for a more active Council role. With greater unity has come leverage and persuasive power to lead hostile parties towards negotiations. I urge the Council to take full advantage of the provisions of the Charter under which it may recommend appropriate procedures or methods for dispute settlement and, if all the parties to a dispute so request, make recommendations to the parties for a pacific settlement of the dispute.

36. The General Assembly, like the Security Council and the Secretary-General, also has an important role assigned to it under the Charter for the maintenance of international peace and security. As a universal forum, its capacity to consider and recommend appropriate action must be recognised.

To that end it is essential to promote its utilisation by all Member States so as to bring greater influence to bear in pre-empting or containing situations which are likely to threaten international peace and security.

37. Mediation and negotiation can be undertaken by an individual designated by the Security Council, by the General Assembly or by the Secretary-General. There is a long history of the utilisation by the United Nations of distinguished statesmen to facilitate the processes of peace. They can bring a personal prestige that, in addition to their experience, can encourage the parties to enter serious negotiations. There is a wide willingness to serve in this capacity, from which I shall continue to benefit as the need arises. Frequently it is the Secretary-General himself who undertakes the task. While the mediator's effectiveness is enhanced by strong and evident support from the Council, the General Assembly and the relevant Member States acting in their national capacity, the good offices of the Secretary-General may at times be employed most effectively when conducted independently of the deliberative bodies. Close and continuous consultation between the Secretary-General and the Security Council is, however, essential to ensure full awareness of how the Council's influence can best be applied and to develop a common strategy for the peaceful settlement of specific disputes.

The World Court

38. The docket of the International Court of Justice has grown fuller but it remains an under-used resource for the peaceful adjudication of disputes. Greater reliance on the Court would be an important contribution to United Nations peacemaking. In this connection, I call attention to the power of the Security Council under Articles 36 and 37 of the Charter to recommend to Member States the submission of a dispute to the International Court of Justice, arbitration or other dispute-settlement mechanisms. I recommend that the Secretary-General be authorised, pursuant to Article 96, paragraph 2, of the Charter, to take advantage of the advisory competence of the Court and that other United Nations organs that already enjoy such authorisation turn to the Court more frequently for advisory opinions.

39. I recommend the following steps to reinforce the role of the International Court of Justice:

(a) All Member States should accept the general jurisdiction of the International Court under Article 36 of its Statute, without any reservation, before the end of the United Nations Decade of International Law in the year 2000. In instances where domestic structures prevent this, States should agree bilaterally or multilaterally to a comprehensive list of matters they are willing to submit to the Court and should withdraw their reservations to its jurisdiction in the dispute settlement clauses of multilateral treaties;

(b) When submission of a dispute to the full Court is not practical, the Chambers jurisdiction should be used;

(c) States should support the Trust Fund established to assist countries unable to afford the cost involved in bringing a dispute to the Court, and such countries should take full advantage of the Fund in order to resolve their disputes.

Amelioration through assistance

40. Peacemaking is at times facilitated by international action to ameliorate circumstances that have contributed to the dispute or conflict. If,

for instance, assistance to displaced persons within a society is essential to a solution, then the United Nations should be able to draw upon the resources of all agencies and programmes concerned. At present, there is no adequate mechanism in the United Nations through which the Security Council, the General Assembly or the Secretary-General can mobilise the resources needed for such positive leverage and engage the collective efforts of the United Nations system for the peaceful resolution of a conflict. I have raised this concept in the Administrative Committee on Coordination, which brings together the executive heads of United Nations agencies and programmes; we are exploring methods by which the inter-agency system can improve its contribution to the peaceful resolution of disputes.

Sanctions and special economic problems

41. In circumstances when peacemaking requires the imposition of sanctions under Article 41 of the Charter, it is important that States confronted with special economic problems not only have the right to consult the Security Council regarding such problems, as Article 50 provides, but also have a realistic possibility of having their difficulties addressed. I recommend that the Security Council devise a set of measures involving the financial institutions and other components of the United Nations system that can be put in place to insulate States from such difficulties. Such measures would be a matter of equity and a means of encouraging States to co-operate with decisions of the Council.

Use of military force

42. It is the essence of the concept of collective security as contained in the Charter that if peaceful means fail, the measures provided in Chapter VII should be used, on the decision of the Security Council, to maintain or restore international peace and security in the face of a 'threat to the peace, breach of the peace, or act of aggression'. The Security Council has not so far made use of the most coercive of these measures – the action by military force foreseen in Article 42. In the situation between Iraq and Kuwait, the Council chose to authorise Member States to take measures on its behalf. The Charter, however, provides a detailed approach which now merits the attention of all Member States.

43. Under Article 42 of the Charter, the Security Council has the authority to take military action to maintain or restore international peace and security. While such action should only be taken when all peaceful means have failed, the option of taking it is essential to the credibility of the United Nations as a guarantor of international security. This will require bringing into being, through negotiations, the special agreements foreseen in Article 43 of the Charter, whereby Member States undertake to make armed forces, assistance and facilities available to the Security Council for the purposes stated in Article 42, not only on an ad hoc basis but on a permanent basis. Under the political circumstances that now exist for the first time since the Charter was adopted, the long-standing obstacles to the conclusion of such special agreements should no longer prevail. The ready availability of armed forces on call could serve, in itself, as a means of deterring breaches of the peace since a potential aggressor would know that the Council had at its disposal a means of response. Forces under Article 43 may perhaps never be sufficiently large or well enough equipped to deal with a threat from a major army equipped with sophisticated weapons. They would be useful, however,

in meeting any threat posed by a military force of a lesser order. I recommend that the Security Council initiate negotiations in accordance with Article 43, supported by the Military Staff Committee, which may be augmented if necessary by others in accordance with Article 47, paragraph 2, of the Charter. It is my view that the role of the Military Staff Committee should be seen in the context of Chapter VII, and not that of the planning or conduct of peacekeeping operations.

Peace-enforcement units

44. The mission of forces under Article 43 would be to respond to outright aggression, imminent or actual. Such forces are not likely to be available for some time to come. Cease-fires have often been agreed to but not complied with, and the United Nations has sometimes been called upon to send forces to restore and maintain the cease-fire. This task can on occasion exceed the mission of peacekeeping forces and the expectations of peacekeeping force contributors. I recommend that the Council consider the utilisation of peace-enforcement units in clearly defined circumstances and with their terms of reference specified in advance. Such units from Member States would be available on call and would consist of troops that have volunteered for such service. They would have to be more heavily armed than peacekeeping forces and would need to undergo extensive preparatory training within their national forces. Deployment and operation of such forces would be under the authorisation of the Security Council and would, as in the case of peacekeeping forces, be under the command of the Secretary-General. I consider such peace-enforcement units to be warranted as a provisional measure under Article 40 of the Charter. Such peace-enforcement units should not be confused with the forces that may eventually be constituted under Article 43 to deal with acts of aggression or with the military personnel which Governments may agree to keep on stand-by for possible contribution to peacekeeping operations.

45. Just as diplomacy will continue across the span of all the activities dealt with in the present report, so there may not be a dividing line between peacemaking and peacekeeping. Peacemaking is often a prelude to peacekeeping, just as the deployment of a United Nations presence in the field may expand possibilities for the prevention of conflict, facilitate the work of peacemaking and in many cases serve as a prerequisite for peacebuilding.

V. Peacekeeping

46. Peacekeeping can rightly be called the invention of the United Nations. It has brought a degree of stability to numerous areas of tension around the world.

Increasing demands

47. Thirteen peacekeeping operations were established between the years 1945 and 1987; 13 others since then. An estimated 528,000 military, police and civilian personnel had served under the flag of the United Nations until January 1992. Over 800 of them from 43 countries have died in the service of the Organisation. The costs of these operations have aggregated some \$8.3 billion till 1992. The unpaid arrears towards them stand at over \$800 million, which represents a debt owed by the Organisation to the troop-contributing countries. Peacekeeping operations approved at present are estimated to

cost close to \$3 billion in the current 12-month period, while patterns of payment are unacceptably slow. Against this, global defence expenditures at the end of the last decade had approached \$1 trillion a year, or \$2 million per minute.

48. The contrast between the costs of United Nations peacekeeping and the costs of the alternative, war – between the demands of the Organisation and the means provided to meet them – would be farcical were the consequences not so damaging to global stability and to the credibility of the Organisation. At a time when nations and peoples increasingly are looking to the United Nations for assistance in keeping the peace – and holding it responsible when this cannot be so – fundamental decisions must be taken to enhance the capacity of the Organisation in this innovative and productive exercise of its function. I am conscious that the present volume and unpredictability of peacekeeping assessments poses real problems for some Member States. For this reason, I strongly support proposals in some Member States for their peacekeeping contributions to be financed from defence, rather than foreign affairs, budgets and I recommend such action to others. I urge the General Assembly to encourage this approach.

49. The demands on the United Nations for peacekeeping, and peace-building, operations will in the coming years continue to challenge the capacity, the political and financial will and the creativity of the Secretariat and Member States. Like the Security Council, I welcome the increase and broadening of the tasks of peacekeeping operations.

New departures in peacekeeping

50. The nature of peacekeeping operations has evolved rapidly in recent years. The established principles and practices of peacekeeping have responded flexibly to new demands of recent years, and the basic conditions for success remain unchanged: a clear and practicable mandate; the co-operation of the parties in implementing that mandate; the continuing support of the Security Council; the readiness of Member States to contribute the military, police and civilian personnel, including specialists, required; effective United Nations command at Headquarters and in the field; and adequate financial and logistic support. As the international climate has changed and peacekeeping operations are increasingly fielded to help implement settlements that have been negotiated by peacemakers, a new array of demands and problems has emerged regarding logistics, equipment, personnel and finance, all of which could be corrected if Member States so wished and were ready to make the necessary resources available.

Personnel

51. Member States are keen to participate in peacekeeping operations. Military observers and infantry are invariably available in the required numbers, but logistic units present a greater problem, as few armies can afford to spare such units for an extended period. Member States were requested in 1990 to state what military personnel they were in principle prepared to make available; few replied. I reiterate the request to all Member States to reply frankly and promptly. Stand-by arrangements should be confirmed, as appropriate, through exchanges of letters between the Secretariat and Member States concerning the kind and number of skilled personnel they will be prepared to offer the United Nations as the needs of new operations arise.

52. Increasingly, peacekeeping requires that civilian political officers, human rights monitors, electoral officials, refugee and humanitarian aid specialists and police play as central a role as the military. Police personnel have proved increasingly difficult to obtain in the numbers required. I recommend that arrangements be reviewed and improved for training peacekeeping personnel – civilian, police, or military – using the varied capabilities of Member State Governments, of non-governmental organisations and the facilities of the Secretariat. As efforts go forward to include additional States as contributors, some States with considerable potential should focus on language training for police contingents which may serve with the Organisation. As for the United Nations itself, special personnel procedures, including incentives, should be instituted to permit the rapid transfer of Secretariat staff members to service with peacekeeping operations. The strength and capability of military staff serving in the Secretariat should be augmented to meet new and heavier requirements.

Logistics

53. Not all Governments can provide their battalions with the equipment they need for service abroad. While some equipment is provided by troop-contributing countries, a great deal has to come from the United Nations, including equipment to fill gaps in under-equipped national units. The United Nations has no standing stock of such equipment. Orders must be placed with manufacturers, which creates a number of difficulties. A pre-positioned stock of basic peacekeeping equipment should be established, so that at least some vehicles, communications equipment, generators, etc., would be immediately available at the start of an operation. Alternatively, Governments should commit themselves to keeping certain equipment, specified by the Secretary-General, on stand-by for immediate sale, loan or donation to the United Nations when required.

54. Member States in a position to do so should make air- and sea-lift capacity available to the United Nations free of cost or at lower than commercial rates, as was the practice until recently.

VI. Post-conflict peacebuilding

55. Peacemaking and peacekeeping operations, to be truly successful, must come to include comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people. Through agreements ending civil strife, these may include disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation.

56. In the aftermath of international war, post-conflict peacebuilding may take the form of concrete co-operative projects which link two or more countries in a mutually beneficial undertaking that can not only contribute to economic and social development but also enhance the confidence that is so fundamental to peace. I have in mind, for example, projects that bring States together to develop agriculture, improve transportation or utilise resources such as water or electricity that they need to share, or joint programmes

through which barriers between nations are brought down by means of freer travel, cultural exchanges and mutually beneficial youth and educational projects. Reducing hostile perceptions through educational exchanges and curriculum reform may be essential to forestall a re-emergence of cultural and national tensions which could spark renewed hostilities.

57. In surveying the range of efforts for peace, the concept of peacebuilding as the construction of a new environment should be viewed as the counterpart of preventive diplomacy, which seeks to avoid the breakdown of peaceful conditions. When conflict breaks out, mutually reinforcing efforts at peacemaking and peacekeeping come into play. Once these have achieved their objectives, only sustained, co-operative work to deal with underlying economic, social, cultural and humanitarian problems can place an achieved peace on a durable foundation. Preventive diplomacy is to avoid a crisis; post-conflict peacebuilding is to prevent a recurrence.

58. Increasingly it is evident that peacebuilding after civil or international strife must address the serious problem of land mines, many tens of millions of which remain scattered in present or former combat zones. De-mining should be emphasised in the terms of reference of peacekeeping operations and is crucially important in the restoration of activity when peacebuilding is under way: agriculture cannot be revived without de-mining and the restoration of transport may require the laying of hard surface roads to prevent re-mining. In such instances, the link becomes evident between peacekeeping and peacebuilding. Just as demilitarised zones may serve the cause of preventive diplomacy and preventive deployment to avoid conflict, so may demilitarisation assist in keeping the peace or in post-conflict peacebuilding, as a measure for heightening the sense of security and encouraging the parties to turn their energies to the work of peaceful restoration of their societies.

59. There is a new requirement for technical assistance which the United Nations has an obligation to develop and provide when requested: support for the transformation of deficient national structures and capabilities, and for the strengthening of new democratic institutions. The authority of the United Nations system to act in this field would rest on the consensus that social peace is as important as strategic or political peace. There is an obvious connection between democratic practices – such as the rule of law and transparency in decision-making – and the achievement of true peace and security in any new and stable political order. These elements of good governance need to be promoted at all levels of international and national political communities.

VII. Co-operation with regional arrangements and organisations

60. The Covenant of the League of Nations, in its Article 21, noted the validity of regional understandings for securing the maintenance of peace. The Charter devotes Chapter VIII to regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action and consistent with the Purposes and Principles of the United Nations. The cold war impaired the proper use of Chapter VIII and indeed, in that era, regional arrangements worked on occasion against resolving disputes in the manner foreseen in the Charter.

61. The Charter deliberately provides no precise definition of regional arrangements and agencies, thus allowing useful flexibility for undertakings by a group of States to deal with a matter appropriate for regional action which also could contribute to the maintenance of international peace and security. Such associations or entities could include treaty-based organisations, whether created before or after the founding of the United Nations, regional organisations for mutual security and defence, organisations for general regional development or for co-operation on a particular economic topic or function, and groups created to deal with a specific political, economic or social issue of current concern.

62. In this regard, the United Nations has recently encouraged a rich variety of complementary efforts. Just as no two regions or situations are the same, so the design of co-operative work and its division of labour must adapt to the realities of each case with flexibility and creativity. In Africa, three different regional groups – the Organization of African Unity, the League of Arab States and the Organization of the Islamic Conference – joined efforts with the United Nations regarding Somalia. In the Asian context, the Association of South-East Asian Nations and individual States from several regions were brought together with the parties to the Cambodian conflict at an international conference in Paris, to work with the United Nations. For El Salvador, a unique arrangement – ‘The Friends of the Secretary-General’ – contributed to agreements reached through the mediation of the Secretary-General. The end of the war in Nicaragua involved a highly complex effort which was initiated by leaders of the region and conducted by individual States, groups of States and the Organization of American States. Efforts undertaken by the European Community and its member States, with the support of States participating in the Conference on Security and Co-operation in Europe, have been of central importance in dealing with the crisis in the Balkans and neighbouring areas.

63. In the past, regional arrangements often were created because of the absence of a universal system for collective security; thus their activities could on occasion work at cross-purposes with the sense of solidarity required for the effectiveness of the world Organization. But in this new era of opportunity, regional arrangements or agencies can render great service if their activities are undertaken in a manner consistent with the Purposes and Principles of the Charter, and if their relationship with the United Nations, and particularly the Security Council, is governed by Chapter VIII.

64. It is not the purpose of the present report to set forth any formal pattern of relationship between regional organisations and the United Nations, or to call for any specific division of labour. What is clear, however, is that regional arrangements or agencies in many cases possess a potential that should be utilised in serving the functions covered in this report: preventive diplomacy, peacekeeping, peacemaking and post-conflict peacebuilding. Under the Charter, the Security Council has and will continue to have primary responsibility for maintaining international peace and security, but regional action as a matter of decentralisation, delegation and co-operation with United Nations efforts could not only lighten the burden of the Council but also contribute to a deeper sense of participation, consensus and democratisation in international affairs.

65. Regional arrangements and agencies have not in recent decades been considered in this light, even when originally designed in part for a role in maintaining or restoring peace within their regions of the world. Today a new

sense exists that they have contributions to make. Consultations between the United Nations and regional arrangements or agencies could do much to build international consensus on the nature of a problem and the measures required to address it. Regional organisations participating in complementary efforts with the United Nations in joint undertakings would encourage States outside the region to act supportively. And should the Security Council choose specifically to authorise a regional arrangement or organisation to take the lead in addressing a crisis within its region, it could serve to lend the weight of the United Nations to the validity of the regional effort. Carried forward in the spirit of the Charter, and as envisioned in Chapter VIII, the approach outlined here could strengthen a general sense that democratisation is being encouraged at all levels in the task of maintaining international peace and security, it being essential to continue to recognise that the primary responsibility will continue to reside in the Security Council.

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UN Secretary-General's Report on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa (1998)

Adopted by the UN General Assembly on 16 December, 1998 (Res. 53/92). The Assembly has subsequently also adopted a number of follow-up resolutions regarding the Secretary General's progress reports on implementation of the recommendations in the original report. Available online at: <http://www.un.org/esa/africa/reports.html>

I. Introduction

1. On 25 September 1997, the Security Council convened at the level of Foreign Ministers to consider the need for a concerted international effort to promote peace and security in Africa. The Council observed that despite the progress achieved by some African States the number and intensity of armed conflicts on the continent remained a matter of grave concern, requiring a comprehensive response. The Council requested that I submit a report regarding the sources of conflict in Africa, ways to prevent and address those conflicts, and how to lay the foundation for durable peace and economic growth following their resolution. In accordance with the wishes of the Council, and because the scope of the challenge extends beyond the purview of the Security Council alone, I hereby submit this report not only to the Security Council but also to the General Assembly and other components of the United Nations system that have responsibilities in Africa, including the Bretton Woods institutions.
2. Africa as a whole has begun to make significant economic and political progress in recent years, but in many parts of the continent progress remains

threatened or impeded by conflict. For the United Nations there is no higher goal, no deeper commitment and no greater ambition than preventing armed conflict. The prevention of conflict begins and ends with the promotion of human security and human development. Ensuring human security is, in the broadest sense, the cardinal mission of the United Nations. Genuine and lasting prevention is the means to achieve that mission.

3. Conflict in Africa poses a major challenge to United Nations efforts designed to ensure global peace, prosperity and human rights for all. Although the United Nations was intended to deal with inter-State warfare, it is being required more and more often to respond to intra-State instability and conflict. In those conflicts the main aim, increasingly, is the destruction not just of armies but of civilians and entire ethnic groups. Preventing such wars is no longer a matter of defending States or protecting allies. It is a matter of defending humanity itself.

4. Since 1970, more than 30 wars have been fought in Africa, the vast majority of them intra-State in origin. In 1996 alone, 14 of the 53 countries of Africa were afflicted by armed conflicts, accounting for more than half of all war-related deaths worldwide and resulting in more than 8 million refugees, returnees and displaced persons. The consequences of those conflicts have seriously undermined Africa's efforts to ensure long-term stability, prosperity and peace for its peoples.

5. By not averting these colossal human tragedies, African leaders have failed the peoples of Africa; the international community has failed them; the United Nations has failed them. We have failed them by not adequately addressing the causes of conflict; by not doing enough to ensure peace; and by our repeated inability to create the conditions for sustainable development. This is the reality of Africa's recent past. It is a reality that must be confronted honestly and constructively by all concerned if the people of Africa are to enjoy the human security and economic opportunities they seek and deserve. Today, in many parts of Africa, efforts to break with the patterns of the past are at last beginning to succeed.

6. It is my aspiration, with this report, to add momentum to Africa's renewed quest for peace and greater prosperity. The report strives to do so by offering an analysis of conflicts in Africa that does justice to their reality and seeks answers in their sources. It strives to do so by proposing realistic and achievable recommendations which, in time, may reduce if not entirely end those conflicts. It aims to summon the political will of Africans and non-Africans alike to act when action is so evidently needed – the will without which no level of assistance and no degree of hope can make the difference between war and peace in Africa.

II. The sources of conflict

7. Africa is a vast and varied continent. African countries have different histories and geographical conditions, different stages of economic development, different sets of public policies and different patterns of internal and international interaction. The sources of conflict in Africa reflect this diversity and complexity. Some sources are purely internal, some reflect the dynamics of a particular sub-region, and some have important international dimensions. Despite these differences the sources of conflict in Africa are linked by a number of common themes and experiences.

A. Historical legacies

8. At the Congress of Berlin in 1885, the colonial Powers partitioned Africa into territorial units. Kingdoms, States and communities in Africa were arbitrarily divided; unrelated areas and peoples were just as arbitrarily joined together. In the 1960s, the newly independent African States inherited those colonial boundaries, together with the challenge that legacy posed to their territorial integrity and to their attempts to achieve national unity. The challenge was compounded by the fact that the framework of colonial laws and institutions which some new States inherited had been designed to exploit local divisions, not overcome them. Understandably, therefore, the simultaneous tasks of State-building and nation-building preoccupied many of the newly independent States, and were given new momentum by the events that followed the outbreak of secessionist fighting in the Congo. Too often, however, the necessary building of national unity was pursued through the heavy centralisation of political and economic power and the suppression of political pluralism. Predictably, political monopolies often led to corruption, nepotism, complacency and the abuse of power. The era of serious conflict over State boundaries in Africa has largely passed, aided by the 1963 decision of the Organization of African Unity (OAU) to accept the boundaries which African States had inherited from colonial authorities. However, the challenge of forging a genuine national identity from among disparate and often competing communities has remained.

9. The character of the commercial relations instituted by colonialism also created long-term distortions in the political economy of Africa. Transportation networks and related physical infrastructure were designed to satisfy the needs of trade with the metropolitan country, not to support the balanced growth of an indigenous economy. In addition to frequently imposing unfavourable terms of trade, economic activities that were strongly skewed towards extractive industries and primary commodities for export stimulated little demand for steady and widespread improvements in the skills and educational levels of the workforce. The consequences of this pattern of production and exchange spilled over into the post-independence State. As political competition was not rooted in viable national economic systems, in many instances the prevailing structure of incentives favoured capturing the institutional remnants of the colonial economy for factional advantage.

10. During the cold war the ideological confrontation between East and West placed a premium on maintaining order and stability among friendly States and allies, though super-power rivalries in Angola and elsewhere also fuelled some of Africa's longest and most deadly conflicts. Across Africa, undemocratic and oppressive regimes were supported and sustained by the competing superpowers in the name of their broader goals but, when the cold war ended, Africa was suddenly left to fend for itself. Without external economic and political support, few African regimes could sustain the economic lifestyles to which they had become accustomed, or maintain the permanent hold on political power which they had come to expect. As a growing number of States found themselves internally beset by unrest and violent conflict, the world searched for a new global security framework.

11. For a brief period following the end of the cold war, the international community was eager to exercise its newly acquired capacity for collective decision-making. Beginning in the early 1990s, the Security Council launched

a series of ambitious peacekeeping and peacemaking initiatives in Africa and elsewhere. Despite a number of important successes, the inability of the United Nations to restore peace to Somalia soured international support for conflict intervention and precipitated a rapid retreat by the international community from peacekeeping worldwide. An early and direct consequence of this retreat was the failure of the international community, including the United Nations, to intervene to prevent genocide in Rwanda. That failure has had especially profound consequences in Africa. Throughout the continent, the perception of near indifference on the part of the international community has left a poisonous legacy that continues to undermine confidence in the Organization.

B. Internal factors

12. More than three decades after African countries gained their independence, there is a growing recognition among Africans themselves that the continent must look beyond its colonial past for the causes of current conflicts. Today more than ever, Africa must look at itself. The nature of political power in many African States, together with the real and perceived consequences of capturing and maintaining power, is a key source of conflict across the continent. It is frequently the case that political victory assumes a 'winner-takes-all' form with respect to wealth and resources, patronage, and the prestige and prerogatives of office. A communal sense of advantage or disadvantage is often closely linked to this phenomenon, which is heightened in many cases by reliance on centralised and highly personalised forms of governance. Where there is insufficient accountability of leaders, lack of transparency in regimes, inadequate checks and balances, non-adherence to the rule of law, absence of peaceful means to change or replace leadership, or lack of respect for human rights, political control becomes excessively important, and the stakes become dangerously high. This situation is exacerbated when, as is often the case in Africa, the State is the major provider of employment and political parties are largely either regionally or ethnically based. In such circumstances, the multi-ethnic character of most African States makes conflict even more likely, leading to an often violent politicisation of ethnicity. In extreme cases, rival communities may perceive that their security, perhaps their very survival, can be ensured only through control of State power. Conflict in such cases becomes virtually inevitable.

C. External factors

13. During the cold war, external efforts to bolster or undermine African Governments were a familiar feature of super-power competition. With the end of the cold war, external intervention has diminished but has not disappeared. In the competition for oil and other precious resources in Africa, interests external to Africa continue to play a large and sometimes decisive role, both in suppressing conflict and in sustaining it. Foreign interventions are not limited, however, to sources beyond Africa. Neighbouring States, inevitably affected by conflicts taking place within other States, may also have other significant interests, not all of them necessarily benign. While African peacekeeping and mediation efforts have become more prominent in recent years, the role that African Governments play in supporting,

sometimes even instigating, conflicts in neighbouring countries must be candidly acknowledged.

D. Economic motives

14. Despite the devastation that armed conflicts bring, there are many who profit from chaos and lack of accountability, and who may have little or no interest in stopping a conflict and much interest in prolonging it. Very high on the list of those who profit from conflict in Africa are international arms merchants. Also high on the list, usually, are the protagonists themselves. In Liberia, the control and exploitation of diamonds, timber and other raw materials was one of the principal objectives of the warring factions. Control over those resources financed the various factions and gave them the means to sustain the conflict. Clearly, many of the protagonists had a strong financial interest in seeing the conflict prolonged. The same can be said of Angola, where protracted difficulties in the peace process owed much to the importance of control over the exploitation of the country's lucrative diamond fields. In Sierra Leone, the chance to plunder natural resources and loot Central Bank reserves was a key motivation of those who seized power from the elected Government in May 1997.

E. Particular situations

15. In addition to the broader sources of conflict in Africa that have been identified, a number of other factors are especially important in particular situations and sub-regions. In Central Africa, they include the competition for scarce land and water resources in densely populated areas. In Rwanda, for example, multiple waves of displacement have resulted in situations where several families often claim rights to the same piece of land. In African communities where oil is extracted, conflict has often arisen over local complaints that the community does not adequately reap the benefit of such resources, or suffers excessively from the degradation of the natural environment. In North Africa, the tensions between strongly opposing visions of society and the State are serious sources of actual and potential conflict in some States.

III. Responding to situations of conflict

16. Early warning mechanisms are widely regarded as serving an important role in conflict prevention but, without early action, early warning is of little use. The United Nations early warning capabilities have been significantly improved in recent years. The critical concern today is no longer lack of early warning of impending crises, but rather the need to follow up early warning with early and effective action. Whether the response involves diplomatic efforts, a peacekeeping deployment or a humanitarian intervention, the sooner action is taken the more effective it is likely to be.

17. When grievances arise, Governments and their opponents must reject the immediate resort to violence that is all too common. When violent conflict does erupt, a genuine effort is needed to exhaust political options, before such a confrontation intensifies. Before international action is required, I urge Governments in situations of potential or actual conflict to

consider the appointment of special mediators or special commissions to look into the sources of the dispute, build confidence, and recommend practical solutions. Such efforts might include the involvement of respected persons from elsewhere in Africa or from the broader international community.

A. Peacemaking

18. The deployment of peacemaking resources is an essential part of any effort, whether national or international, to prevent, contain and resolve conflicts. Diplomatic efforts are usually the most cost-effective and the most quickly deployed. Negotiation, mediation, good offices, fact-finding missions and judicial resolution may all be involved. The objectives include facilitating dialogue, defusing tensions, promoting national reconciliation, advancing respect for human rights and institutionalising peace. Where a peace process is needed, it is the role of the United Nations, with OAU, to help create one. Where obstacles obstruct further progress, it is our role to help remove them. Where a basis for agreement exists, it is our role to help facilitate it.

19. Co-operation by the parties and their willingness to work towards peace can sometimes be nurtured by the international community if it is able to assist with short-term stability while providing positive inducements for longer-term reconciliation. Inducements might include, for example, local infrastructure and water projects, the provision of access to small business loans or basic medical care. To employ them effectively as tools of conflict resolution requires understanding people's problems in their full complexity and being able to respond at several levels simultaneously and with a certain amount of flexibility. Greater international support for such efforts is required.

20. Peacemaking efforts need to be well co-ordinated and well prepared. Within the United Nations system the recently created Executive Committee on Peace and Security, convened by the Under-Secretary-General for Political Affairs, is intended further to enhance co-operation, policy coherence and the sharing of information. Likewise, the newly established United Nations liaison office at OAU headquarters in Addis Ababa will consolidate co-operation between the two organizations and facilitate the co-ordinated deployment of political efforts to prevent, contain and resolve conflicts in Africa. This is also the objective of the annual meetings of officials from the United Nations and OAU Secretariats, jointly chaired by the two Secretaries-General. Co-operation between the United Nations and subregional organisations such as the Economic Community of West African States (ECOWAS), the Southern African Development Community and the Intergovernmental Authority on Development, which are working actively to address issues of peace and security in their sub-regions, is also being strengthened.

Harmonising the policies and actions of external actors

21. In many cases, both in Africa and elsewhere, the failure of the major external actors to maintain a common political approach to an erupting or ongoing crisis is one of the principal impediments to progress towards a solution. The adoption of a common stance by neighbouring States is especially critical. In the early stages, neighbouring States are likely to be the first ones approached as the protagonists search for allies and support. If the conflict is allowed to escalate it will inevitably begin to take on a life of its

own, but neighbouring States and other external actors are likely still to wield considerable influence with the protagonists. Even when the conflict has further intensified, broader international efforts, such as sanctions, can succeed only if there is genuine co-operation and support of such measures by the sub-region. The Organization of African Unity has a leading role to play in ensuring such co-operation and support, in conjunction with the relevant subregional organisations. In southern Africa, early and concerted political action by the sub-region with OAU support has been used effectively to contain burgeoning political troubles in Lesotho. In West Africa, the eventual decision by ECOWAS countries to harmonise their policies and actions in Liberia was a key turning point in the peace process in that country.

Avoiding a proliferation of mediation efforts

22. It is critically important that international actors avoid the temptation to undertake rival or competing efforts, once a framework for mediation has been established. This is in no way intended to discourage the designation by Governments and organisations of officials with a special mandate to pay close attention to a particular crisis situation. On the contrary, the appointment of special envoys and special representatives can greatly facilitate consultations, information sharing and decision-making within the international community. This should not, however, provide opportunities for the protagonists to divide the international community, or to play one effort off against another. Invariably such an outcome results in confusion and delay rather than progress.

23. It follows that the selection of a mediator in situations of conflict must be very carefully considered and carried out with the closest possible consultation. In 1997, the appointment of a joint United Nations/OAU Special Representative for the Great Lakes region marked a significant innovation which may also prove useful in other circumstances. Two different but equally important examples of how co-operation might be structured are the support provided by the United Nations to the mediation efforts of Togo concerning the Bakassi Peninsula, and its support for the mediation efforts of former President Nyerere with respect to Burundi.

Mobilising international support for peace efforts

24. Unless there is adequate international support for peace efforts it may be impossible in some situations to maintain the momentum for peace. The establishment of contact groups of interested countries, whether in the form of groups of 'Friends', or a special conference as in the case of Liberia, can be effective in mobilising international support for peace efforts. The Special Conference on Liberia was convened at ministerial level and brought together the ECOWAS countries, donor countries, the Bretton Woods institutions and other relevant parts of the United Nations system. The objectives were to mobilise international political support for the peace process; help to harmonise the views of the key external political actors; and ensure that the essential resource requirements of the peace process were understood and provided for. The utility of the Special Conference during the peace process has prompted suggestions that this mechanism be retained to deal with the challenges of post-conflict peacebuilding that now lie ahead for Liberia. I urge that equivalent structures be created in similar conflict and post-conflict situations.

Improving the effectiveness of sanctions

25. Sanctions, as preventive or punitive measures, have the potential to be an effective tool. The multilateral threat of economic isolation may help to encourage political dialogue, while the application of rigorous economic and political sanctions can diminish the capacity of the protagonists to sustain a prolonged fight. In particular, the imposition of an arms embargo can help to diminish the availability of arms with which to pursue a conflict by making the acquisition of weapons more difficult and more expensive. Economic sanctions in particular are too often a blunt instrument, however, applied without adequate prior measurement of their impact or determination of their objectives. In some cases, the hardship imposed on the civilian population is greatly disproportionate to the likely impact of the sanctions on the behaviour of the protagonists. Better targeting of sanctions is necessary to help ensure that they will achieve their intended purpose. Greater use should be made of sanctions aimed at decision makers and their families, including the freezing of personal and organisational assets as well as restrictions on travel. Where poorer countries that are called upon to apply sanctions are likely to face significant adverse effects, adequate provisions should be made to mitigate the consequences on local populations dependent on trade with the sanctioned party.

26. It is impossible to speak of the need for better targeted sanctions without also drawing attention to the need for much more serious enforcement of sanctions by the international community. Where arms embargoes are imposed it is necessary for countries not only to refrain from official transactions but also to seek to discourage their nationals or corporations from violating such sanctions. To enhance the effectiveness of international sanctions regimes, I call upon Member States individually to adopt legislation making the violation of a Security Council arms embargo a criminal offence under their national laws.

Stopping the proliferation of arms

27. All States have the right and responsibility to provide for their own defence. Africa's compelling development interests nonetheless require that a minimum of resources be diverted for military purposes. African States can help to diminish the need for large military expenditures by implementing transparency and confidence-building measures in the military and security fields – including the signing of non-aggression pacts and security co-operation agreements, participation in joint military training exercises and patrols, and the harmonisation of policies against illicit arms trafficking. In 1997 only eight African countries provided information to the United Nations Register of Conventional Arms. I urge all African countries to participate in the Register, in a manner that will make a positive contribution to regional and subregional confidence-building efforts. These could include the establishment of supplementary subregional registers of conventional arms. Furthermore, in order to diminish the threat which the proliferation of small arms poses for Africa, I call upon African countries to agree to reduce their purchases of arms and munitions to below 1.5 per cent of GDP, and to commit themselves to a zero-growth policy for defence budgets for a period of 10 years.

28. Identifying the sources of arms flows into Africa is critical to any effort to monitor or regulate this trade. Arms exporting countries have a responsibility to exercise restraint, especially with respect to the export of

weapons into zones of conflict or tension in Africa. Particularly close attention needs to be paid to the role of private arms merchants in supplying weapons to areas of actual or potential conflict. The goal of public identification of international arms merchants and their activities has proved elusive, but perhaps no other single initiative would do more to help combat the flow of illicit arms to Africa – a trade that is made possible largely by the secrecy that surrounds it. The Security Council should address itself to this issue as a matter of urgency, including the role the United Nations might play in compiling, tracking and publicising such information.

B. Peacekeeping

29. Historically, the United Nations has deployed more of its peacekeeping operations in Africa than in any other single region. Following a decline in international tensions, the deployment in 1989 of operations in Angola and Namibia began a new era of complex, post-cold-war peacekeeping. Of the 32 operations launched by the United Nations during the succeeding nine years, 13 were deployed in Africa. Yet following the serious setback suffered by the United Nations in Somalia, and the bitter experience endured in the former Yugoslavia, the international community has shown great reluctance in recent years to assume the political and financial exposure associated with deploying peacekeeping operations. This reluctance appears to go well beyond the lessons that Somalia offers, and it has had a particularly harsh impact upon Africa.

30. In addition to the terrible price paid in Rwanda, the broader costs of paralysis can be seen in the reaction by some African Governments, especially in the Great Lakes region, to marginalise the United Nations from further political involvement in the region's affairs. The credibility of the United Nations in Africa to a great extent depends upon the international community's willingness to act and to explore new means of advancing the objectives of peace and security on the continent. It is important therefore, that the United Nations experience in Africa be re-examined and lessons extracted that can guide us for the future.

Lessons learned

31. The international community's perception of peacekeeping has been greatly shaped by the United Nations experience in Somalia. The memories of that operation continue to hobble the United Nations capacity to respond swiftly and decisively to crises. While the civilian population in Somalia derived significant benefits from the United Nations involvement, including the end of starvation, the United Nations Operation in Somalia was also the first United Nations operation to be withdrawn by the Security Council before completing its mission. The Security Council based that decision on the fact that, despite the operation's humanitarian accomplishments, no political progress had been made because of lack of commitment on the part of key Somali factions not interested in a settlement.

32. The consequences of the retreat from Somalia and the reluctance to again commit international resources and political capital soon became evident as the international community agonised over how to respond to the tragedy that began to unfold in Rwanda. Hundreds of thousands of lives were lost in the course of the genocide that was perpetrated in full view of the

international community. That experience highlighted the crucial importance of swift intervention in a conflict and, above all, of political will to act in the face of a catastrophe. The horrifying suffering of the Rwandan people sends the clear and unmistakable message that the international community must never again tolerate such inaction.

33. A positive lesson was drawn from the United Nations Operation in Mozambique. There, the United Nations influence was augmented through constant dialogue with the parties on the ground and with other States. The operation, became a conduit for international resources, and a binding element for international action – a focal point, a symbol and a catalyst for efforts for peace. The United Nations experience in Mozambique showed that, in the right circumstances, peacekeeping operations can offer a flexible and uniquely adapted means to confront conflict in Africa. Its success testifies to the contribution that the United Nations can make as an impartial and legitimate actor for peace. It also indicates the Organization's potential to strengthen and direct international engagement within a conflict that might otherwise be exacerbated by negligence or by manipulation from outside, and the extent to which unanimity of purpose and willingness to act in a coherent manner can enhance the authority of the international community.

34. The successive United Nations deployments in Angola have shown the vital role that can be played by a United Nations operation in sustaining a peace process in even the most adverse circumstances, but they have also indicated the crucial need for realistic peace agreements, and the importance of having a credible deterrent capacity within a peacekeeping operation in situations that remain dangerous and volatile. The ongoing risk of conflict has demonstrated, further, how access to resources by warring parties can foster violence, and has highlighted the impact that international business interests can have on the success or failure of peace efforts.

Roles for United Nations peacekeeping in Africa

35. United Nations peacekeeping will not always be the best answer to every problem, either in Africa or elsewhere. Without the agreement of the protagonists, for example, the co-operation and support needed on the ground for peacekeeping will be lacking. A peacekeeping deployment in such circumstances might even be counterproductive, side-tracking other efforts to take more forceful action or creating the erroneous impression that action is being taken to stop the conflict rather than merely mitigate its symptoms. In the right conditions, however, United Nations peacekeeping operations can make the difference between peace and war in Africa. The recent experience of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium shows what United Nations peacekeeping can achieve even in the most challenging environment when it is deployed with a credible deterrent capacity, equipped with appropriate resources, and backed by sufficient political will. In Africa, peacekeeping has already played a wide-ranging series of roles in promoting an end to conflict. No catalogue of such roles can be viewed as exhaustive, and the Security Council will need to consider each challenge afresh and tailor a response that best fits the particular circumstances.

36. Separating the protagonists and monitoring their conduct: Operations of this type function on the basis of a limited agreement or understanding between the parties. They monitor ceasefires and by their presence enable combatants to pull back to a safe distance from each other, where passions

may cool and an atmosphere conducive to negotiations may be created. Such operations can be a critical confidence-building measure in difficult situations.

37. Implementation of comprehensive settlements: In Africa, the United Nations has deployed a number of complex, multidimensional peacekeeping operations incorporating a wide range of civilian elements. Largely successful operations of this type were carried out in Angola, Mozambique and Namibia. Where a comprehensive settlement to a conflict has been reached the deployment of a multidisciplinary peacekeeping operation may well represent the best chance to establish peace and build a foundation for lasting development, based on respect for human rights and the rehabilitation of civic institutions. Where such opportunities arise, the international community should provide its support, demonstrating its commitment to peace in a tangible way.

38. Preventive deployment: It is important not merely to address conflict, but also to try to prevent it. Taking action in a timely manner is critical. In the former Yugoslav Republic of Macedonia, the United Nations successfully deployed a peacekeeping operation before conflict occurred – the first preventive deployment of United Nations peacekeepers. By providing a reassuring presence and a certain amount of transparency, such a deployment can prevent the type of miscalculations that can lead to violent conflict, allow time for grievances to be settled through political channels, make it possible to strengthen peacebuilding institutions and be a critical confidence-building measure for peace.

39. Preventive deployment is a pro-active response to the threat of conflict. In Africa, as elsewhere, it can make a major difference. The international community faces such an opportunity now in the Central African Republic, where an explosive situation has been contained by African mediation efforts, local perseverance and an African security force, the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB), supported by France and the United Nations Development Programme. When the MISAB mandate expires and that support is withdrawn, the only viable option for the maintenance of stability in the Central African Republic is the establishment and deployment of a United Nations peacekeeping operation. All parties within the country and all countries in the region are agreed that without a credible external force violence will return. The Security Council's recent decision to authorise the deployment of such a force sends a positive and important signal to the region and to Africa as a whole.

40. Protecting humanitarian interests: Humanitarian agencies endeavour to provide support to civilian victims of war wherever they may be. Too often, however, the warring parties, one or more of which may be irregular militias or self-proclaimed authorities, make it difficult or impossible for them to do so. This is sometimes because of the exigencies of war, but more often because the relief of a particular population is contrary to the war aims of one or another of the parties. There is also a growing tendency for the combatants to divert relief supplies for their own purposes. Humanitarian actors have worked with peacekeepers, and independently of them, to negotiate access and defend humanitarian principles. However, the unprecedented difficulties arising from the operations in Somalia and the former Yugoslavia illustrate the magnitude of the challenges and dangers posed for peacekeepers and humanitarian workers operating in a hostile environment without the consent or support of all of the parties.

Supporting regional and subregional initiatives

41. Within the context of the United Nations primary responsibility for matters of international peace and security, providing support for regional and subregional initiatives in Africa is both necessary and desirable. Such support is necessary because the United Nations lacks the capacity, resources and expertise to address all problems that may arise in Africa. It is desirable because wherever possible the international community should strive to complement rather than supplant African efforts to resolve Africa's problems. In recent years there have been a number of new African initiatives to resolve disputes that have long plagued particular areas or to tackle new conflicts before they can expand and escalate beyond control. While not all of those endeavours have been successful, the political leaders of Africa have persevered and the peoples of Africa deserve the support of the international community.

42. Authorising the use of forceful action: Within modern conflicts the recurrent characteristics of fractured lines of authority, civilian suffering and involvement of militias have meant that intervention to promote peace has frequently entailed tasks that require forceful action and may incur significant danger. Where significant force is likely to be required the Security Council has in recent years frequently chosen to authorise action by willing Member States or coalitions of States. This has been the case, for example, in Albania, Bosnia and Herzegovina, Haiti, Iraq and Somalia. The obligation to obtain Security Council authorisation prior to the use of force is clear; but while authorising forceful action by Member States or coalitions of States can sometimes be an effective response to such situations, it also raises many questions for the future, particularly the need to enhance the Council's ability to monitor activities that have been authorised.

43. Co-deploying with regional, subregional or multinational forces. One means of monitoring the activities of a multinational force while also contributing to the broader aspects of a peace process was demonstrated in Liberia. A small unarmed force of United Nations military observers was co-deployed alongside the ECOWAS Monitoring Group (ECOMOG), its mandate being to work with the subregional force in the implementation of the Peace Agreement. In accordance with the Peace Agreement, ECOMOG had primary responsibility for ensuring implementation while the role of the United Nations Observer Mission in Liberia (UNOMIL) was to monitor the implementation procedures in order to verify their impartial application. Political, humanitarian and electoral components were also established in UNOMIL, later followed by a human rights component.

44. The collaboration with ECOMOG succeeded in helping to restore peace in Liberia. It is a case of co-operation between the United Nations and a subregional organisation that might be applicable to other situations as well. We should not, however, draw the conclusion that such responsibilities can henceforth be delegated solely to regional organisations, either in Africa or elsewhere. Delegation does not represent a panacea for the difficult problems facing peacekeeping. Regional organisations can face political, structural, financial or planning limitations. At times the impartiality or neutrality of their member States may be questioned, for historical reasons or for political or economic reasons. Nonetheless, the experience in Liberia clearly showed the contribution that can be made by a subregional organisation such as ECOWAS when dealing with so complex a situation, and the key role that the United Nations can play in support of such efforts.

Judgement and caution must be exercised in associating the United Nations with regional, subregional or multinational efforts but the potential for positive co-operation should continue to be explored.

45. **Strengthening Africa's capacity for peacekeeping:** Reinforcing the capacity of African countries to operate in peacekeeping missions remains a key priority, whether those operations take place in the framework of a United Nations peacekeeping mission or one authorised by the Security Council but conducted by a regional organisation or group of States. In looking to future strategies for enhancing Africa's capacity for peacekeeping, the proposals developed in consultation with OAU officials and tabled in my predecessor's report (A/50/711-S/1995/911) remain valid. Those proposals relate to practical steps that can be taken in the areas of training assistance, joint peacekeeping exercises, greater African participation in the United Nations standby arrangements, partnerships between countries whose contingents require equipment and donors that are able to assist, and closer co-operation between the United Nations and OAU. These efforts are not in any way intended to relieve the broader international community of its collective obligations under the Charter of the United Nations, but rather within the framework of those responsibilities to make Africa's own contribution more effective. In this context, I strongly encourage all Member States to contribute to the United Nations and OAU trust funds established to improve preparedness for conflict prevention and peacekeeping in Africa.

Ensuring a consistent approach

46. Creating clearer criteria and a more predictable basis for determining when the Security Council is likely to support the deployment of peacekeeping operations is urgently needed. Failure to act in the face of serious threats to peace and human lives in Africa threatens the credibility and legitimacy of the United Nations not only in the area of peace and security but also in other areas of its work. Moreover, wide disparities in the international community's commitment to preventing or containing conflicts in different regions impede the ability of the United Nations to promote a stable and just international order anywhere. Member States must be engaged in terms of political will and practical resources if the viability of the United Nations and the principles for which it stands are to be safeguarded, let alone advanced.

C. Humanitarian assistance

47. In Africa as elsewhere, the changing nature of conflict requires new responses. During the cold war era there was a certain predictability in the way political and humanitarian mechanisms could be used to respond to crises shaped by competing bi-polar interests. On the humanitarian front, standard approaches were used to help people who sought asylum across borders. Assistance was provided in the relative security of camps or settlements outside the immediate war zone. In situations of famine, which were seen primarily as natural disasters compounded by politics (and not the reverse), there was a momentum to help people cope with food deficiencies.

48. Crises today, particularly in Africa, have become much more complex, having many dimensions at once and involving many actors. Governments, international organisations, non-governmental organisations and anti-

government forces all have an important impact on humanitarian situations, and humanitarian action can have important political, social, economic and environmental repercussions as well. A principled and co-ordinated approach to humanitarian assistance will best address humanitarian needs and facilitate the preparation of a coherent and effective strategy for recovery and reconstruction. The humanitarian community and the international community at large need now to take a hard look at how humanitarian assistance is provided, and for what purposes.

Humanitarian imperatives

49. Protecting civilians in situations of conflict: All combatants must abide by universal humanitarian principles. Unfortunately, clear rules have not always translated into an equally clear acceptance of those rules. In recent decades, there has been a dramatic and unacceptable deterioration in the level of adherence to humanitarian norms in crisis situations. Governments have often treated armed opponents and their supporters with indiscriminate and ruthless ferocity. Anti-government forces are often willing to employ any and all means that might advance their end. In the past, civilian populations were chiefly indirect victims of fighting between hostile armies. Today, they are often the main targets, with women suffering in disproportionate numbers while often also being subjected to atrocities that include organised rape and sexual exploitation. Increasingly, relief workers, including United Nations staff, have also been directly targeted. Such attacks are unconscionable and undermine the basic conditions of humanitarian assistance.

50. The monitoring and reporting of respect for human rights is a critical responsibility of the international community. Adherence to international humanitarian and human rights norms by all parties to a conflict must be insisted upon, and I intend to make this a priority in the work of the United Nations. In order to make warring parties more accountable for their actions, I recommend that combatants be held financially liable to their victims under international law where civilians are made the deliberate target of aggression. I further recommend that international legal machinery be developed to facilitate efforts to find, attach and seize the assets of transgressing parties and their leaders.

51. In working to curb war abuses, human rights missions can play an important role. Because voluntary contributions have in the past proved not to be an adequate basis for funding when special human rights missions have been deployed, I recommend that all special human rights missions should be funded from assessed contributions. In the strongest way possible, international pressure must be brought to bear on all warring parties to respect the human rights of civilians, including relief workers, in situations of armed conflict.

52. Special attention must be paid to the needs of children in armed conflict. The recent appointment of a Special Representative of the Secretary-General on the impact of armed conflict on children constitutes an important first step in institutionalising the international community's focus on this important issue. Targeting children for attack and recruiting or abducting them into militia forces are terrible crimes that must be specifically addressed in any future war crimes statutes or prosecutions. I endorse the notion of children as 'zones of peace', and urge that this concept be expanded. Negotiating temporary ceasefires to allow children in war zones to be vaccinated, for example, or to allow food supplies to pass through

confrontation lines has proved useful in a number of conflict situations. This practice should be raised to a tenet of international humanitarian law.

53. Addressing refugee security issues: Persons fleeing persecution or war deserve refuge and assistance. The safety of refugees has increasingly become a matter of international concern, as has the security of States hosting large refugee populations or having such populations near their borders. The potential threat to African States posed by the movement of large numbers of refugees when they are mingled with combatants must be acknowledged. In the area of the Great Lakes, the movement of large numbers of Rwandan refugees into neighbouring countries became a destabilising factor for those countries, as well as for the new Government in Rwanda. Despite appeals from my predecessor and from the Office of the United Nations High Commissioner for Refugees, the international community failed to support efforts to separate former combatants from non-combatant refugees who had ensconced themselves on the territory of the former Zaire, along its border with Rwanda. As a result, combatants hiding among refugee populations remain, even today, a source of insecurity throughout the region.

54. Every effort should be made to ensure that all refugees and internally displaced persons are adequately protected and provided for, in accordance with internationally recognised rules and procedures. Refugee camps and settlements must be kept free of any military presence or equipment, including arms and ammunition. Where there is a massive influx of people in need of asylum, immediate measures should be taken to separate the civilian population from soldiers and militiamen. The latter should be quartered separately and the neutrality and humanitarian character of the camps and settlements scrupulously maintained. Action is also required to address the special needs and vulnerabilities of women and children in such situations. For their own security, and the security of the States from which they fled, I strongly urge that refugees be settled at a reasonable distance from any border, in camps of limited size, in accordance with the OAU Refugee Convention. Where host countries have been generous enough not to require refugees to live in camps, local communities should be provided with additional support.

55. Some of the requirements relating to the protection of refugees and the support of States hosting large refugee populations are beyond the capacity of humanitarian providers. Many relate to matters of international peace and security for which the Security Council has primary responsibility. I therefore urge the establishment of an international mechanism to assist host Governments in maintaining the security and neutrality of refugee camps and settlements. Such a mechanism might encompass training, logistics, financial support, the provision of security personnel and the monitoring of national security arrangements. An important initiative with these objectives in mind has recently been launched by the United Nations High Commissioner for Refugees, to address security issues among Burundian refugees in the United Republic of Tanzania.

56. Mitigating the social and environmental impact of refugees on host countries: The international community often does not adequately take into account the severe social and environmental consequences that the presence of large numbers of long-term refugees may have in many African countries. In Guinea, which has the highest per capita refugee population in the world, as much as 10 per cent of the population are refugees from neighbouring Liberia and Sierra Leone, and many have been in the country for a number of

years. This massive presence of refugees has had profound effects on Guinea, devastating forests in some areas and often overstressing the facilities of local communities. The increased presence of street children in many areas and the inability of the local economy to absorb able-bodied persons into the workforce has resulted in rising social tensions. The burden placed on local infrastructure such as schools, hospitals and sanitation facilities has also been considerable. Former combatants mingled among refugees have also helped to fuel the illicit trafficking of small arms. While continuing to encourage African countries to receive and provide for refugees, the international community must also acknowledge and assist the tremendous effort that many countries are currently making.

57. Humanitarian coordination: The coordination of humanitarian assistance still remains one of the greatest challenges facing the international community as it struggles to respond more effectively to the changing nature of today's complex conflicts. The need to achieve consensus among the multiplicity of actors – each with their own mandates, funding, approach and agenda – makes humanitarian coordination extremely difficult. Moreover, some actors have been reluctant to establish coordination mechanisms almost as a matter of principle. I am determined to ensure that United Nations humanitarian action is fully consistent with broader United Nations peace and development activities, and that our humanitarian action is co-ordinated. The recently established Executive Committee on Humanitarian Affairs, convened by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, is intended to advance this objective. In the context of peacekeeping or peacebuilding operations, the United Nations humanitarian coordinator in the field will operate under the overall authority of my representative or special representative in the country, and will ensure that the head of mission is kept fully informed on humanitarian issues.

Special challenges of humanitarian assistance

58. Is assistance facilitating political inaction? Providing assistance to the victims of conflict is a moral imperative. It is one of the core functions of the United Nations system. Humanitarian assistance today often raises difficult challenges, however – morally, politically and operationally. In part this is because humanitarian assistance is an emergency response that addresses only the symptoms of conflict, not the causes. Humanitarian assistance cannot stop a conflict, and the diversion or abuse of humanitarian assistance may well prolong it. Of special concern is the fact that humanitarian assistance is sometimes treated as a substitute for political action rather than as a supplement. In some cases the vulnerability of humanitarian actors on the ground has even been used as the primary reason for not taking the necessary political action. In situations of conflict the purposes of humanitarian operations, as well as their limitations, need to be better understood by the public and constantly recalled, so that they do not serve as an excuse for political inaction.

59. Is assistance helping to fuel the conflict? Humanitarian actors are now often required to negotiate access in volatile and dangerous environments, and to fend off efforts by both Governments and their opponents to use humanitarian assistance as a tool to achieve political goals, make economic gains or sustain their fighting capacity. Ensuring that the abuse of humanitarian assistance does not end up prolonging the conflict is one of the greatest challenges facing humanitarian actors in today's conflicts. The

looting of humanitarian supplies and vehicles has become an all too frequent occurrence. Not only does this provide sustenance to combatants but, in the case of vehicles, cash and other valuable items, it may give them additional means to prolong or intensify the conflict. In Liberia, over \$8 million in property – including nearly 500 vehicles – was looted from United Nations and non-governmental organisation premises during the fighting that took place in April and May 1996. In the days and months that followed, combatants were often seen transporting themselves in those stolen vehicles while a flourishing black market developed in property stolen from the United Nations and other international organisations in the country.

60. Are resources being diverted from other critical priorities? Of particular concern, especially to the host country, is the extent to which humanitarian expenditures diminish the pool of funds that might be available for other critical national priorities. In the Great Lakes region immense sums have been spent on humanitarian relief in recent years, though this assistance is often perceived by countries in the region as having very little impact on the issues that lie at the heart of the problems there. Many fear that the assistance may come at the expense of efforts to address root causes – a sentiment that is fuelled, for example, by the extreme funding difficulties that have surrounded the war crimes Tribunal in Arusha, and by the lack of support so far given to a number of key reconstruction and development priorities identified by the Government of Rwanda. This concern heightens the importance of ensuring a rational allocation of resources between humanitarian relief and development assistance.

61. Does the multiplicity of actors and mandates impede the provision of effective assistance? The multiplicity of humanitarian actors and mandates operating in any given crisis is one of the striking characteristics of modern conflicts. This reflects a commendable human desire to respond to suffering, but it often entails overlap and duplication of activity that can sometimes amount to competition and rivalry. The multiplicity of actors and the failure at times to achieve consensus on operations or objectives has sometimes impeded rather than advanced humanitarian goals. It is clear that for humanitarian assistance to be most effective there must be co-operation and coordination among humanitarian actors.

Relating emergency assistance to reconstruction and development

62. Unless there is reconstruction and development in the aftermath of conflict, there can be little expectation of progress or durable peace. Rehabilitation, reconstruction and recovery cannot await the completion of the peace process, however. Relief efforts must be a step towards development, and must be delivered in ways that promote, rather than compromise, long-term development objectives. Successful rehabilitation efforts require a mix of activities – some are quick-starting actions that relief staff familiar with the local situation are well placed to carry out, while others are longer-term actions that need to evolve smoothly into development efforts. What is needed during this phase is not a passing of batons from relief to development assistance, but rather partnerships in which each group brings its particular expertise and capacity to bear on the appropriate parts of the rehabilitation problem in a manner that is consistent and well co-ordinated.

D. Post-conflict peacebuilding

63. By post-conflict peacebuilding, I mean actions undertaken at the end of a conflict to consolidate peace and prevent a recurrence of armed confrontation. Experience has shown that the consolidation of peace in the aftermath of conflict requires more than purely diplomatic and military action, and that an integrated peacebuilding effort is needed to address the various factors that have caused or are threatening a conflict. Peacebuilding may involve the creation or strengthening of national institutions, monitoring elections, promoting human rights, providing for reintegration and rehabilitation programmes, and creating conditions for resumed development. Peacebuilding does not replace ongoing humanitarian and development activities in countries emerging from crisis. It aims rather to build on, add to, or re-orient such activities in ways designed to reduce the risk of a resumption of conflict and contribute to creating the conditions most conducive to reconciliation, reconstruction and recovery.

64. The crucial underlying need in post-conflict peacebuilding situations is the security of ordinary people, in the form of real peace and access to basic social facilities. In pursuing these peacebuilding objectives, a number of requirements are clear. First, time is of the essence. Second, a multifaceted approach, covering diplomatic, political and economic factors, must be adopted. Third, the effort must be adequately financed. Fourth, there must be high-level strategic and administrative coordination among the many actors.

The transition to post-conflict peacebuilding

65. A smooth and early transition to post-conflict peacebuilding is critical, and I urge the Security Council to look favourably on the establishment of post-conflict peacebuilding support structures similar to the one in Liberia. Even prior to the end of the conflict, there must be a clear assessment of key post-conflict peacebuilding needs and of ways to meet them. Peacebuilding elements should be explicitly and clearly identified and integrated into the mandates of the peacekeeping operation. When a peacekeeping operation comes to an end, the concluding mandate should include specific recommendations for the transitional period to the post-conflict phase.

The priorities of post-conflict peacebuilding

66. Societies that have emerged from conflict have special needs. To avoid a return to conflict while laying a solid foundation for development, emphasis must be placed on critical priorities such as encouraging reconciliation and demonstrating respect for human rights; fostering political inclusiveness and promoting national unity; ensuring the safe, smooth and early repatriation and resettlement of refugees and displaced persons; re-integrating ex-combatants and others into productive society; curtailing the availability of small arms; and mobilising the domestic and international resources for reconstruction and economic recovery. Every priority is linked to every other, and success will require a concerted and co-ordinated effort on all fronts.

Financing recovery

67. Where a country's capacity to develop and implement a comprehensive economic programme has been disrupted by conflict, consideration must be given to relaxing the normally strict financial conditions imposed by international lending institutions. Conflict prevention, including post-conflict peacebuilding, may require an urgent infusion of funds to support a fragile State during a delicate political transition. It is particularly necessary to avoid situations in which conditionalities are imposed that are antithetical to a peace process, or in which international financial institutions and the donor community cut off funds from a weak Government making, in good faith, a popularly supported effort to pursue reconciliation or implement peace agreements. Where economic reform is needed it is necessary to consider how best to provide for a 'peace-friendly' structural adjustment programme while easing the conditionality that normally accompanies loans from the Bretton Woods institutions.

68. Where conflict has recently ended, bilateral and multilateral development agencies can make a distinct contribution by directing their assistance to areas which will facilitate the rapid re-establishment of income-earning activities. Special attention should also be paid to quick-impact micro-projects, especially when they include training and other capacity-building activities that can facilitate the reintegration of ex-combatants, refugees and displaced persons into their communities. The sooner the communities are stabilised, the more durable the peace.

Working towards a co-ordinated international response

69. The multidimensional nature of post-conflict peacebuilding demands effective coordination. In Liberia, where circumstances continue to require extraordinary support from the international community, the first United Nations Peacebuilding Support Office has been established. The Office is intended to strengthen and harmonise United Nations post-conflict peacebuilding efforts, while also helping to mobilise international political support for the country's reconstruction and recovery, and assisting Liberians in their efforts to promote reconciliation and respect for human rights. The Representative of the Secretary-General will be responsible for ensuring a consistent policy approach by the entire United Nations system. The United Nations Resident Coordinator in Liberia will be the Deputy to the Representative of the Secretary-General, and will continue to be responsible for the operational coordination of development activities carried out by the United Nations system. The Resident Coordinator will keep the Representative of the Secretary-General fully informed about relevant activities or initiatives of the United Nations, and will provide continuity once the mandate of the Office has ended.

70. In some situations of conflict or post-conflict peacebuilding, a 'strategic framework' approach may also be appropriate, providing the basis for a coherent effort by the entire United Nations system in countries in crisis. The strategic framework would especially embrace political, human rights, humanitarian and development activities aimed at promoting a durable peace and sustainable development. Such an effort would encompass all partners in the United Nations system, including the Bretton Woods institutions, as well as national authorities, donor organisations and non-governmental organisations.

IV. Building a durable peace and promoting economic growth

A. Good governance

71. The difficult relations between State and society in Africa owe much to the authoritarian legacy of colonial governance. Because there was little need to seek political legitimacy, the colonial State did not encourage representation or participation. The result was often social and political fragmentation, and a sometimes weak and dependent civil society. A number of African States have continued to rely on centralised and highly personalised forms of government and some have also fallen into a pattern of corruption, ethnically based decisions and human rights abuses. Notwithstanding the holding of multiparty elections in a majority of African countries, much more must be done to provide an environment in which individuals feel protected, civil society is able to flourish, and Government carries out its responsibilities effectively and transparently, with adequate institutional mechanisms to ensure accountability.

Securing respect for human rights and the rule of law

72. Respect for human rights and the rule of law are necessary components of any effort to make peace durable. They are cornerstones of good governance. By signalling its commitment to respecting human rights, a Government can demonstrate its commitment to building a society in which all can live freely. I welcome the recent endorsement by the OAU Council of Ministers of proposals for the establishment of an African court on human and peoples' rights. I call upon all African countries that have not done so to ratify United Nations and African instruments on human rights, and to embody those instruments in national law as a matter of priority.

73. Government actions will speak the loudest, but important signals can also be sent. One signal might be the development of a national plan of action for human rights aimed, for example, at advancing the ratification of human rights treaties, reviewing and amending legislation to ensure that human rights are adequately protected, and promoting human rights training of judges, police officers, lawyers and prison officials. The establishment of credible, independent and impartial national human rights institutions can be a significant confidence-building measure, and should be reinforced by the development of indigenous non-governmental human rights organisations and institutions. The United Nations High Commissioner for Human Rights is available to assist Governments in drafting national plans of action for human rights, establishing human rights commissions, or implementing human rights objectives. Civic education by government, non-governmental organisations, the media and others is important and should inform people about their civic rights and legal protections while also explaining civic responsibilities.

74. Guaranteeing the fair and impartial enforcement of the law is indispensable to the protection of human rights. This requires respecting the autonomy, integrity and independence of the courts, and ensuring fair and impartial enforcement of the law by the police and State security services. If individuals or groups, including agents of the State, can act with impunity and escape punishment, citizens will live in fear of arbitrary arrest and detention. If the law is applied only selectively and is particularly harsh on certain groups, it creates resentment and fosters the environment for a violent

response. Strengthening judicial institutions is a very important way in which the international community can help African countries to promote good governance.

Promoting transparency and accountability in public administration

75. Corruption is a serious worldwide phenomenon. It has critically hobbled and skewed Africa's development. Addressing the problem of corruption requires targeting both payer and recipient. I welcome the recent initiative of the Organisation for Economic Co-operation and Development to reduce the scope for corruption in aid-funded procurement. I also welcome the signing of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, which commits signatories to introducing legislation defining bribery and sanctions to punish it. These are important first steps, but much more still needs to be done. African Governments in particular must get tough on this issue, and make the fight against corruption a genuine priority. The costs of not doing so are very high – in lost resources, lost foreign investment, distorted decision-making, and failing public confidence. I call for agreement on a timetable for the early enactment of legislation in countries implementing the Convention, and call upon OAU to devise by the year 2000 a uniform African convention on the conduct of public officials and the transparency of public administration.

Enhancing administrative capacity

76. Good governance also requires the effective management of resources. Improved public sector management in Africa must therefore continue to be a high priority for the United Nations system and for African Governments. Existing efforts cover many sectors and operate at many levels. The Bretton Woods institutions have a special role to play, especially in working with African countries to reform public institutions in the financial sector and to support the development of transparent economic and regulatory procedures and practices. A strong central bank capacity, an efficient customs unit and well-managed government regulatory institutions are vital prerequisites for stable macroeconomic performance and the building of investor confidence.

Strengthening democratic governance

77. Democratic government helps to guarantee political rights, protect economic freedoms and foster an environment where peace and development can flourish. Today, as never before, countries around the world are seeking to establish pluralistic systems of government in which political leaders are elected by the will of the majority to fixed terms of office, and exercise their authority within legal limits. This is a very hopeful trend that bodes well for Africa's future, because in the absence of genuinely democratic institutions contending interests are likely to seek to settle their differences through conflict rather than through accommodation.

78. Democratisation gives people a stake in society. Its importance cannot be overstated, for unless people feel that they have a true stake in society lasting peace will not be possible and sustainable development will not be achieved. Ensuring that people feel represented in the political life of their societies is essential, and in Africa democratisation can often build upon positive indigenous structures and traditional ways of inclusive governance. Elections play a central role in democratisation efforts in Africa and

elsewhere and this focus must remain strong; but elections must also be part of a long-term undertaking that will lead to a strengthening of national institutions and democratic processes. The real test of a democratisation process is not the organisation of first elections, but whether those first elections are followed by others in accordance with an agreed electoral timetable.

B. Sustainable development

79. Development is a human right, and the principal long-term objective of all countries in Africa. Development is also central to the prospects for reducing conflict in Africa. A number of African States have made good progress towards sustainable development in recent years, but others continue to struggle. Poor economic performance or inequitable development have resulted in a near-permanent economic crisis for some States, greatly exacerbating internal tensions and greatly diminishing their capacity to respond to those tensions. In many African countries painful structural adjustment programmes have led to a significant reduction in social spending and consequent reductions in the delivery of many of the most basic social services. Especially when this is coupled with a perception that certain groups are not receiving a fair share of diminishing resources, the potential for conflict is evident.

80. While economic growth does not guarantee stability, satisfaction or social peace, without growth there can be no sustained increase in household or government spending, in private or public capital formation, in health or social welfare. The basic strategy for achieving sustainable development through economic growth is now well established. The core components of the strategy include macroeconomic stability and a stable investment environment; integration into the international economy; a reliance on the private sector as the driving force for economic growth; long-term foreign direct investment, especially in support of export-oriented activities; adequate investment in human development areas such as health and education; a fair and reliable legal framework; and the maintenance of basic physical infrastructures. Despite the broad consensus on how development and economic growth should be pursued, however, in Africa it has been difficult to achieve rapid progress, partly because of the failed policies pursued in the past by many African countries and the difficult international economic environment in which they generally must operate.

Creating a positive environment for investment and economic growth

81. Creating a positive environment for investment: To produce sustained economic growth, African countries must create and maintain an enabling environment for investment. The world economic system is highly competitive and market-based, and Africa has become largely marginalised in recent years in attracting significant inflows of long-term foreign direct investment. The importance of investment in small and medium-sized businesses should also be emphasised as such enterprises are an important source of employment in Africa and contribute significantly to the continent's GDP. If Africa is to participate fully in the global economy, political and economic reform must be carried out. It must include predictable policies, economic deregulation, openness to trade, rationalised tax structures,

adequate infrastructure, transparency and accountability, and protection of property rights.

82. Enacting needed reforms; Many Governments are in the process of successfully implementing necessary reforms, and some already enjoy stronger growth as a result. Others continue to struggle and several have yet to complete the first generation of economic reforms, which include fiscal consolidation, privatisation and deregulation programmes, trade liberalisation, and policies to promote investment in human capital and economic infrastructures. These reforms need to be put in place without delay. They should be accompanied by determined efforts to stamp out corrupt practices and implement other civil service reforms that will improve the ability of government to carry out its functions.

83. Long-term success can be achieved only if African Governments have the political will not just to enact sound economic policies but also to persevere in their implementation until a solid economic foundation has been established. This will happen only if there is greater public understanding of the measures required, and broad-based political support for those measures. Therefore, I urge the convening of national conventions on economic restructuring and reform in countries where serious adjustment is required, for the purpose of considering and explaining the need and likely ramifications of various aspects of structural adjustment. Those conventions might also suggest modifications warranted by local conditions.

84. Drawing attention to progress and new opportunities: Where progress is being made it should be acknowledged publicly. Virtually none of the major investment guides includes information on Africa. For my part, I intend to hold, in collaboration with the Secretary-General of OAU, regular meetings with senior business leaders worldwide to discuss with them ways of promoting large-scale long-term investment in growth-promoting sectors in Africa. I intend to focus special attention on multi-country infrastructure projects and projects for the exploitation of shared natural resources, as called for in the Abuja Treaty establishing the African Economic Community. On the basis of those consultations, I will recommend appropriate follow-up actions to be taken by national Governments, the United Nations system and other institutions.

Emphasising social development

85. Too often, the majority of those living in the developing world appear to be incidental to development rather than its focus. Ultimately, all development strategies should be measured by the benefit they bring to the majority of citizens, while the value of particular development tactics should be measured by the extent to which they will contribute to that end. Governments should review their priorities and distribution decisions, focusing on basic human needs and placing primary emphasis on reducing poverty. The international community needs to work for social development with all of the tools at its disposal, ensuring that greater sensitivity to social development issues is matched by increased financing for anti-poverty efforts and for social development needs.

86. Investing in human resources: Just as investment in physical capital is necessary to generate economic growth, so too investment in human resources must be recognised not merely as a by-product of economic growth but as a driving force for development. Investment in human development is an investment in long-term competitiveness, and a necessary component of a

stable and progressing society. Education, for example, not only increases employment options and capacities but it also enables individuals to make broader, better and more informed choices in all aspects of life, health and culture. Technical and professional training lays an essential foundation for the acquisition of skills, and for renewing, adapting or changing those skills to better suit the evolving needs of individuals and societies.

87. Public health priorities: Africa faces an increasingly serious public health crisis, which may also have serious consequences for development. It is the result of the worsening impact of endemic diseases such as malaria, together with the re-emergence of diseases like tuberculosis and poliomyelitis and the continuing devastation caused by the HIV/AIDS epidemic. Many deaths could be prevented by vaccinations or effective preventive measures, and by investing in improved sanitation and basic health care. In the case of HIV/AIDS, two thirds of the people infected worldwide are in sub-Saharan Africa. New treatments are available that can very substantially reduce the chances of pregnant mothers transmitting the HIV virus to their unborn children, while better education on how to prevent the transmission of the disease would also have a significant impact. I call for a new focus by Africa and the international community on reducing the mortality rate of treatable and preventable diseases, and urge that consideration also be given to the use of emergency and humanitarian resources for this purpose. I appeal for substantial additional research into new prevention and treatment techniques for diseases such as malaria, which kills millions of people in Africa each year, many of them babies and children. I urge the pharmaceutical industry to work with African countries and the World Health Organisation to set a timetable for achieving more affordable access by Africa to life-saving and life-enhancing drugs, including drugs for the treatment of HIV/AIDS.

88. Focusing on social justice: The eradication of poverty requires development in which access to the benefits of economic progress is as widely available as possible, and not concentrated excessively in certain localities, sectors or groups of the population. Economic growth does not by itself ensure that benefits will be equitably distributed, that the poor and most vulnerable will be protected or that greater equality of opportunity will be pursued. Attention to social justice is vital if development and economic growth are to produce positive results and if society is to develop in a balanced way. If only a small fraction of education resources are spent on primary education while millions remain uneducated and illiterate, and only a small fraction of expenditures on health care go for basic health services and facilities while millions suffer from easily treatable or preventable diseases, development will have little meaning. If social protections are available only to the urban minority, and lack of access overall translates into a practical lack of rights, development can only be a relative term. If economic opportunities are focused exclusively on urban centres while rural life is degraded and destroyed, turmoil and social disintegration will be the price of change. Development and spending priorities need to be broad-based, equitable and inclusive.

89. Eliminating all forms of discrimination against women: Investing in women's capabilities and empowering them to exercise their choices is a vital and certain way to advance economic and social development. Equality of rights, opportunities and access to resources between men and women are fundamental requirements. Measures must be taken to eliminate all forms of

discrimination against women and girls. Institutional barriers that prevent the exercise of equal rights need to be identified and removed through comprehensive policy reform. In some countries married women still remain under the permanent guardianship of their husbands and have no right to manage property. The equalisation of laws for men and women, particularly those relating to property, inheritance and divorce, is a pressing need in a number of African countries. I strongly urge all countries that have not done so to ratify the Convention on the Elimination of All Forms of Discrimination against Women, and to do so without reservation.

Restructuring international aid

90. In Africa, long-term international aid programmes have not achieved the development goals for which they were established. Dramatic cuts in assistance to Africa have been registered in recent years. This trend has hurt rather than helped Africa's efforts to implement the difficult economic and political reforms which are now under way across the continent. Appropriate and effective aid levels need to be established. In conjunction with this, development assistance needs to be restructured, focusing on high impact areas and on reducing dependency. Attention should be directed both to the means for transmitting assistance and to its ends. It is worth noting, for example, that because urban water supply is given preference over rural services, less than 20 per cent of aid for water and sanitation services goes to rural areas or to low-cost mass-coverage programmes. Because higher education is given preference over primary schooling, less than 20 per cent of aid expenditures for education go to primary education. Because urban hospitals are given preference over primary health care, only about 30 per cent of aid for health care goes for basic health services and facilities.

91. The manner in which technical assistance is provided also needs to be critically re-examined. Technical assistance as it was originally conceived was designed to close the technical capacity gap between industrial and developing countries by accelerating the transfer of knowledge, skills and expertise, thereby building national capacity. In some cases this has been done but, in many others, technical assistance has had precisely the opposite effect, reining in rather than unleashing national capacity. It has been observed that today, after more than 40 years of technical assistance programmes, 90 per cent of the \$12 billion a year spent on technical assistance is still spent on foreign expertise – despite the fact that national experts are now available in many fields.

92. In line with the objectives outlined above, I call for an immediate examination of how best to restructure international aid to reduce dependency, promote primary social development objectives such as clean drinking water, basic literacy and health care, and reinforce efforts to make African economies more stable and competitive. First and foremost, I urge all donors to strive to ensure that at least 50 per cent of their aid to Africa is spent in Africa, and to make information on the expenditure of aid funds more easily accessible to the public. Greater aid for infrastructure development in Africa, including road and rail networks, telecommunications capacities, computer systems and port facilities, would leave a tangible mark while generating employment, expertise and revenues in Africa itself.

Reducing debt burdens

93. An unsustainable burden of debt: Many States in Africa lack the financial capital needed to address basic expectations and fundamental needs. This is one of the central crises of Africa today, and one that is due in large measure to the problem of Africa's public sector debt. When tensions rise or conflict threatens, many African countries do not have the basic resources to meet critical needs. In 1995, Africa's external debt totalled \$328.9 billion – of which approximately 45% was owed to official bilateral sources, 30 per cent to official multilateral sources, and 25% to commercial lenders. To service this debt fully, African countries would have had to pay to donors and external commercial lenders more than 60% (\$86.3 billion) of the \$142.3 billion in revenues generated from their exports. In fact, African countries as a whole actually paid more than 17% (\$25.4 billion) of their total export earnings to donors and external commercial lenders, leaving a total of \$60.9 billion in unpaid accumulated arrears.

94. The need for additional action on debt: Addressing the threat that an unsustainable debt burden poses to the economic security and long-term stability of Africa requires comprehensive and decisive action by the international community. Debt relief granted by the international community should promote and reinforce economic reforms. It should be structured in ways that will not undermine Africa's future capacity to attract investment, but will instead enhance that capacity by lifting past burdens from present operations. The recent Heavily Indebted Poor Countries Debt Initiative is a promising step. The principle behind the Initiative is that the international community would reduce the debt burden of poor countries, following the implementation of internationally accepted programmes of reform, to a level that would no longer hinder their economic growth and development. The results of the Initiative have been disappointing, however. At present, only four African countries meet its requirements.

95. Significant movement on lifting Africa's crippling debt burden will require concerted political action at the highest levels. It is evident that in development terms Africa has far too little to show for the burden of debt that has now accumulated. Africa cannot avoid its share of responsibility for the present debt predicament, but the international community needs to acknowledge its own role in creating this problem. During the cold war bilateral and multilateral loans were often linked mainly to geopolitical priorities, purchasing political peace and stability in areas of interest to the super-Powers or their principal allies. In many cases bilateral loans provided the funds for extensive military expenditures by African countries. Across Africa, Governments were sometimes pressured into accepting a wide range of loans which they did not need and could not productively utilise. In many cases little or no effort was made to ensure accountability for expenditures, despite clear reasons for lenders to expect that substantial sums were likely to be diverted or misappropriated.

96. A framework for action on debt: The Organization of African Unity has called for an international agreement to clear the entire debt stock for the poorest countries in Africa within a reasonably short period of time, and in the context of Africa's overall economic reforms. I urge that this appeal to help African countries to escape from the debt trap be given the most serious consideration. I also urge that two immediate steps be taken towards that end. First, I call upon all creditor countries to convert into grants all the remaining official bilateral debt of the poorest African countries. Second, I

call upon the international financial institutions to significantly ease and quicken access to facilities for heavily indebted poor countries, and to provide countries with sufficient resources to enable them to attain a substantial and sustained pace of economic growth and social development.

Opening international markets

97. Access to markets: All countries are now part of an international trading system, but many remain imperfectly integrated into it while others are excessively vulnerable to its instability. Long-term sustained growth in Africa will depend largely upon the capacity of Africa to diversify exports and to achieve export-led growth in manufactures alongside the production of primary commodities. The transition to export-led growth will require not only sustained internal policy reform backed by macroeconomic stability and debt reduction, but also enhanced and guaranteed access to developed country markets as well as improved regional South-South co-operation. Africa's manufacturing competitiveness lies in part in items such as agro-based industries as well as apparel and textiles which are politically sensitive in developed countries. Although the average level of tariffs on Africa's major exports was reduced in the Uruguay Round of multilateral trade negotiations, more progress is needed. Particularly troubling is the problem of 'tariff escalation', whereby tariffs on some agriculture and natural-resource-based products increase in proportion to the degree of processing before export. This phenomenon serves to discourage and penalise African efforts to develop, and should be eliminated with respect to African products.

98. Special efforts are needed by the developed economies to ensure access for competitive African goods, even in the face of domestic political lobbies resisting increased competition. I urge that the question of eliminating trade barriers to African products be placed on the agenda of the next meeting of the group of major industrialised countries, with a view to the adoption of a common policy to be implemented on a bilateral basis and through the World Trade Organisation.

99. Adjusting to a globally competitive trade environment: With respect to Africa's own progress on tariff reduction, the international community should be sensitive to the possible impact of tariff reduction on budget revenues, fiscal deficits, macroeconomic instability and debt service burden. Assistance will be necessary to enable African countries to sustain the tariff reductions and economic reforms on which they have already embarked. Africa also requires special support to deal with the imposition of new and emerging non-tariff barriers such as new environmental, health and labour standards. Many African economies need not only greater access to the international market but also to remove domestic constraints which limit their capacity to take advantage of existing opportunities offered through the Uruguay Round agreements. The international community should also direct its assistance to the development of productive capacity in Africa and the enhancement of the competitiveness of industries on the continent.

Support for regional co-operation and integration

100. Small markets, high transaction and transportation costs, and lack of sufficient communication links are significant factors impeding the expansion of economic activity for many African countries. Greater regional co-operation and integration could help to limit some of those obstacles while enabling many countries to achieve collectively what each would be unable

to achieve on its own. Also, the closer the economic ties among States members of subregional or regional groupings, the greater the effort likely to be devoted to preventing disputes and tensions from turning into conflicts. In the past, a range of political, institutional and physical constraints have hampered efforts to promote greater regional integration in Africa. They have included ideological differences, nationalistic policies, the non-convertibility of national currencies, tariff and non-tariff barriers, differences in legal institutions and frameworks and sometimes the lack of basic infrastructure such as roads, telecommunications facilities and transport.

101. Today, a number of important factors favour efforts at greater regional and subregional co-operation. These include the Abuja Treaty, the efforts by many Governments to encourage private sector development, the convergence in macroeconomic policies resulting from the adoption of structural adjustment programmes by a large number of African countries, and the common challenge presented by the formation of new trade blocs in other regions of the world. Still greater policy convergence and harmonisation are required if these efforts are truly to gain momentum. Specific activities at the subregional level could include co-operative projects that link two or more countries – common economic enterprise zones, common infrastructure projects, or joint tourism efforts, for example. To reinforce national economic efforts, I call upon African countries – with the support of the United Nations system, including the Bretton Woods institutions, as well as the European Union and others – to examine ways in which regional and subregional integration can be used to promote economic discipline and sound macroeconomic policy, and facilitate the establishment of solid institutional and confidence-building links between neighbouring States.

102. I also call upon African countries to give priority to establishing uniform standards for equipment and facilities relevant to subregional interactions. Significant progress will also require a more genuinely supportive attitude on the part of donors and trading partners, particularly with regard to the development of common standards and equipment among neighbouring countries. Too often, preferential arrangements with bilateral external partners result in a multiplicity of incompatible standards, technologies and equipment, thereby hindering genuine integration.

Harmonising current international and bilateral initiatives

103. Coordination among donors, both multilateral and bilateral, is essential and should be continually re-evaluated until the assistance that is offered to Africa proves more successful in reducing poverty and promoting economic growth than in the past. To be meaningful, this effort will need to include not just the assistance provided by international financial institutions but also bilateral assistance, which is by far the largest component of international development assistance. A number of important multilateral initiatives have been launched in recent years, aimed at promoting peace and development in Africa. They include the United Nations New Agenda for the Development of Africa in the 1990s and its implementing complement the United Nations System-wide Special Initiative on Africa, the Tokyo International Conference on African Development, the United Nations Programme of Action for the Least Developed Countries for the 1990s, and Commitment 7 of the Copenhagen Declaration on Social Development. In the spirit of my reform proposals, it is necessary now to take a hard look at those initiatives and to ensure that the United Nations and its funds and programmes are working

effectively together, as well as with African Governments and society, donors and non-governmental organisations.

V. Summoning the necessary political will

104. With sufficient political will – on the part of Africa and on the part of the international community – peace and development in Africa can be given a new momentum. Africa is an ancient continent. Its lands are rich and fertile enough to provide a solid foundation for prosperity. Its people are proud and industrious enough to seize the opportunities that may be presented. I am confident that Africans will not be found wanting, in stamina, in determination, or in political will. Africa today is striving to make positive change, and in many places these efforts are beginning to bear fruit. In the carnage and tragedy that afflicts some parts of Africa, we must not forget the bright spots or overlook the achievements.

105. What is needed from Africa: With political will, rhetoric can truly be transformed into reality. Without it, not even the noblest sentiments will have a chance of success. Three areas deserve particular attention. First, Africa must demonstrate the will to rely upon political rather than military responses to problems. Democratic channels for pursuing legitimate interests and expressing dissent must be protected, and political opposition respected and accommodated in constitutional forms. Second, Africa must summon the will to take good governance seriously, ensuring respect for human rights and the rule of law, strengthening democratisation, and promoting transparency and capability in public administration. Unless good governance is prized, Africa will not break free of the threat and the reality of conflict that are so evident today. Third, Africa must enact and adhere to the various reforms needed to promote economic growth. Long-term success can be achieved only if African Governments have the political will to enact sound economic policies, and to persevere in their implementation until a solid economic foundation has been established.

106. What is needed from the international community: Political will is also needed from the international community. Where the international community is committed to making a difference, it has proved that significant and rapid transformation can be achieved. With respect to Africa, the international community must now summon the political will to intervene where it can have an impact, and invest where resources are needed. New sources of funding are required, but so too is a better use of existing resources and the enactment of trade and debt measures that will enable Africa to generate and better reinvest its own resources. Concrete action must be taken, as it is in deeds rather than in declarations that the international community's commitment to Africa will be measured. Significant progress will require sustained international attention at the highest political levels over a period of years. To maintain the momentum for action in support of Africa, I call upon the Security Council to reconvene at ministerial level on a biennial basis so as to assess efforts undertaken and actions needed. I also urge that consideration be given to the convening of the Security Council at summit level within five years, for this purpose.

VI. Conclusions

107. In this report I set out to provide a clear and candid analysis of the sources of conflicts in Africa and the reasons why they persist. I have recommended actions and goals that are both realistic and achievable, to reduce conflict and in time help to build a strong and durable peace. I have urged Africans and non-Africans alike to summon the political will to rise to the challenge which together we must all confront. The time is long past when anyone could claim ignorance about what was happening in Africa, or what was needed to achieve progress. The time is also past when the responsibilities for producing change could be shifted on to other shoulders. It is a responsibility that we must all face. The United Nations stands ready to play its part. So must the world. So must Africa.

UN Declaration on the New Partnership for Africa's Development (2002)

Adopted by the UN General Assembly (Res. 57/2) on 30 September 2002. The Assembly receives an annual report on implementation of, and international support for, NEPAD from the Secretary-General. Available online at: http://www.un.org/peace/reports/peace_operations/

1. We, heads of State and Government and heads of delegations participating in the high-level plenary meeting of the General Assembly held on 16 September 2002, considered how to support the New Partnership for Africa's Development, which is a programme of the African Union. This meeting forms part of the final review and appraisal of the United Nations New Agenda for the Development of Africa in the 1990s at this, the fifty-seventh session of the Assembly.
2. We reaffirm our commitment to the United Nations Millennium Declaration, adopted on 8 September 2000,³ and the internationally agreed development goals as the embodiment of our collective desire for and aspiration to a better world in which all peoples can live in dignity and peace.
3. We recommit ourselves to meeting the special needs of Africa as recognised in the Millennium Declaration, the ministerial declaration of the high-level segment of the substantive session of 2001 of the Economic and Social Council on the role of the United Nations in support of the efforts of African countries to achieve sustainable development, adopted on 18 July 2001,⁴ the Monterrey Consensus of the International Conference on Financing for Development, adopted on 22 March 2002, and the Plan of Implementation of the World Summit on Sustainable Development, adopted at the Summit on 4 September 2002.
4. We welcome the New Partnership for Africa's Development, as an African Union-led, -owned and -managed initiative, and recognise that it is a

serious commitment to addressing the aspirations of the continent, as decided by the Assembly of Heads of State and Government of the Organization of African Unity, at its thirty-seventh ordinary session, held at Lusaka from 9 to 11 July 2001.

5. We welcome the commitment of African countries to take effective and concrete measures, *inter alia*, through the establishment of various institutional mechanisms and the development of strategies, for the implementation of the New Partnership for Africa's Development. This commitment reflects the recognition that the primary responsibility for the implementation of the New Partnership rests with the African Governments and peoples.

6. We affirm that international support for the implementation of the New Partnership for Africa's Development is essential. While acknowledging the support so far expressed or provided for the New Partnership, we urge the United Nations system and the international community, in particular donor countries, to assist with the implementation of the New Partnership.

7. We call upon the Ad Hoc Committee of the Whole of the General Assembly for the Final Review and Appraisal of the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s to consider how the United Nations will structure its support for the New Partnership for Africa's Development and take decisions to this effect.

Report of the Panel on UN Peace Operations (Brahimi Report) (2000)

Submitted to the UN General Assembly (A/55/305) and the Security Council (S/2000/809) on 21 August 2000. The report recommended a number of changes to remedy what it referred to as serious problems in strategic direction, decision-making, rapid deployment, operational planning and support, and the use of modern information technology. Available online at http://www.un.org/peace/reports/peace_operations/

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Executive Summary

The United Nations was founded, in the words of its Charter, in order 'to save succeeding generations from the scourge of war.' Meeting this challenge is the most important function of the Organization, and to a very significant degree it is the yardstick with which the Organization is judged by the peoples it exists to serve. Over the last decade, the United Nations has repeatedly failed to meet the challenge, and it can do no better today. Without renewed commitment on the part of Member States, significant institutional change and increased financial support, the United Nations will not be capable of executing the critical peacekeeping and peacebuilding tasks that the Member States assign to it in coming months and years. There are many tasks which United Nations peacekeeping forces should not be asked to undertake and many places they should not go. But when the United Nations does send its

forces to uphold the peace, they must be prepared to confront the lingering forces of war and violence, with the ability and determination to defeat them.

The Secretary-General has asked the Panel on United Nations Peace Operations, composed of individuals experienced in various aspects of conflict prevention, peacekeeping and peacebuilding, to assess the shortcomings of the existing system and to make frank, specific and realistic recommendations for change. Our recommendations focus not only on politics and strategy but also and perhaps even more so on operational and organisational areas of need.

For preventive initiatives to succeed in reducing tension and averting conflict, the Secretary-General needs clear, strong and sustained political support from Member States. Furthermore, as the United Nations has bitterly and repeatedly discovered over the last decade, no amount of good intentions can substitute for the fundamental ability to project credible force if complex peacekeeping, in particular, is to succeed. But force alone cannot create peace; it can only create the space in which peace may be built. Moreover, the changes that the Panel recommends will have no lasting impact unless Member States summon the political will to support the United Nations politically, financially and operationally to enable the United Nations to be truly credible as a force for peace.

Each of the recommendations contained in the present report is designed to remedy a serious problem in strategic direction, decision-making, rapid deployment, operational planning and support, and the use of modern information technology. Key assessments and recommendations are highlighted below, largely in the order in which they appear in the body of the text (the numbers of the relevant paragraphs in the main text are provided in parentheses). In addition, a summary of recommendations is contained in annex III.

Experience of the past

It should have come as no surprise to anyone that some of the missions of the past decade would be particularly hard to accomplish: they tended to deploy where conflict had not resulted in victory for any side, where a military stalemate or international pressure or both had brought fighting to a halt but at least some of the parties to the conflict were not seriously committed to ending the confrontation. United Nations operations thus did not *deploy into* post-conflict situations but tried to *create* them. In such complex operations, peacekeepers work to maintain a secure local environment while peacebuilders work to make that environment self-sustaining. Only such an environment offers a ready exit to peacekeeping forces, making peacekeepers and peacebuilders inseparable partners.

Implications for preventive action and peacebuilding: the need for strategy and support

The United Nations and its members face a pressing need to establish more effective strategies for conflict prevention, in both the long and short terms. In this context, the Panel endorses the recommendations of the Secretary-

General with respect to conflict prevention contained in the Millennium Report (A/54/2000) and in his remarks before the Security Council's second open meeting on conflict prevention in July 2000. It also encourages the Secretary-General's more frequent use of fact-finding missions to areas of tension in support of short-term crisis preventive action.

Furthermore, the Security Council and the General Assembly's Special Committee on Peacekeeping Operations, conscious that the United Nations will continue to face the prospect of having to assist communities and nations in making the transition from war to peace, have each recognised and acknowledged the key role of peacebuilding in complex peace operations. This will require that the United Nations system address what has hitherto been a fundamental deficiency in the way it has conceived of, funded and implemented peacebuilding strategies and activities. Thus, the Panel recommends that the Executive Committee on Peace and Security (ECPS) present to the Secretary-General a plan to strengthen the permanent capacity of the United Nations to develop peacebuilding strategies and to implement programmes in support of those strategies.

Among the changes that the Panel supports are: a doctrinal shift in the use of civilian police and related rule of law elements in peace operations that emphasises a team approach to upholding the rule of law and respect for human rights and helping communities coming out of a conflict to achieve national reconciliation; consolidation of disarmament, demobilisation, and reintegration programmes into the assessed budgets of complex peace operations in their first phase; flexibility for heads of United Nations peace operations to fund 'quick impact projects' that make a real difference in the lives of people in the mission area; and better integration of electoral assistance into a broader strategy for the support of governance institutions.

Implications for peacekeeping: the need for robust doctrine and realistic mandates

The Panel concurs that consent of the local parties, impartiality and the use of force only in self-defence should remain the bedrock principles of peacekeeping. Experience shows, however, that in the context of intra-State/transnational conflicts, consent may be manipulated in many ways. Impartiality for United Nations operations must therefore mean adherence to the principles of the Charter: where one party to a peace agreement clearly and incontrovertibly is violating its terms, continued equal treatment of all parties by the United Nations can in the best case result in ineffectiveness and in the worst may amount to complicity with evil. No failure did more to damage the standing and credibility of United Nations peacekeeping in the 1990s than its reluctance to distinguish victim from aggressor.

In the past, the United Nations has often found itself unable to respond effectively to such challenges. It is a fundamental premise of the present report, however, that it must be able to do so. Once deployed, United Nations peacekeepers must be able to carry out their mandate professionally and successfully. This means that United Nations military units must be capable of defending themselves, other mission components and the mission's mandate. Rules of engagement should be sufficiently robust and not force United Nations contingents to cede the initiative to their attackers.

This means, in turn, that the Secretariat must not apply best-case planning assumptions to situations where the local actors have historically exhibited worst case behaviour. It means that mandates should specify an operation's authority to use force. It means bigger forces, better equipped and more costly but able to be a credible deterrent. In particular, United Nations forces for complex operations should be afforded the field intelligence and other capabilities needed to mount an effective defence against violent challengers.

Moreover, United Nations peacekeepers – troops or police – who witness violence against civilians should be presumed to be authorised to stop it, within their means, in support of basic United Nations principles. However, operations given a broad and explicit mandate for civilian protection must be given the specific resources needed to carry out that mandate.

The Secretariat must tell the Security Council what it needs to know, not what it wants to hear, when recommending force and other resource levels for a new mission, and it must set those levels according to realistic scenarios that take into account likely challenges to implementation. Security Council mandates, in turn, should reflect the clarity that peacekeeping operations require for unity of effort when they deploy into potentially dangerous situations.

The current practice is for the Secretary-General to be given a Security Council resolution specifying troop levels on paper, not knowing whether he will be given the troops and other personnel that the mission needs to function effectively, or whether they will be properly equipped. The Panel is of the view that, once realistic mission requirements have been set and agreed to, the Council should leave its authorising resolution in draft form until the Secretary-General confirms that he has received troop and other commitments from Member States sufficient to meet those requirements.

Member States that do commit formed military units to an operation should be invited to consult with the members of the Security Council during mandate formulation; such advice might usefully be institutionalised via the establishment of ad hoc subsidiary organs of the Council, as provided for in article 29 of the Charter. Troop contributors should also be invited to attend Secretariat briefings of the Security Council pertaining to crises that affect the safety and security of mission personnel or to a change or reinterpretation of the mandate regarding the use of force.

New headquarters capacity for information management and strategic analysis

The Panel recommends that a new information-gathering and analysis entity be created to support the informational and analytical needs of the Secretary-General and the members of the Executive Committee on Peace and Security (ECPS). Without such capacity, the Secretariat will remain a reactive institution, unable to get ahead of daily events, and the ECPS will not be able to fulfil the role for which it was created.

The Panel's proposed ECPS Information and Strategic Analysis Secretariat (EISAS) would create and maintain integrated databases on peace and

security issues, distribute that knowledge efficiently within the United Nations system, generate policy analyses, formulate long-term strategies for ECPS and bring budding crises to the attention of the ECPS leadership. It could also propose and manage the agenda of ECPS itself, helping to transform it into the decision-making body anticipated in the Secretary-General's initial reforms.

The Panel proposes that EISAS be created by consolidating the existing Situation Centre of the Department of Peacekeeping Operations (DPKO) with a number of small, scattered policy planning offices, and adding a small team of military analysts, experts in international criminal networks and information systems specialists. EISAS should serve the needs of all members of ECPS.

Improved mission guidance and leadership

The Panel believes it is essential to assemble the leadership of a new mission as early as possible at United Nations Headquarters, to participate in shaping a mission's concept of operations, support plan, budget, staffing and Headquarters mission guidance. To that end, the Panel recommends that the Secretary-General compile, in a systematic fashion and with input from Member States, a comprehensive list of potential special representatives of the Secretary-General (SRSGs), force commanders, civilian police commissioners, their potential deputies and potential heads of other components of a mission, representing a broad geographic and equitable gender distribution.

Rapid deployment standards and 'on-call' expertise

The first 6 to 12 weeks following a ceasefire or peace accord are often the most critical ones for establishing both a stable peace and the credibility of a new operation. Opportunities lost during that period are hard to regain.

The Panel recommends that the United Nations define 'rapid and effective deployment capacity' as the ability to fully deploy traditional peacekeeping operations within 30 days of the adoption of a Security Council resolution establishing such an operation, and within 90 days in the case of complex peacekeeping operations.

The Panel recommends that the United Nations standby arrangements system (UNSAS) be developed further to include several coherent, multinational, brigade size forces and the necessary enabling forces, created by Member States working in partnership, in order to better meet the need for the robust peacekeeping forces that the Panel has advocated. The Panel also recommends that the Secretariat send a team to confirm the readiness of each potential troop contributor to meet the requisite United Nations training and equipment requirements for peacekeeping operations, prior to deployment. Units that do not meet the requirements must not be deployed. To support such rapid and effective deployment, the Panel recommends that a revolving 'on-call list' of about 100 experienced, well qualified military officers, carefully vetted and accepted by DPKO, be created within UNSAS. Teams drawn from this list and available for duty on seven days' notice would translate broad, strategic-level mission concepts developed at Headquarters into concrete operational and tactical plans in advance of the deployment of

troop contingents, and would augment a core element from DPKO to serve as part of a mission start-up team.

Parallel on-call lists of civilian police, international judicial experts, penal experts and human rights specialists must be available in sufficient numbers to strengthen rule of law institutions, as needed, and should also be part of UNSAS. Pre-trained teams could then be drawn from this list to precede the main body of civilian police and related specialists into a new mission area, facilitating the rapid and effective deployment of the law and order component into the mission.

The Panel also calls upon Member States to establish enhanced national 'pools' of police officers and related experts, earmarked for deployment to United Nations peace operations, to help meet the high demand for civilian police and related criminal justice/rule of law expertise in peace operations dealing with intra-State conflict. The Panel also urges Member States to consider forming joint regional partnerships and programmes for the purpose of training members of the respective national pools to United Nations civilian police doctrine and standards.

The Secretariat should also address, on an urgent basis, the needs: to put in place a transparent and decentralised recruitment mechanism for civilian field personnel; to improve the retention of the civilian specialists that are needed in every complex peace operation; and to create standby arrangements for their rapid deployment.

Finally, the Panel recommends that the Secretariat radically alter the systems and procedures in place for peacekeeping procurement in order to facilitate rapid deployment. It recommends that responsibilities for peacekeeping budgeting and procurement be moved out of the Department of Management and placed in DPKO. The Panel proposes the creation of a new and distinct body of streamlined field procurement policies and procedures; increased delegation of procurement authority to the field; and greater flexibility for field missions in the management of their budgets. The Panel also urges that the Secretary-General formulate and submit to the General Assembly, for its approval, a global logistics support strategy governing the stockpiling of equipment reserves and standing contracts with the private sector for common goods and services. In the interim, the Panel recommends that additional 'start-up kits' of essential equipment be maintained at the United Nations Logistics Base (UNLB) in Brindisi, Italy.

The Panel also recommends that the Secretary-General be given authority, with the approval of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) to commit up to \$50 million well in advance of the adoption of a Security Council resolution establishing a new operation once it becomes clear that an operation is likely to be established.

Enhance Headquarters capacity to plan and support peace operations

The Panel recommends that Headquarters support for peacekeeping be treated as a core activity of the United Nations, and as such the majority of its resource requirements should be funded through the regular budget of the Organization. DPKO and other offices that plan and support peacekeeping are

currently primarily funded by the Support Account, which is renewed each year and funds only temporary posts. That approach to funding and staff seems to confuse the temporary nature of specific operations with the evident permanence of peacekeeping and other peace operations activities as core functions of the United Nations, which is obviously an untenable state of affairs.

The total cost of DPKO and related Headquarters support offices for peacekeeping does not exceed \$50 million per annum, or roughly 2 per cent of total peacekeeping costs. Additional resources for those offices are urgently needed to ensure that more than \$2 billion spent on peacekeeping in 2001 are well spent. The Panel therefore recommends that the Secretary-General submit a proposal to the General Assembly outlining the Organization's requirements in full.

The Panel believes that a methodical management review of DPKO should be conducted but also believes that staff shortages in certain areas are plainly obvious. For example, it is clearly not enough to have 32 officers providing military planning and guidance to 27,000 troops in the field, nine civilian police staff to identify, vet and provide guidance for up to 8,600 police, and 15 political desk officers for 14 current operations and two new ones, or to allocate just 1.25 per cent of the total costs of peacekeeping to Headquarters administrative and logistics support.

Establish Integrated Mission Task Forces for mission planning and support

The Panel recommends that Integrated Mission Task Forces (IMTFs) be created, with staff from throughout the United Nations system seconded to them, to plan new missions and help them reach full deployment, significantly enhancing the support that Headquarters provides to the field. There is currently no integrated planning or support cell in the Secretariat that brings together those responsible for political analysis, military operations, civilian police, electoral assistance, human rights, development, humanitarian assistance, refugees and displaced persons, public information, logistics, finance and recruitment.

Structural adjustments are also required in other elements of DPKO, in particular to the Military and Civilian Police Division, which should be reorganised into two separate divisions, and the Field Administration and Logistics Division (FALD), which should be split into two divisions. The Lessons Learned Unit should be strengthened and moved into the DPKO Office of Operations. Public information planning and support at Headquarters also needs strengthening, as do elements in the Department of Political Affairs (DPA), particularly the electoral unit. Outside the Secretariat, the ability of the Office of the United Nations High Commissioner for Human Rights to plan and support the human rights components of peace operations needs to be reinforced.

Consideration should be given to allocating a third Assistant Secretary-General to DPKO and designating one of them as 'Principal Assistant Secretary-General', functioning as the deputy to the Under-Secretary-General.

Adapting peace operations to the information age

Modern, well utilised information technology (IT) is a key enabler of many of the above-mentioned objectives, but gaps in strategy, policy and practice impede its effective use. In particular, Headquarters lacks a sufficiently strong responsibility centre for user-level IT strategy and policy in peace operations. A senior official with such responsibility in the peace and security arena should be appointed and located within EISAS, with counterparts in the offices of the SRSG in every United Nations peace operation.

Headquarters and the field missions alike also need a substantive, global, Peace Operations Extranet (POE), through which missions would have access to, among other things, EISAS databases and analyses and lessons learned.

Challenges to implementation

The Panel believes that the above recommendations fall well within the bounds of what can be reasonably demanded of the Organization's Member States. Implementing some of them will require additional resources for the Organization, but we do not mean to suggest that the best way to solve the problems of the United Nations is merely to throw additional resources at them. Indeed, no amount of money or resources can substitute for the significant changes that are urgently needed in the culture of the Organization.

The Panel calls on the Secretariat to heed the Secretary-General's initiatives to reach out to the institutions of civil society; to constantly keep in mind that the United Nations they serve is *the* universal organization. People everywhere are fully entitled to consider that it is *their* organisation, and as such to pass judgement on its activities and the people who serve in it.

Furthermore, wide disparities in staff quality exist and those in the system are the first to acknowledge it; better performers are given unreasonable workloads to compensate for those who are less capable. Unless the United Nations takes steps to become a true meritocracy, it will not be able to reverse the alarming trend of qualified personnel, the young among them in particular, leaving the Organization. Moreover, qualified people will have no incentive to join it. Unless managers at all levels, beginning with the Secretary-General and his senior staff, seriously address this problem on a priority basis, reward excellence and remove incompetence, additional resources will be wasted and lasting reform will become impossible.

Member States also acknowledge that they need to reflect on their working culture and methods. It is incumbent upon Security Council members, for example, and the membership at large to breathe life into the words that they produce, as did, for instance, the Security Council delegation that flew to Jakarta and Dili in the wake of the East Timor crisis in 1999, an example of effective Council action at its best: *res, non verba*.

We – the members of the Panel on United Nations Peace Operations – call on the leaders of the world assembled at the Millennium Summit, as they renew their commitment to the ideals of the United Nations, to commit as well to strengthen the capacity of the United Nations to fully accomplish the mission

which is, indeed, its very *raison d'être*: to help communities engulfed in strife and to maintain or restore peace.

While building consensus for the recommendations in the present report, we have also come to a shared vision of a United Nations, extending a strong helping hand to a community, country or region to avert conflict or to end violence. We see an SRSG ending a mission well accomplished, having given the people of a country the opportunity to do for themselves what they could not do before: to build and hold onto peace, to find reconciliation, to strengthen democracy, to secure human rights. We see, above all, a United Nations that has not only the will but also the ability to fulfil its great promise, and to justify the confidence and trust placed in it by the overwhelming majority of humankind.

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II. Doctrine, strategy and decision making for peace operations

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A. Defining the elements of peace operations

10. United Nations peace operations entail three principal activities: conflict prevention and peacemaking; peacekeeping; and peacebuilding. Long-term conflict prevention addresses the structural sources of conflict in order to build a solid foundation for peace. Where those foundations are crumbling, conflict prevention attempts to reinforce them, usually in the form of a diplomatic initiative. Such preventive action is, by definition, a low-profile activity; when successful, it may even go unnoticed altogether.

11. Peacemaking addresses conflicts in progress, attempting to bring them to a halt, using the tools of diplomacy and mediation. Peacemakers may be envoys of Governments, groups of States, regional organisations or the United Nations, or they may be unofficial and non-governmental groups, as was the case, for example, in the negotiations leading up to a peace accord for Mozambique. Peacemaking may even be the work of a prominent personality, working independently.

12. Peacekeeping is a 50-year-old enterprise that has evolved rapidly in the past decade from a traditional, primarily military model of observing ceasefires and force separations after inter-State wars, to incorporate a complex model of many elements, military and civilian, working together to build peace in the dangerous aftermath of civil wars.

13. Peacebuilding is a term of more recent origin that, as used in the present report, defines activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war. Thus, peacebuilding includes but is not limited to re-integrating former combatants into civilian society, strengthening the rule of law (for example, through training and restructuring of local police, and judicial and penal reform); improving respect for human rights through the monitoring, education and investigation of past and existing abuses; providing technical assistance for democratic development (including electoral assistance and support for free media); and promoting conflict resolution and reconciliation techniques.

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B. Experience of the past

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18. Since the end of the cold war, United Nations peacekeeping has often combined with peacebuilding in complex peace operations deployed into

settings of intra-State conflict. Those conflict settings, however, both affect and are affected by outside actors: political patrons; arms vendors; buyers of illicit commodity exports; regional powers that send their own forces into the fray; and neighbouring States that host refugees who are sometimes systematically forced to flee their homes. With such significant cross-border effects by state and non-state actors alike, these conflicts are often decidedly 'transnational' in character.

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26. It is vitally important that negotiators, the Security Council, Secretariat mission planners, and mission participants alike understand which of these political-military environments they are entering, how the environment may change under their feet once they arrive, and what they realistically plan to do if and when it does change. Each of these must be factored into an operation's entry strategy and, indeed, into the basic decision about whether an operation is feasible and should even be attempted.

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28. When complex peace operations do go into the field, it is the task of the operation's peacekeepers to maintain a secure local environment for peacebuilding, and the peacebuilders' task to support the political, social and economic changes that create a secure environment that is self-sustaining. Only such an environment offers a ready exit to peacekeeping forces, unless the international community is willing to tolerate recurrence of conflict when such forces depart. History has taught that peacekeepers and peacebuilders are inseparable partners in complex operations: while the peacebuilders may not be able to function without the peacekeepers' support, the peacekeepers have no exit without the peacebuilders' work.

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C. Implications for preventive action

34. Summary of key recommendations on preventive action:

- (a) The Panel endorses the recommendations of the Secretary-General with respect to conflict prevention contained in the Millennium Report and in his remarks before the Security Council's second open meeting on conflict prevention in July 2000, in particular his appeal to 'all who are engaged in conflict prevention and development – the United Nations, the Bretton Woods institutions, Governments and civil society organisations – [to] address these challenges in a more integrated fashion';
- (b) The Panel supports the Secretary-General's more frequent use of fact-finding missions to areas of tension, and stresses Member States' obligations, under article 2(5) of the Charter, to give 'every assistance' to such activities of the United Nations.

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D. Implications for peacebuilding strategy

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47. Summary of key recommendations on peacebuilding:

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- (c) The Panel recommends that the legislative bodies consider bringing demobilisation and reintegration programmes into the assessed budgets of complex peace operations for the first phase of an operation in order to facilitate the rapid disassembly of fighting factions and reduce the likelihood of resumed conflict;

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E. Implications for peacekeeping doctrine and strategy

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55. Summary of key recommendation on peacekeeping doctrine and strategy: once deployed, United Nations peacekeepers must be able to carry out their mandates professionally and successfully and be capable of defending themselves, other mission components and the mission's mandate, with robust rules of engagement, against those who renege on their commitments to a peace accord or otherwise seek to undermine it by violence.

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III. United Nations capacity to deploy operations rapidly and effectively

A. Defining what 'rapid and effective deployment' entails

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91. Summary of key recommendation on determining deployment timelines: the United Nations should define 'rapid and effective deployment capacities' as the ability, from an operational perspective, to fully deploy traditional peacekeeping operations within 30 days after the adoption of a Security Council resolution, and within 90 days in the case of complex peacekeeping operations.

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VI. Challenges to implementation

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268. We are aware that the Secretary-General is implementing a comprehensive reform programme and realise that our recommendations may need to be adjusted to fit within this bigger picture. Furthermore, the reforms we have recommended for the Secretariat and the United Nations system in general will not be accomplished overnight, though some require urgent action. We recognise that there is a normal resistance to change in any bureaucracy, and are encouraged that some of the changes we have embraced as recommendations originate from within the system. We are also encouraged by the commitment of the Secretary-General to lead the Secretariat toward reform even if it means that long-standing organisational and procedural lines will have to be breached, and that aspects of the Secretariat's priorities and culture will need to be challenged and changed. In this connection, we urge the Secretary-General to appoint a senior official with responsibility for overseeing the implementation of the recommendations contained in the present report.

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278. We are also aware that there are other issues which, directly or indirectly, hamper effective United Nations action in the field of peace and security, including two unresolved issues that are beyond the scope of the Panel's mandate but critical to peace operations and that only the Member States can address. They are the disagreements about how assessments in support of peacekeeping operations are apportioned and about equitable representation on the Security Council. We can only hope that the Member States will find a way to resolve their differences on these issues in the interests of upholding their collective international responsibility as prescribed in the Charter.

A More Secure World: Our Shared Responsibility. Report of the Secretary-General's High-Level Panel on Threats, Challenges and Change (2004)

Submitted to the UN General Assembly on 2 December 2004 (A/59/565). The report sets out a broad framework for collective security that takes a comprehensive view of human security, recognising the inter-connectedness of peace and sustainable development. The report recommends the establishment of a Peacebuilding Commission and changes to the Human Rights Commission. Available online at <http://www.un.org/secureworld/report.pdf>

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Synopsis

Towards a new security consensus

The United Nations was created in 1945 above all else 'to save succeeding generations from the scourge of war' – to ensure that the horrors of the World Wars were never repeated. Sixty years later, we know all too well that the biggest security threats we face now, and in the decades ahead, go far beyond States waging aggressive war. They extend to poverty, infectious disease and environmental degradation; war and violence within States; the spread and possible use of nuclear, radiological, chemical and biological weapons; terrorism; and trans-national organised crime. The threats are from non-State actors as well as States, and to human security as well as State security.

The preoccupation of the United Nations founders was with State security. When they spoke of creating a new system of collective security they meant it in the traditional military sense: a system in which States join together and pledge that aggression against one is aggression against all, and commit themselves in that event to react collectively. But they also understood well, long before the idea of human security gained currency, the indivisibility of security, economic development and human freedom. In the opening words of the Charter, the United Nations was created 'to reaffirm faith in fundamental human rights' and 'to promote social progress and better standards of life in larger freedom'.

The central challenge for the twenty-first century is to fashion a new and broader understanding, bringing together all these strands, of what collective security means – and of all the responsibilities, commitments, strategies and institutions that come with it if a collective security system is to be effective, efficient and equitable.

If there is to be a new security consensus, it must start with the understanding that the front-line actors in dealing with all the threats we face, new and old, continue to be individual sovereign States, whose role and responsibilities, and right to be respected, are fully recognised in the Charter of the United Nations. But in the twenty-first century, more than ever before, no State can

stand wholly alone. Collective strategies, collective institutions and a sense of collective responsibility are indispensable.

The case for collective security today rests on three basic pillars. Today's threats recognise no national boundaries, are connected, and must be addressed at the global and regional as well as national levels. No State, no matter how powerful, can by its own efforts alone make itself invulnerable to today's threats. And it cannot be assumed that every State will always be able, or willing, to meet its responsibility to protect its own peoples and not to harm its neighbours.

We must not underestimate the difficulty of reaching a new consensus about the meaning and responsibilities of collective security. Many will regard one or more of the threats we identify as not really being a threat to international peace and security. Some believe that HIV/AIDS is a horrible disease, but not a security threat. Or that terrorism is a threat to some States, but not all. Or that civil wars in Africa are a humanitarian tragedy, but surely not a problem for international security. Or that poverty is a problem of development, not security.

Differences of power, wealth and geography do determine what we perceive as the gravest threats to our survival and well-being. Differences of focus lead us to dismiss what others perceive as the gravest of all threats to their survival. Inequitable responses to threats further fuel division. Many people believe that what passes for collective security today is simply a system for protecting the rich and powerful. Such perceptions pose a fundamental challenge to building collective security today. Stated baldly, without mutual recognition of threats there can be no collective security. Self-help will rule, mistrust will predominate and co-operation for long-term mutual gain will elude us.

What is needed today is nothing less than a new consensus between alliances that are frayed, between wealthy nations and poor, and among peoples mired in mistrust across an apparently widening cultural abyss. The essence of that consensus is simple: we all share responsibility for each other's security. And the test of that consensus will be action.

Collective security and the challenge of prevention

Any event or process that leads to large-scale death or lessening of life chances and undermines States as the basic unit of the international system is a threat to international security. So defined, there are six clusters of threats with which the world must be concerned now and in the decades ahead:

- Economic and social threats, including poverty, infectious diseases and environmental degradation
- Inter-State conflict
- Internal conflict, including civil war, genocide and other large-scale atrocities
- Nuclear, radiological, chemical and biological weapons
- Terrorism
- Transnational organised crime

In its first 60 years, the United Nations has made crucial contributions to reducing or mitigating these threats to international security. While there have been major failures and shortcomings, the record of successes and contributions is under appreciated. This gives hope that the Organization can adapt to successfully confront the new challenges of the twenty-first century.

The primary challenge for the United Nations and its members is to ensure that, of all the threats in the categories listed, those that are distant do not become imminent and those that are imminent do not actually become destructive. This requires a framework for preventive action which addresses all these threats in all the ways they resonate most in different parts of the world. Most of all, it will require leadership at the domestic and international levels to act early, decisively and collectively against all these threats – from HIV/AIDS to nuclear terrorism – before they have their most devastating effect.

In describing how to meet the challenge of prevention, we begin with development because it is the indispensable foundation for a collective security system that takes prevention seriously. It serves multiple functions. It helps combat the poverty, infectious disease and environmental degradation that kill millions and threaten human security. It is vital in helping States prevent or reverse the erosion of State capacity, which is crucial for meeting almost every class of threat. And it is part of a long-term strategy for preventing civil war and for addressing the environments in which both terrorism and organised crime flourish.

Collective security and the use of force

What happens if peaceful prevention fails? If none of the preventive measures so far described stop the descent into war and chaos? If distant threats do become imminent or if imminent threats become actual? Or if a non-imminent threat nonetheless becomes very real and measures short of the use of military force seem powerless to stop it?

We address here the circumstances in which effective collective security may require the backing of military force, starting with the rules of international law that must govern any decision to go to war if anarchy is not to prevail. It is necessary to distinguish between situations in which a State claims to act in self-defence; situations in which a State is posing a threat to others outside its borders; and situations in which the threat is primarily internal and the issue is the responsibility to protect a State's own people. In all cases, we believe that the Charter of the United Nations, properly understood and applied, is equal to the task: Article 51 needs neither extension nor restriction of its long understood scope, and Chapter VII fully empowers the Security Council to deal with every kind of threat that States may confront. The task is not to find alternatives to the Security Council as a source of authority but to make it work better than it has.

That force *can* legally be used does not always mean that, as a matter of good conscience and good sense, it *should* be used. We identify a set of guidelines – five criteria of legitimacy – which we believe that the Security Council (and anyone else involved in these decisions) should always address in considering whether to authorise or apply military force. The adoption of these guidelines

(seriousness of threat, proper purpose, last resort, proportional means and balance of consequences) will not produce agreed conclusions with push-button predictability, but should significantly improve the chances of reaching international consensus on what have been in recent years deeply divisive issues.

We also address here the other major issues that arise during and after violent conflict, including the needed capacities for peace enforcement, peacekeeping and peacebuilding, and the protection of civilians. A central recurring theme is the necessity for all members of the international community, developed and developing States alike, to be much more forthcoming in providing and supporting deployable military resources. Empty gestures are all too easy to make: an effective, efficient and equitable collective security system demands real commitment.

A more effective United Nations for the twenty-first century

The United Nations was never intended to be a utopian exercise. It was meant to be a collective security system that worked. The Charter of the United Nations provided the most powerful States with permanent membership on the Security Council and the veto. In exchange, they were expected to use their power for the common good and promote and obey international law. As Harry Truman, then President of the United States, noted in his speech to the final plenary session of the founding conference of the United Nations Organization, 'we all have to recognise – no matter how great our strength – that we must deny ourselves the licence to do always as we please'.

In approaching the issue of United Nations reform, it is as important today as it was in 1945 to combine power with principle. Recommendations that ignore underlying power realities will be doomed to failure or irrelevance, but recommendations that simply reflect raw distributions of power and make no effort to bolster international principles are unlikely to gain the widespread adherence required to shift international behaviour.

Proposed changes should be driven by real-world need. Change for its own sake is likely to run the well-worn course of the endless reform debates of the past decade. The litmus test is this: does a proposed change help meet the challenge posed by a virulent threat?

Throughout the work of the High-level Panel on Threats, Challenges and Change, we have looked for institutional weaknesses in current responses to threats. The following stand as the most urgently in need of remedy:

- The General Assembly has lost vitality and often fails to focus effectively on the most compelling issues of the day.
- The Security Council will need to be more proactive in the future. For this to happen, those who contribute most to the Organization financially, militarily and diplomatically should participate more in Council decision-making, and those who participate in Council decision-making should contribute more to the Organization. The Security Council needs greater credibility, legitimacy and representation to do all that we demand of it.

- There is a major institutional gap in addressing countries under stress and countries emerging from conflict. Such countries often suffer from attention, policy guidance and resource deficits.
- The Security Council has not made the most of the potential advantages of working with regional and subregional organisations.
- There must be new institutional arrangements to address the economic and social threats to international security.
- The Commission on Human Rights suffers from a legitimacy deficit that casts doubts on the overall reputation of the United Nations.
- There is a need for a more professional and better organised Secretariat that is much more capable of concerted action.

The reforms we propose will not by themselves make the United Nations more effective. In the absence of Member States reaching agreement on the security consensus contained in the present report, the United Nations will underachieve. Its institutions will still only be as strong as the energy, resources and attention devoted to them by Member States and their leaders.

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Part II Collective security and the challenge of prevention

IX Conflict between and within States

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C. Meeting the challenge of prevention

1. Better international regulatory frameworks and norms

89. The role of the United Nations in preventing wars can be strengthened by giving more attention to developing international regimes and norms to govern some of the sources and accelerators of conflict. A very wide range of laws, norms, agreements and arrangements are relevant here, covering legal regimes and dispute resolution mechanisms, arms control and disarmament regimes, and dialogue and co-operation arrangements. Some examples are set out below.

90. In the area of legal mechanisms, there have been few more important recent developments than the Rome Statute creating the International Criminal Court. In cases of mounting conflict, early indication by the Security Council that it is carefully monitoring the conflict in question and that it is willing to use its powers under the Rome Statute might deter parties from committing crimes against humanity and violating the laws of war. The Security Council should stand ready to use the authority it has under the Rome Statute to refer cases to the International Criminal Court.

91. More legal mechanisms are necessary in the area of natural resources, fights over which have often been an obstacle to peace. Alarmed by the inflammatory role of natural resources in wars in Sierra Leone, Angola and the Democratic Republic of the Congo, civil society organisations and the Security Council have turned to the 'naming and shaming' of, and the imposition of sanctions against, individuals and corporations involved in illicit trade, and States have made a particular attempt to restrict the sale of 'conflict diamonds'. Evidence from Sierra Leone and Angola suggests that such efforts contributed to ending those civil wars. A new challenge for the United Nations is to provide support to weak States – especially, but not limited to, those recovering from war – in the management of their natural resources to avoid future conflicts.

92. The United Nations should work with national authorities, inter national financial institutions, civil society organisations and the private sector to develop norms governing the management of natural resources for countries emerging from or at risk of conflict.

93. There should also be a focus on the development of rules, for example through the International Law Commission, for the use of transboundary resources, such as water, oil and gas.

94. The United Nations should seek to work closely with regional organisations that have taken the lead in building frameworks for prevention. The United Nations can benefit from sharing information and analysis with regional early -warning systems, but more importantly regional organisations have gone farther than the United Nations in setting normative standards that can guide preventive efforts. For example, the Organization of American States (OAS) and the African Union (AU) agree on the need to protect elected Governments from coups. The Organization of Security and Co-operation in Europe (OSCE) has developed operational norms on minority rights. The United Nations should build on the experience of regional organisations in developing frameworks for minority rights and the protection of democratically elected Governments from unconstitutional overthrow.

95. In the area of arms control and disarmament regimes, much more needs to be done, not only in the context of nuclear, biological and chemical weapons (see sect. V below) but in relation to the proliferation of small arms and light weapons. In the 1990s, small arms, light weapons and landmines were the primary weapons in most civil wars. While concerted action by civil society organisations and concerned Member States led to a ban on landmines, efforts to limit the widespread availability of small arms and light weapons have barely moved beyond rhetoric to action.

96. A comprehensive approach to the small arms problem emerged in the late 1990s and seeks to create international action to limit their production and spread. The key global instrument for this approach is the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, a comprehensive set of recommendations aimed at preventing and eradicating the illicit manufacture, transfer and circulation of small arms and light weapons. The Programme of Action makes innovative use of regional bodies, such as the Nairobi Secretariat, which, *inter alia*, monitors the implementation of the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, to report, monitor and verify State compliance. It should be considered a start rather than an end-point for United Nations efforts. Member States should expedite and conclude negotiations on legally binding agreements on the marking and tracing, as well as the brokering and transfer, of small arms and light weapons.

97. The United Nations can also help to prevent inter-State conflict by increasing the transparency of Member States' conventional weapons holdings and acquisitions. The United Nations Register of Conventional Arms, established in 1991, enhances military transparency by soliciting annual declarations of Member States on their sale and purchase of conventional weapons and existing weapons holdings, as well as their defence postures, policies and doctrines. However, the Register is marred by incomplete, untimely and inaccurate reporting. All Member States should report completely and accurately on all elements of the United Nations Register of

Conventional Arms, and the Secretary-General should be asked to report annually to the General Assembly and Security Council on any inadequacies in the reporting.

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Part III: Collective security and the use of force

A. The question of legality

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3. Chapter VII of the Charter of the United Nations, internal threats and the responsibility to protect

199. The Charter of the United Nations is not as clear as it could be when it comes to saving lives within countries in situations of mass atrocity. It 'reaffirm(s) faith in fundamental human rights' but does not do much to protect them, and article 2.7 prohibits intervention 'in matters which are essentially within the jurisdiction of any State'. There has been, as a result, a long-standing argument in the international community between those who insist on a 'right to intervene' in man-made catastrophes and those who argue that the Security Council, for all its powers under Chapter VII to 'maintain or restore international security', is prohibited from authorising any coercive action against sovereign States for whatever happens within their borders.

200. Under the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), States have agreed that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish. Since then it has been understood that genocide anywhere is a threat to the security of all and should never be tolerated. The principle of non-intervention in internal affairs cannot be used to protect genocidal acts or other atrocities, such as large-scale violations of international humanitarian law or large-scale ethnic cleansing, which can properly be considered a threat to international security and as such provoke action by the Security Council.

201. The successive humanitarian disasters in Somalia, Bosnia and Herzegovina, Rwanda, Kosovo and now Darfur, Sudan, have concentrated attention not on the immunities of sovereign Governments but their responsibilities, both to their own people and to the wider international community. There is a growing recognition that the issue is not the 'right to intervene' of any State, but the 'responsibility to protect' of every State when it comes to people suffering from avoidable catastrophe – mass murder and rape, ethnic cleansing by forcible expulsion and terror, and deliberate starvation and exposure to disease. And there is a growing acceptance that while sovereign Governments have the primary responsibility to protect their own citizens from such catastrophes, when they are unable or unwilling to do so that responsibility should be taken up by the wider international community – with it spanning a continuum involving prevention, response to violence, if necessary, and rebuilding shattered societies. The primary focus should be on assisting the cessation of violence through mediation and other tools and the protection of people through such measures as the dispatch of humanitarian, human rights and police missions. Force, if it needs to be used, should be deployed as a last resort.

202. The Security Council so far has been neither very consistent nor very effective in dealing with these cases, very often acting too late, too hesitantly or not at all. But step by step, the Council and the wider

international community have come to accept that, under Chapter VII and in pursuit of the emerging norm of a collective international responsibility to protect, it can always authorise military action to redress catastrophic internal wrongs if it is prepared to declare that the situation is a ‘threat to international peace and security’, not especially difficult when breaches of international law are involved.

203. We endorse the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorising military intervention as a last resort, in the event of genocide and other largescale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign Governments have proved powerless or unwilling to prevent.

B. The question of legitimacy

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207. In considering whether to authorise or endorse the use of military force, the Security Council should always address – whatever other considerations it may take into account – at least the following five basic criteria of legitimacy:

- (a) **Seriousness of threat:** Is the threatened harm to State or human security of a kind, and sufficiently clear and serious, to justify *prima facie* the use of military force? In the case of internal threats, does it involve genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law, actual or imminently apprehended?
- (b) **Proper purpose:** Is it clear that the primary purpose of the proposed military action is to halt or avert the threat in question, whatever other purposes or motives may be involved?
- (c) **Last resort:** Has every non-military option for meeting the threat in question been explored, with reasonable grounds for believing that other measures will not succeed?
- (d) **Proportional means:** Are the scale, duration and intensity of the proposed military action the minimum necessary to meet the threat in question?
- (e) **Balance of consequences:** Is there a reasonable chance of the military action being successful in meeting the threat in question, with the consequences of action not likely to be worse than the consequences of inaction?

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XI. Post-conflict peacebuilding

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A. The role of peacekeepers

221. It is often necessary to build confidence among former adversaries and provide security to ordinary people trying to rebuild their lives and communities after conflict. The mediation and successful implementation of a peace agreement offers hope for breaking long-standing cycles of violence that haunt many war-inflicted countries. Resources spent on implementation of peace agreements and peacebuilding are one of the best investments that can be made for conflict prevention – States that have experienced civil war face a high risk of recurrence.

222. Implementing peace agreements to end civil wars poses unique challenges for peacekeepers. Unlike inter-State wars, making peace in civil

war requires overcoming daunting security dilemmas. Spoilers, factions who see a peace agreement as inimical to their interest, power or ideology, use violence to undermine or overthrow settlements. Peacekeeping fails when resources and strategies are not commensurate to meeting the challenge they pose – as occurred repeatedly in the 1990s, for example in Rwanda and Sierra Leone. When peacekeeping operations are deployed to implement peace agreements, they must be equipped to repel attacks from spoilers. Contingency plans for responding to hostile opposition should be an integral part of the mission design; missions that do not have the troop strength to resist aggression will invite it. In some contexts, opposition to a peace agreement is not tactical but fundamental. We must learn the lesson: peace agreements by Governments or rebels that engage in or encourage mass human rights abuses have no value and cannot be implemented. These contexts are not appropriate for consent-based peacekeeping; rather, they must be met with concerted action. The Secretary-General should recommend and the Security Council should authorise troop strengths sufficient to deter and repel hostile factions.

223. Most peacekeeping situations also require policing and other law and order functions, and the slow deployment of police contingents has marred successive operations. The United Nations should have a small corps of senior police officers and managers (50-100 personnel) who could undertake mission assessments and organise the start-up of police components of peace operations, and the General Assembly should authorise this capacity.

B. The larger peacebuilding task

224. Deploying peace enforcement and peacekeeping forces may be essential in terminating conflicts but are not sufficient for long-term recovery. Serious attention to the longer-term process of peacebuilding in all its multiple dimensions is critical; failure to invest adequately in peacebuilding increases the odds that a country will relapse into conflict.

225. In both the period before the outbreak of civil war and in the transition out of war, neither the United Nations nor the broader international community, including the international financial institutions, are well organised to assist countries attempting to build peace. When peacekeepers leave a country, it falls off the radar screen of the Security Council. While the Economic and Social Council has created several ad hoc committees to address specific cases, results have proven mixed and even the proponents of these committees acknowledge that they have not succeeded in generating crucial resources to assist fragile transitions. What is needed is a single intergovernmental organ dedicated to peacebuilding, empowered to monitor and pay close attention to countries at risk, ensure concerted action by donors, agencies, programmes and financial institutions, and mobilise financial resources for sustainable peace. We address this need in part four below.

226. Similarly, at the field level, many different elements of the United Nations system and the broader international community engage in some form of peacebuilding, but they work too slowly and without adequate coordination. Effective coordination is critical. National authorities should be at the heart of this coordination effort, and should be supported by coherent United Nations and international presences. Robust donor coordination mechanisms at the field level, involving Governments, bilateral donors, the international financial institutions and the United Nations coordinator

(special representative of the Secretary-General or resident coordinator) representing the United Nations funds, programmes and agencies, have proved their value for ensuring effective peacebuilding. Special representatives should have the authority and guidance to work with relevant parties to establish such mechanisms, as well as the resources to perform coordination functions effectively, including ensuring that the sequencing of United Nations assessments and activities is consistent with Government priorities.

227. Given that many peace operations can expect resource shortfalls, the efficient use of resources is all the more important. Demobilising combatants is the single most important factor determining the success of peace operations. Without demobilisation, civil wars cannot be brought to an end and other critical goals – such as democratisation, justice and development – have little chance for success. In case after case, however, demobilisation is not accorded priority by funders. When peace operations are deployed, they must be resourced to undertake the demobilisation and disarmament of combatants; this is a priority for successful peace implementation. These tasks should be integrated into the assessed budget of peacekeeping operations, under the authority of the head of mission. The Security Council should mandate and the General Assembly should authorise funding for disarmament and demobilisation programmes from assessed budgets.

228. But these programmes will be ineffective without the provision of resources for reintegration and rehabilitation. Failure to successfully implement such programmes will result in youth unemployment and fuel the development of criminal gangs and violence and ultimately a relapse into conflict. A standing fund for peacebuilding should be established at the level of at least \$250 million that can be used to finance the recurrent expenditures of a nascent Government, as well as critical agency programmes in the areas of rehabilitation and reintegration.

229. Along with establishing security, the core task of peacebuilding is to build effective public institutions that, through negotiations with civil society, can establish a consensual framework for governing within the rule of law. Relatively cheap investments in civilian security through police, judicial and rule-of-law reform, local capacity-building for human rights and reconciliation, and local capacity-building for public sector service delivery can greatly benefit long-term peacebuilding. This should be reflected in the policies of the United Nations, international financial institutions and donors, and should be given priority in long-term policy and funding.

230. To address this task, United Nations field representatives (including heads of peacekeeping operations) require dedicated support on the broader aspects of peacebuilding strategy, especially in the area of rule of law. The creation of a Peacebuilding Support Office (see part four below) would address this need.

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PART IV: A more effective United Nations for the twenty-first century

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XV. A Peacebuilding Commission

261. Our analysis has identified a key institutional gap: there is no place in the United Nations system explicitly designed to avoid State collapse and the slide to war or to assist countries in their transition from war to peace. That this was not included in the Charter of the United Nations is no surprise since

the work of the United Nations in largely internal conflicts is fairly recent. But today, in an era when dozens of States are under stress or recovering from conflict, there is a clear international obligation to assist States in developing their capacity to perform their sovereign functions effectively and responsibly.

262. The United Nations unique role in this area arises from its international legitimacy; the impartiality of its personnel; its ability to draw on personnel with broad cultural understanding and experience of a wide range of administrative systems, including in the developing world; and its recent experience in organising transitional administration and transitional authority operations.

263. Strengthening the United Nations capacity for peacebuilding in the widest sense must be a priority for the organisation. The United Nations needs to be able to act in a coherent and effective way throughout a whole continuum that runs from early warning through preventive action to post-conflict peacebuilding. We recommend that the Security Council, acting under article 29 of the Charter of the United Nations and after consultation with the Economic and Social Council, establish a Peacebuilding Commission.

264. The core functions of the Peacebuilding Commission should be to identify countries which are under stress and risk sliding towards State collapse; to organise, in partnership with the national Government, proactive assistance in preventing that process from developing further; to assist in the planning for transitions between conflict and post-conflict peacebuilding; and in particular to marshal and sustain the efforts of the international community in post-conflict peacebuilding over whatever period may be necessary.

265. While the precise composition, procedures, and reporting lines of the Peacebuilding Commission will need to be established, they should take account of the following guidelines:

- (a) The Peacebuilding Commission should be reasonably small;
- (b) It should meet in different configurations, to consider both general policy issues and country-by-country strategies;
- (c) It should be chaired for at least one year and perhaps longer by a member approved by the Security Council;
- (d) In addition to representation from the Security Council, it should include representation from the Economic and Social Council;
- (e) National representatives of the country under consideration should be invited to attend;
- (f) The Managing Director of the International Monetary Fund, the President of the World Bank and, when appropriate, heads of regional development banks should be represented at its meetings by appropriate senior officials;
- (g) Representatives of the principal donor countries and, when appropriate, the principal troop contributors should be invited to participate in its deliberations;
- (h) Representatives of regional and subregional organisations should be invited to participate in its deliberations when such organisations are actively involved in the country in question.

Peacebuilding Support Office

266. A Peacebuilding Support Office should be established in the Secretariat to give the Peacebuilding Commission appropriate Secretariat support and to

ensure that the Secretary-General is able to integrate system-wide peacebuilding policies and strategies, develop best practices and provide cohesive support for field operations.

267. The Office should comprise about 20 or more staff of different backgrounds in the United Nations system and with significant experience in peacebuilding strategy and operations. In addition to supporting the Secretary-General and the Peacebuilding Commission, the Office could also, on request, provide assistance and advice to the heads of peace operations, United Nations resident coordinators or national Governments – for example in developing strategies for transitional political arrangements or building new State institutions. It should submit twice-yearly early warning analyses to the Peacebuilding Commission to help it in organising its work.

268. The Peacebuilding Support Office should also maintain rosters of national and international experts, particularly those with experience in post-conflict cases.

269. The Office should have an inter-agency advisory board, headed by the Chair of the United Nations Development Group, that would ensure that the Office worked in effective co-operation with other elements of the system that provide related support.

XVI. Regional organisations

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272. Recent experience has demonstrated that regional organisations can be a vital part of the multilateral system. Their efforts need not contradict United Nations efforts, nor do they absolve the United Nations of its primary responsibilities for peace and security. The key is to organise regional action within the framework of the Charter and the purposes of the United Nations, and to ensure that the United Nations and any regional organisation with which it works do so in a more integrated fashion than has up to now occurred. This will require that:

- (a) Authorisation from the Security Council should in all cases be sought for regional peace operations, recognising that in some urgent situations that authorisation may be sought after such operations have commenced;
- (b) Consultation and co-operation between the United Nations and regional organisations should be expanded and could be formalised in an agreement, covering such issues as meetings of the heads of the organisations, more frequent exchange of information and early warning, co-training of civilian and military personnel, and exchange of personnel within peace operations;
- (c) In the case of African regional and subregional capacities, donor countries should commit to a 10-year process of sustained capacity-building support, within the African Union strategic framework;
- (d) Regional organisations that have a capacity for conflict prevention or peacekeeping should place such capacities in the framework of the United Nations Standby Arrangements System;
- (e) Member States should agree to allow the United Nations to provide equipment support from United Nations-owned sources to regional operations, as needed;
- (f) The rules for the United Nations peacekeeping budget should be amended to give the United Nations the option on a case-by-case basis

to finance regional operations authorised by the Security Council with assessed contributions.

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2. Group of Major Industrialised Nations (G8)

G8 Africa Action Plan (Kananaskis) (2002)

Adopted at the G8 Summit at Kananaskis, Canada on 27 June 2002. In support of NEPAD, the G8 committed to promoting peace and security; strengthening institutions and governance; fostering trade, investment, economic growth and sustainable development; implementing debt relief; improving education and expanding digital opportunities; improving health and confronting HIV/AIDS; increasing agricultural productivity; and improving water resource management; Available online at <http://www.g8.gc.ca/2002Kananaskis/afraction-en.pdf>

1. We, the Heads of State and Government of eight major industrialised democracies and the Representatives of the European Union, meeting with African Leaders at Kananaskis, welcome the initiative taken by African States in adopting the New Partnership for Africa's Development (NEPAD), a bold and clear-sighted vision of Africa's development. We accept the invitation from African Leaders, extended first at Genoa last July and reaffirmed in the NEPAD, to build a new partnership between the countries of Africa and our own, based on mutual responsibility and respect. The NEPAD provides an historic opportunity to overcome obstacles to development in Africa. Our Africa Action Plan is the G8's initial response, designed to encourage the imaginative effort that underlies the NEPAD and to lay a solid foundation for future co-operation.
2. The case for action is compelling. Despite its great potential and human resources, Africa continues to face some of the world's greatest challenges. The many initiatives designed to spur Africa's development have failed to deliver sustained improvements to the lives of individual women, men and children throughout Africa.
3. The *New Partnership for Africa's Development* offers something different. It is, first and foremost, a pledge by African Leaders to the people of Africa to consolidate democracy and sound economic management, and to promote peace, security and people-centred development. African Leaders have personally directed its creation and implementation. They have formally undertaken to hold each other accountable for its achievement. They have emphasised good governance and human rights as necessary preconditions for Africa's recovery. They focus on investment-driven economic growth and

economic governance as the engine for poverty reduction, and on the importance of regional and subregional partnerships within Africa.

4. We welcome this commitment. In support of the NEPAD objectives, we each undertake to establish enhanced partnerships with African countries whose performance reflects the NEPAD commitments. Our partners will be selected on the basis of measured results. This will lead us to focus our efforts on countries that demonstrate a political and financial commitment to good governance and the rule of law, investing in their people, and pursuing policies that spur economic growth and alleviate poverty. We will match their commitment with a commitment on our own part to promote peace and security in Africa, to boost expertise and capacity, to encourage trade and direct growth-oriented investment, and to provide more effective official development assistance.

5. Together, we have an unprecedented opportunity to make progress on our common goals of eradicating extreme poverty and achieving sustainable development. The new round of multilateral trade negotiations begun at Doha, the Monterrey meeting on financing for development, this G8 Summit at Kananaskis and the World Summit on Sustainable Development in Johannesburg, are key milestones in this process.

6. NEPAD recognises that the prime responsibility for Africa's future lies with Africa itself. We will continue to support African efforts to encourage public engagement in the NEPAD and we will continue to consult with our African partners on how we can best assist their own efforts. G8 governments are committed to mobilise and energise global action, marshal resources and expertise, and provide impetus in support of the NEPAD's objectives. As G8 partners, we will undertake mutually reinforcing actions to help Africa accelerate growth and make lasting gains against poverty. Our Action Plan focuses on a limited number of priority areas where, collectively and individually, we can add value.

7. The African peer-review process is an innovative and potentially decisive element in the attainment of the objectives of the NEPAD. We welcome the adoption on June 11 by the NEPAD Heads of State and Government Implementation Committee of the Declaration on Democracy, Political, Economic and Corporate Governance and the African Peer Review Mechanism. The peer-review process will inform our considerations of eligibility for enhanced partnerships. We will each make our own assessments in making these partnership decisions. While we will focus particular attention on enhanced-partnership countries, we will also work with countries that do not yet meet the standards of NEPAD but which are clearly committed to and working towards its implementation. We will not work with governments which disregard the interests and dignity of their people.

8. However, as a matter of strong principle, our commitment to respond to situations of humanitarian need remains universal and is independent of particular regimes. So, too, is our commitment to addressing the core issues of human dignity and development. The Development Goals set out in the United Nations Millennium Declaration are an important component of this engagement.

9. At Monterrey, in March 2002, we agreed to revitalise efforts to help unlock and more effectively utilise all development resources including domestic savings, trade and investment, and official development assistance. A clear link was made between good governance, sound policies, aid effectiveness and development success. In support of this strong international

consensus, substantial new development assistance commitments were announced at Monterrey. By 2006, these new commitments will increase ODA by a total of US\$12 billion per year. Each of us will decide, in accordance with our respective priorities and procedures, how we will allocate the additional money we have pledged. Assuming strong African policy commitments, and given recent assistance trends, we believe that in aggregate half or more of our new development assistance could be directed to African nations that govern justly, invest in their own people and promote economic freedom. In this way we will support the objectives of the NEPAD. This will help ensure that no country genuinely committed to poverty reduction, good governance and economic reform will be denied the chance to achieve the Millennium Goals through lack of finance.

10. We will pursue this Action Plan in our individual and collective capacities, and through the international institutions to which we belong. We warmly invite other countries to join us. We also encourage South-South co-operation and collaboration with international institutions and civil society, including the business sector, in support of the NEPAD. We will continue to maintain a constructive dialogue with our African partners in order to achieve effective implementation of our Action Plan and to support the objectives of the NEPAD. We will take the necessary steps to ensure the effective implementation of our Action Plan and will review progress at our next Summit based on a final report from our Personal Representatives for Africa.

11. To demonstrate our support for this new partnership, we make the following engagements in support of the NEPAD:

I. Promoting Peace and Security

Time and again, progress in Africa has been undermined or destroyed by conflict and insecurity. Families have been displaced and torn apart, and the use of child soldiers has robbed many individuals of the opportunity to learn, while also sowing the seeds of long-term national disruption, instability and poverty. Economic development has been deeply undermined as scarce resources needed to fight poverty have too often been wasted in deadly and costly armed conflicts. We are determined to make conflict prevention and resolution a top priority, and therefore we commit to:

1.1 Supporting African efforts to resolve the principal armed conflicts on the continent - including by:

- Providing additional support to efforts to bring peace to the Democratic Republic of the Congo and Sudan, and to consolidate peace in Angola and Sierra Leone within the next year;
- Assisting with programmes of disarmament, demobilisation and reintegration; at the appropriate time;
- Taking joint action to support post-conflict development in the Great Lakes Region and Sudan; and
- Endorsing the proposals from the UN Secretary-General to set up, with the Secretary-General and other influential partners, contact groups and similar mechanisms to work with African countries to resolve specific African conflicts.

1.2 Providing technical and financial assistance so that, by 2010, African countries and regional and subregional organisations are able to engage more effectively to prevent and resolve violent conflict on the continent, and undertake peace support operations in accordance with the United Nations Charter - including by:

- Continuing to work with African partners to deliver a joint plan, by 2003, for the development of African capability to undertake peace support operations, including at the regional level;
 - Training African peace support forces including through the development of regional centres of excellence for military and civilian aspects of conflict prevention and peace support, such as the Kofi Annan International Peace Training Centre; and
 - Better coordinating our respective peacekeeping training initiatives.
- 1.3 Supporting efforts by African countries and the United Nations to better regulate the activities of arms brokers and traffickers and to eliminate the flow of illicit weapons to and within Africa - including by:
- Developing and adopting common guidelines to prevent the illegal supply of arms to Africa; and
 - Providing assistance in regional trans-border co-operation to this end.
- 1.4 Supporting African efforts to eliminate and remove antipersonnel mines.
- 1.5 Working with African governments, civil society and others to address the linkage between armed conflict and the exploitation of natural resources - including by:
- Supporting United Nations and other initiatives to monitor and address the illegal exploitation and international transfer of natural resources from Africa which fuel armed conflicts, including mineral resources, petroleum, timber and water;
 - Supporting voluntary control efforts such as the Kimberley Process for diamonds, and encouraging the adoption of voluntary principles of corporate social responsibility by those involved in developing Africa's national resources;
 - Working to ensure better accountability and greater transparency with respect to those involved in the import or export of Africa's natural resources from areas of conflict;
 - Promoting regional management of trans-boundary natural resources, including by supporting the Congo Basin Initiative and trans-border river basin commissions.
- 1.6 Providing more effective peacebuilding support to societies emerging from or seeking to prevent armed conflicts - including by:
- Supporting effective African-led reconciliation efforts, including both pre-conflict and post-conflict initiatives; and
 - Encouraging more effective coordination and co-operation among donors and international institutions in support of peacebuilding and conflict prevention efforts – particularly with respect to the effective disarmament, demobilisation and reintegration of former combatants, the collection and destruction of small arms, and the special needs of women and children, including child soldiers.
- 1.7 Working to enhance African capacities to protect and assist war affected populations and facilitate the effective implementation in Africa of United Nations Security Council resolutions relating to civilians, women and children in armed conflict – including by supporting African countries hosting, assisting and protecting large refugee populations

II. Strengthening Institutions and Governance

The NEPAD maintains that 'development is impossible in the absence of true democracy, respect for human rights, peace and good governance'. We

agree, and it has been our experience that reliable institutions and governance are a precondition for long-term or large-scale private investment. The task of strengthening institutions and governance is thus both urgent and of paramount importance, and for this reason, we commit to:

2.1 Supporting the NEPAD's priority political governance objectives - including by:

- Expanding capacity-building programmes related to political governance in Africa focusing on the NEPAD priority areas of: improving administrative and civil services, strengthening parliamentary oversight, promoting participatory decision-making, and judicial reform;
- Supporting African efforts to ensure that electoral processes are credible and transparent, and that elections are conducted in a manner that is free and fair and in accordance with the NEPAD's commitment to uphold and respect 'global standards of democracy';
- Supporting African efforts to involve parliamentarians and civil society in all aspects of the NEPAD process; and
- Supporting the reform of the security sector through assisting the development of an independent judiciary and democratically controlled police structures.

2.2 Strengthening capacity-building programmes related to economic and corporate governance in Africa focusing on the NEPAD priority areas of implementing sound macro-economic strategies, strengthening public financial management and accountability, protecting the integrity of monetary and financial systems, strengthening accounting and auditing systems, and developing an effective corporate governance framework - including by:

- Supporting international and African organisations such as the African Capacity Building Foundation (ACBF) and the African Regional Technical Assistance Centres (AFRITACs) initiative of the International Monetary Fund (IMF) in expanding regionally-oriented technical assistance and capacity-building programmes in Africa; and
- Financing African-led research on economic governance issues (through the United Nations Economic Commission for Africa (ECA), subregional and regional organisations, and other African institutions and organisations with relevant expertise).

2.3 Supporting African peer-review arrangements - including by:

- Encouraging co-operation with respect to peer-review practices, modalities and experiences between the Organisation for Economic Co-operation and Development (OECD) and the ECA, including the participation by the ECA in the OECD Development Assistance Committee (DAC) peer-review process where the countries under review so agree;
- Encouraging, where appropriate, substantive information sharing between Africa and its partners with respect to items under peer-review; and
- Supporting regional organisations in developing tools to facilitate peer review processes.

2.4 Giving increased attention to and support for African efforts to promote and protect human rights - including by:

- Supporting human rights activities and national, regional and subregional human rights institutions in Africa;

- Supporting African efforts to implement human rights obligations undertaken by African governments; and
 - Supporting African efforts to promote reconciliation and to ensure accountability for violations of human rights and humanitarian law, including genocide, crimes against humanity and other war crimes.
- 2.5 Supporting African efforts to promote gender equality and the empowerment of women - including by:
- Supporting African efforts to achieve equal participation of African women in all aspects of the NEPAD process and in fulfilling the NEPAD objectives; and
 - Supporting the application of gender main-streaming in all policies and programmes.
- 2.6 Intensifying support for the adoption and implementation of effective measures to combat corruption, bribery and embezzlement - including by:
- Working to secure the early establishment of a UN Convention on Corruption, and the early ratification of the UN Convention Against Transnational Organised Crime;
 - Strengthening and assisting the implementation and monitoring of the OECD Convention on Bribery and assisting anti-bribery and anticorruption programmes through the international financial institutions (IFIs) and the multilateral development banks;
 - Intensifying international co-operation to recover illicitly acquired financial assets;
 - Supporting voluntary anti-corruption initiatives, such as the DAC Guidelines, the OECD Guidelines for Multinational Enterprises, and the UN Global Compact;
 - Supporting the role of parliamentarians in addressing corruption and promoting good governance; and
 - Assisting African countries in their efforts to combat money laundering, including supporting World Bank/IMF efforts to improve coordination in the delivery of technical assistance to combat money laundering and terrorist financing in African countries.

III. Fostering Trade, Investment, Economic Growth and Sustainable Development

Generating economic growth is central to the NEPAD's goal of mobilising resources for poverty reduction and development. A comprehensive effort is required to stimulate economic activity in all productive sectors while paying particular attention to sustainability and social costs and to the role of the private sector as the engine for economic growth. In this context, the particular importance of infrastructure has been emphasised by our African partners – including as a domain for public-private investment partnerships, and as a key component of regional integration and development. In order to achieve adequate growth rates, Africa must have broader access to markets. The launch of multilateral trade negotiations by World Trade Organisation (WTO) members in Doha, which placed the needs and interests of developing countries at the heart of the negotiations, will help create a framework for the integration of African countries into the world trading system and the global economy, thus creating increased opportunities for trade-based growth. We are committed to the Doha development agenda and to implementing fully the WTO work programme, as well as to providing increased trade-related technical assistance to help African countries

participate effectively in these negotiations. With these considerations in mind, we commit to:

3.1 Helping Africa attract investment, both from within Africa and from abroad, and implement policies conducive to economic growth - including by:

- Supporting African initiatives aimed at improving the investment climate, including sound economic policies and efforts to improve the security of goods and transactions, consolidate property rights, modernise customs, institute needed legal and judicial reforms, and help mitigate risks for investors;
- Facilitating the financing of private investment through increased use of development finance institutions and export credit and risk-guarantee agencies and by strengthening equivalent institutions in Africa;
- Supporting African initiatives aimed at fostering efficient and sustainable regional financial markets and domestic savings and financing structures, including micro-credit schemes – while giving particular attention to seeing that credit and business support services meet the needs of poor women and men;
- Enhancing international co-operation to promote greater private investment and growth in Africa, including through public-private partnerships; and
- Supporting the efforts of African governments to obtain sovereign credit ratings and gain access to private capital markets, including on a regional basis.

3.2 Facilitating capacity-building and the transfer of expertise for the development of infrastructure projects, with particular attention to regional initiatives.

3.3 Providing greater market access for African products - including by:

- Reaffirming our commitment to conclude negotiations no later than 1 January 2005 on further trade liberalisation in the Doha round of multilateral trade negotiations taking full account of the particular circumstances, needs and requirements of developing countries, including in Africa;
- Without prejudging the outcome of the negotiations, applying our Doha commitment to comprehensive negotiations on agriculture aimed at substantial improvements in market access, reductions of all forms of export subsidies with a view to their being phased out, and substantial reductions in trade-distorting domestic support;
- Working toward the objective of duty-free and quota-free access for all products originating from the Least Developed Countries (LDCs), including African LDCs, and, to this end, each examining how to facilitate the fuller and more effective use of existing market access arrangements; and
- Ensuring that national product standards do not unnecessarily restrict African exports and that African nations can play their full part in the relevant international standard setting systems.

3.4 Increasing the funding and improving the quality of support for trade-related technical assistance and capacity-building in Africa - including by:

- Supporting the establishment and expansion of trade-related technical assistance programmes in Africa;

- Supporting the establishment of subregional market and trade information offices to support trade-related technical assistance and capacity-building in Africa;
- Assisting regional organisations in their efforts to integrate trade policy into member country development plans;
- Working to increase African participation in identifying WTO-related technical assistance needs, and providing technical assistance to African countries to implement international agreements, such as the WTO agreement;
- Assisting African producers in meeting product and health standards in export markets; and
- Providing technical assistance to help African countries engage in international negotiations, and in standard-setting systems.

3.5 Supporting African efforts to advance regional economic integration and intra-African trade - including by:

- Helping African countries develop regional institutions in key sectors affecting regional integration, including infrastructure, water, food security and energy, and sustainable management and conservation of natural resources;
- Working towards enhanced market access, on a WTO-compatible basis, for trade with African free trade areas or customs unions;
- Supporting the efforts of African countries to eliminate tariff and non-tariff barriers within Africa in a WTO-consistent manner; and
- Supporting efforts by African countries to work towards lowering trade barriers on imports from the rest of the world.

3.6 Improving the effectiveness of Official Development Assistance (ODA), and strengthening ODA commitments for enhanced-partnership countries - including by:

- Ensuring effective implementation of the OECD/DAC recommendations on untying aid to the Least Developed Countries;
- Implementing effectively the OECD agreement to ensure that export credit support to low-income countries is not used for unproductive purposes;
- Supporting efforts within the DAC to reduce aid management burdens on recipient countries and lower the transactions costs of aid;
- Taking all necessary steps to implement the pledges we made at Monterrey, including ODA level increases and aid effectiveness; and
- Reviewing annually, within the DAC and in coordination with all relevant institutions, our progress towards the achievement in Africa of the Development Goals contained in the United Nations Millennium Declaration.

IV. Implementing Debt Relief

4.1 Our aim is to assist countries through the Heavily Indebted Poor Countries (HIPC) Initiative to reduce poverty by enabling them to exit the HIPC process with a sustainable level of debt. The HIPC Initiative will reduce, by US\$19 billion (net present value terms), the debt of some 22 African countries that are following sound economic policies and good governance. Combined with traditional debt relief and additional bilateral debt forgiveness, this represents a reduction of some US\$30 billion – about two-thirds of their total debt burden - that will allow an important shift of resources towards education, health and other social and productive uses.

4.2 Debt relief alone, however, no matter how generous, cannot guarantee long-term debt sustainability. Sound policies, good governance, prudent new borrowing, and sound debt management by HIPC countries, as well as responsible financing by creditors, will be necessary to ensure debt sustainability. We are committed to seeing that the projected shortfall in the HIPC Trust Fund is fully financed. Moreover, we remain ready, as necessary, to provide additional debt relief – so-called ‘topping up’ – on a case-by-case basis, to countries that have suffered a fundamental change in their economic circumstances due to extraordinary external shocks. In that context these countries must continue to demonstrate a commitment to poverty reduction, sound financial management, and good governance. We will fund our share of the shortfall in the HIPC Initiative, recognising that this shortfall could be up to US\$1 billion. We call on other creditor countries to join us. Once countries exit the HIPC process, we expect they will not need additional relief under this Initiative. We support an increase in the use of grants for the poorest and debt-vulnerable countries in IDA 13, and look forward to its rapid adoption.

V. Expanding Knowledge: Improving and Promoting Education and Expanding Digital Opportunities

Investing in education is critical to economic and social development in Africa, and to providing Africans with greater opportunities for personal and collective advancement. Education also holds the key to important goals such as achieving full gender equality for women and girls. Yet most African countries have made poor progress towards the attainment of the Dakar Education for All (EFA) goals. In addition, the capacity of information and communications technology (ICT) to help Africa exploit digital opportunities, has not yet been realised. ICT has been identified by the NEPAD as a targeted priority for economic and human development in Africa. With this in mind, we commit to:

5.1 Supporting African countries in their efforts to improve the quality of education at all levels - including by:

- Significantly increasing the support provided by our bilateral aid agencies to basic education for countries with a strong policy and financial commitment to the sector, in order to achieve the goals of universal primary education and equal access to education for girls. In that regard we will work vigorously to operationalise the G8 Education Task Force report with a view to helping African countries which have shown through their actions a strong policy and financial commitment to education to achieve these goals; and to encourage other African countries to take the necessary steps so that they, too, can achieve universal primary education by 2015;
- Supporting the development and implementation by African countries of national educational plans that reflect the Dakar goals on Education for All, and encouraging support for those plans - particularly universal primary education - by the international community as an integral part of the national development strategies;
- Giving special emphasis and support to teacher training initiatives, in line with the NEPAD priorities, and the creation of accountability mechanisms and EFA assessment processes;
- Working with IFIs to increase their education-related spending, as a further supplement to bilateral and other efforts;

- Supporting the development of a client-driven 'Education for All' Internet portal;
 - Supporting programmes to encourage attendance and enhance academic performance, such as school feeding programmes; and
 - Supporting the development of community learning centres to develop the broader educational needs of local communities.
- 5.2 Supporting efforts to ensure equal access to education by women and girls - including by:
- Providing scholarships and other educational support for women and girls; and
 - Supporting African efforts to break down social, cultural and other barriers to equal access by women and girls to educational opportunities.
- 5.3 Working with African partners to increase assistance to Africa's research and higher education capacity in enhanced-partnership countries - including by:
- Supporting the development of research centres and the establishment of chairs of excellence in areas integral to the NEPAD in Africa; and
 - Favouring the exchange of visiting academics and encouraging research partnerships between G8/donor and African research institutions.
- 5.4 Helping Africa create digital opportunities - including by:
- Encouraging the Digital Opportunity Task Force (DOT Force) International e-Development Resources Network to focus on Africa, and supporting other DOT Force initiatives that can help to create digital opportunities, each building wherever possible on African initiatives already underway;
 - Working towards the goal of universal access to ICT by working with African countries to improve national, regional and international telecommunications and ICT regulations and policies in order to create ICT-friendly environments;
 - Encouraging and supporting the development of public-private partnerships to fast-track the development of ICT infrastructure; and
 - Supporting entrepreneurship and human resource development of Africans within the ICT Sector.
- 5.5 Helping Africa make more effective use of ICT in the context of promoting sustainable economic, social and political development - including by:
- Supporting African initiatives to make best use of ICT to address education and health issues; and
 - Supporting African countries in increasing access to, and making the best use of, ICT in support of governance, including by supporting the development and implementation of national e-strategies and e-governance initiatives aimed at increased efficiency, effectiveness, transparency and accountability of government.

VI. Improving Health and Confronting HIV/AIDS

The persistence of diseases such as malaria and tuberculosis has remained a severe obstacle to Africa's development. To this burden has been added the devastating personal and societal costs resulting from AIDS, the consequences of which stand to undermine all efforts to promote development in Africa. The result has been a dramatic decrease in life expectancy in Africa and a significant new burden on African health systems and economies. Substantial

efforts are needed to confront the health challenges that Africa faces, including the need to enhance immunisation efforts directed at polio and other preventable diseases. Therefore, recognising that HIV/AIDS affects all aspects of Africa's future development and should therefore be a factor in all aspects of our support for Africa, we commit to:

6.1 Helping Africa combat the effects of HIV/AIDS - including by:

- Supporting programmes that help mothers and children infected or affected by HIV/AIDS, including children orphaned by AIDS;
- Supporting the strengthening of training facilities for the recruiting and training of health professionals;
- Supporting the development, adoption and implementation of gender-sensitive, multi-sectoral HIV/AIDS programs for prevention, care, and treatment;
- Supporting high level political engagement to increase awareness and reduce the stigma associated with HIV/AIDS;
- Supporting initiatives to improve technical capacity, including disease surveillance;
- Supporting efforts to develop strong partnerships with employers in increasing HIV/AIDS awareness and in providing support to victims and their families;
- Supporting efforts that integrate approaches that address both HIV/AIDS and tuberculosis; and
- Helping to enhance the capacity of Africa to address the challenges that HIV/AIDS poses to peace and security in Africa.

6.2 Supporting African efforts to build sustainable health systems in order to deliver effective disease interventions - including by:

- Pressing ahead with current work with the international pharmaceutical industry, affected African countries and civil society to promote the availability of an adequate supply of life-saving medicines in an affordable and medically effective manner;
- Supporting African countries in helping to promote more effective, and cost-effective, health interventions to the most vulnerable sectors of society – including reducing maternal and infant mortality and morbidity;
- Continuing support for the Global Fund to Fight AIDS, Tuberculosis and Malaria, and working to ensure that the Fund continues to increase the effectiveness of its operations and learns from its experience;
- Supporting African efforts to increase Africa's access to the Global Fund and helping to enhance Africa's capacity to participate in and benefit from the Fund;
- Providing assistance to strengthen the capacity of the public sector to monitor the quality of health services offered by both public and private providers; and
- Supporting and encouraging the twinning of hospitals and other health organisations between G8 and African countries.

6.3 Accelerating the elimination and mitigation in Africa of polio, river blindness and other diseases or health deficiencies - including by:

- Providing, on a fair and equitable basis, sufficient resources to eliminate polio by 2005; and
- Supporting relevant public-private partnerships for the immunisation of children and the elimination of micro-nutrient deficiencies in Africa.

6.4 Supporting health research on diseases prevalent in Africa, with a view to narrowing the health research gap, including by expanding health research networks to focus on African health issues, and by making more extensive use of researchers based in Africa.

VII. Increasing Agricultural Productivity

The overwhelming majority of Africa's population is rural. Agriculture is therefore the principal economic preoccupation for most of Africa's people. Agriculture is central not only to the quality of life of most Africans, but also to the national economy of nearly all African states. Increased agricultural production, efficiency and diversification are central to the economic growth strategies of these countries. In support of the NEPAD's growth and sustainable development initiatives on agriculture, we commit to:

7.1 Making support for African agriculture a higher international priority in line with the NEPAD's framework and priorities - including by:

- Supporting the reform and financing of international institutions and research organisations that address Africa's agricultural development priority needs;
- Supporting efforts to strengthen agricultural research in Africa as well as research related to issues and aspects that are of particular importance to Africa; and
- Working with African countries to improve the effectiveness and efficiency of ODA for agriculture, rural development and food security where there are coherent development strategies reflected in government budget priorities.

7.2 Working with African countries to reduce poverty through improved sustainable productivity and competitiveness - including by:

- Supporting the development and the responsible use of tried and tested new technology, including biotechnology, in a safe manner and adapted to the African context, to increase crop production while protecting the environment through decreased usage of fragile land, water and agricultural chemicals;
- Studying, sharing and facilitating the responsible use of biotechnology in addressing development needs;
- Helping to improve farmers' access to key market information through the use of traditional and cutting edge communications technologies, while also building upon ongoing international collaboration that strengthens farmers' entrepreneurial skills;
- Encouraging partnerships in agriculture and water research and extension to develop, adapt and adopt appropriate demand-driven technologies, including for low-income resource-poor farmers, to increase agricultural productivity and improve ability to market agricultural, fish and food products;
- Working with African countries to promote property and resource rights;
- Supporting the main-streaming of gender issues into all agricultural and related policy together with targeted measures to ensure the rights of women for equal access to technology, technical support, land rights and credits;
- Working with African countries to support the development of agricultural infrastructure including production, transportation and markets; and

- Working with African countries to develop sound agricultural policies that are integrated into Poverty Reduction Strategies.
- 7.3 Working to improve food security in Africa - including by:
- Working with African countries to integrate food security in poverty reduction efforts and promote a policy and institutional environment that enables poor people to derive better livelihoods from agriculture and rural development;
 - Working with appropriate international organisations in responding to the dire food shortages in Southern Africa this year;
 - Working with African countries to expand efforts to improve the quality and diversity of diets with micro-nutrients and by improving fortification technologies;
 - Supporting African efforts to establish food safety and quality control systems, including helping countries develop legislation, enforcement procedures and appropriate institutional frameworks; and
 - Supporting efforts to improve and better disseminate agricultural technology.

VIII. Improving Water Resource Management

Water is essential to life. Its importance spans a wide range of critical uses - from human drinking water, to sanitation, to food security and agriculture, to economic activity, to protecting the natural environment. We have noted the importance of proper water resource management. We note also that water management is sometimes at the centre of threats to regional peace and security. We also appreciate the importance of good water management for achieving sustainable economic growth and development, and therefore we commit to:

8. Supporting African efforts to improve water resource development and management - including by:
- Supporting African efforts to promote the productive and environmentally sustainable development of water resources;
 - Supporting efforts to improve sanitation and access to potable water;
 - Mobilising technical assistance to facilitate and accelerate the preparation of potable water and sanitation projects in both rural and urban areas, and to generate greater efficiency in these sectors; and
 - Supporting reforms in the water sector aimed at decentralisation, cost recovery and enhanced user participation.

G8 Evian Summit Summary Report (2003)

Summary by the Chair of the G8 of the Summit in Evian, France from 1 to 3 June 2003. Available online at: http://www.g8.fr/evian/english/navigation/2003_g8_summit/summit_documents/chair_s_summary.html

We met in Evian for our annual Summit, confident that, through our joint efforts, we can address the challenges of promoting growth, enhancing sustainable development and improving security. Our discussions with the Leaders of emerging and developing countries (Algeria, Brazil, China, Egypt, India, Malaysia, Mexico, Nigeria, Saudi Arabia, Senegal, South Africa) and with the President of the Swiss Confederation and the representatives of the UN, the World Bank, the IMF and the WTO provided an opportunity for an exchange of views on growth and international co-operation. New proposals have been put forward which could underpin our future work. The following is a summary of our decisions.

1. Strengthening Growth World-wide

Macroeconomics, structural reforms, trade and responsible market economy

Our economies face many challenges. However, major downside risks have receded and the conditions for a recovery are in place. We are confident in the growth potential of our economies. We reaffirm our commitment to multilateral co-operation, to achieve the objectives and overall timetable set out in the Doha Development Agenda as reflected in our Action Plan on Trade, and to implement sound macroeconomic policies supportive of growth, while ensuring domestic and external sustainability. Our common responsibility is to raise growth in our own economies, and thus contribute to a stronger global economy.

As this contribution should rely more strongly on structural reforms and flexibility, we therefore reaffirm our commitment to:

- implement structural reforms of labour, product and capital markets;
- implement pension and health care reforms, as we face a common challenge of ageing populations;
- raise productivity through education and lifelong learning and by creating an environment where entrepreneurship can thrive, fostering competition and promoting public and private investment in knowledge and innovation;
- strengthen investor confidence by improving corporate governance, enhancing market discipline and increasing transparency;
- the principles of our Declaration on Fostering Growth and Promoting a Responsible Market Economy, accompanied with specific actions to improve transparency and to fight corruption more effectively, including a specific initiative on extractive industries.

Prevention and resolution of financial crisis

We welcomed the progress achieved over the last year on strengthening the international framework for financial crisis prevention and resolution so as to improve conditions for sustained private investment in emerging markets. The IMF should continue to enhance its surveillance by making it more comprehensive, independent, accountable and transparent. It should also pursue work on issues of general relevance to the restructuring of sovereign debt. We will exercise improved discipline in the provision of official finance. We remain committed to promoting an early and widespread adoption of collective action clauses, building on the concrete steps already taken by several countries. We welcome initiatives being taken by issuers, the private

sector and our officials on the development of a Code of Conduct. We look forward to their progress.

We welcomed the agreement reached by our Finance Ministers on a new tailored Paris Club approach for responding to debt problems of non-HIPC countries. We expect this 'Evian approach' to address debt sustainability problems more conclusively, while ensuring that debt restructuring remains the last resort.

We look forward to the results of ongoing efforts to strengthen the international framework for financial crisis prevention and resolution.

2. Enhancing Sustainable Development

We focused on the implementation of the internationally agreed Millennium and Johannesburg Development Goals in the following areas:

Africa

Our discussions with the Presidents of Algeria, Nigeria, Senegal and South Africa, the Leaders of countries represented on the NEPAD Steering Committee, demonstrated our common will to contribute to the development of Africa. We endorsed the report prepared by our Africa Personal Representatives. We agreed to widen our dialogue to other African Leaders on NEPAD and the G8 Africa Action Plan. We invite interested countries and relevant international institutions to appoint senior representatives to join this partnership. We will review progress on our Action Plan no later than 2005 on the basis of a report.

Famine

To alleviate the threat facing millions of people, especially in Africa, we committed to responding to the emergency food aid needs and agreed on ways to improve famine prevention mechanisms and long term food security.

Water

Following on from the Kyoto World Water Forum, we adopted an Action Plan to help meet the Millennium and Johannesburg goals of halving the number of people without access to clean water and sanitation by 2015.

Health

We agreed on measures to:

- strengthen the Global Fund to Fight AIDS, Tuberculosis and Malaria, and other bilateral and multilateral efforts, notably through our active participation in the donors' and supporters' conference to be hosted in Paris this July;
- improve access to health care, including to drugs and treatments at affordable prices, in poor countries;
- encourage research on diseases mostly affecting developing countries;
- mobilise the extra funding needed to eradicate polio by 2005;
- improve international co-operation against new epidemics such as SARS.

Financing for development

We reaffirmed our commitment to address the challenge of global poverty and our support for the Millennium Development Goals and the Monterrey consensus. We noted that achieving these ambitious goals would require considerable efforts from both developed and developing countries, including increased resources. We welcomed the report of our Finance Ministers' discussions on our increased resources and on financing instruments. We invite them to report back to us in September on the issues raised by the financing instruments, including the proposal for a new International Finance Facility.

Debt

We reaffirmed our commitment to the Heavily-Indebted Poor Countries (HIPC) initiative, launched at our Cologne Summit. Since Kananaskis, where we pledged to provide our share of the shortfall of up to \$1 billion, progress has continued in the implementation of the HIPC initiative. Twenty-six of the world's poorest countries are now benefiting from debt relief, totalling more than \$60 billion committed in nominal terms. However, in the light of continued implementation challenges and the slow pace of country progress in the initiative, we have identified the following priority areas:

- To encourage and assist eligible countries in taking the steps necessary to complete the HIPC process, our Finance Ministers asked the IMF and the World Bank to identify, by their next Annual Meetings, the specific impediments in each country and the steps that need to be taken to tackle them;
- Not all official and commercial creditors have yet agreed to participate in the initiative. We urged the IMF and the World Bank to intensify their efforts to secure the full participation of all creditors. Further options to deal with the issues of litigation should also be explored;
- We welcomed the progress made towards completing our commitment in Kananaskis to fill the estimated financing gap in the HIPC Trust Fund, through the pledges of \$850 million made in Paris in October 2002. We will continue to monitor the financing needs of the Trust Fund;
- We reaffirmed the objective of ensuring lasting debt sustainability in HIPC countries and noted that these countries will remain vulnerable to exogenous shocks, even after reaching completion point. In this context, we have asked our Finance Ministers to review by September mechanisms to encourage good governance and the methodology for calculating the amount of 'topping up' debt relief available to countries at completion point based on updated cost estimates. Market-based mechanisms and other effective instruments to address the impact of commodity price fluctuations on low-income countries should also be explored.

E-government

We welcomed work on the e-government model promoting efficiency and transparency in developing countries and will work towards enlarging the number of beneficiary countries.

Human Security

We took note of the report of the Commission on Human Security submitted to the United Nations Secretary-General.

Science and technology for sustainable development

We adopted an Action Plan on how best to use science and technology for sustainable development focused on three areas:

- global observation;
- cleaner, more efficient energy and the fight against air pollution and climate change;
- agriculture and biodiversity.

Those of us who have ratified the Kyoto Protocol reaffirm their determination to see it enter into force.

Illegal logging

From the perspective of sustainable forest management, we confirmed our determination to strengthen international efforts to tackle the problem of illegal logging.

Marine environment and tanker safety

We endorsed an Action Plan to reduce the threat posed by excessive exploitation of marine resources and to enhance maritime security.

Nuclear safety

In accordance with our statement at Kananaskis, we established the G8 Nuclear Safety and Security Group, and adopted its mandate and the Core Principles shared by each of us, to promote the safe and secure use of civil nuclear technology.

3. Improving Security

Commendable progress has been achieved against terrorism worldwide. However, we note with concern the remaining threats of terrorist networks, the challenges of proliferation of weapons of mass destruction in several countries and the risks to peace and security that unresolved conflicts pose to the world.

Non-proliferation

We adopted a Statement on the proliferation of weapons of mass destruction and endorsed an Action Plan on the prevention of radiological terrorism and the securing of radioactive sources.

Terrorism

We adopted an Action Plan on capacity building against terrorism and created a Counter Terrorism Action Group (CTAG), in support of UN Counter Terrorism Committee (CTC), in order to combat terrorist groups world-wide. One of the best ways to do it is to choke off the flow of financing that supports it. We direct Finance Ministers to assess progress and identify next steps. To develop strengthened co-operation, we also ask Ministers to initiate a dialogue with counterparts in other countries, including those whose financial institutions,

both formal and informal, may serve as conduits for such financing, at their forthcoming meeting in Dubai next September.

Transport security and control of Manpads

In order to reduce further the risks of terrorist action against mass transportation, we reviewed the implementation of the measures agreed upon at Kananaskis and decided to take new initiatives concerning sea and air transport security. We agreed on actions to prevent the use of ManPortable Air Defence Systems (Manpads) against civil aviation.

Global Partnership

We reaffirmed our Kananaskis commitments to prevent terrorists, or those that harbour them, from acquiring weapons of mass destruction. To that end, we reviewed the implementation of the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction launched last year. We welcomed the progress achieved so far. We are determined to sustain and broaden our efforts towards:

- reaching our Kananaskis commitment of raising up to US\$20 billion over 10 years;
- developing and initiating concrete and worthwhile projects;
- fully implementing the guidelines;
- opening this initiative to new countries.

To this end, we endorsed an Action Plan on the Global Partnership.

Small arms

We welcomed the upcoming meeting of States on the illicit traffic in small arms to be held at the United Nations in New York in July 2003.

4. Regional Issues

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Algeria

We expressed our deepest sympathy for the Algerian people after the recent devastating earthquakes. We are providing urgent humanitarian aid and, to address the financial consequences of this situation, we are instructing our relevant Ministers to report within one month on how best to help Algeria recover.

Zimbabwe

We are concerned about reports of further violence by the authorities in Zimbabwe against their own people. We called on the Government of Zimbabwe to respect the right to peaceful demonstration. Consistent with the fundamental principles of the NEPAD partnership, we welcomed the contribution of other African States to promoting a peaceful resolution of the crisis and a prosperous and democratic future for the people of Zimbabwe.

We welcomed the offer of the President of the United States to host our next Summit in 2004.

Joint Africa / G8 Plan to Enhance African Capabilities to Undertake Peace Support Operations (2003)

Adopted at the G8 Summit in Evian, France on June 2003. Available online at: <http://www.en.g8russia.ru/g8/history/evian2003/16>

1.1 In the New Partnership for Africa's Development, African leaders agreed that peace and security are among the key conditions necessary for sustainable development. Democracy, good governance, human rights and sound economic management are also key. To respond to the need for peace and security, they agreed that it was a priority to build 'the capacity of African institutions for early warning, as well as enhancing their capacity to prevent, manage and resolve conflicts (Chapter V: AI: Para 72 of the NEPAD).'

1.2 Therefore, at its Summit in Kananaskis in June 2002, the G8 undertook to provide 'technical and financial assistance so that, by 2010, African countries, the AU and regional organisations are able to engage more effectively to prevent and resolve violent conflict on the continent, and undertake peace support operations in accordance with the United Nations Charter...(Chapter 1.2 of the G8 Africa Action Plan).' G8 leaders agreed to pursue three key, inter-related actions to implement this commitment:

- to work with African partners to deliver a joint plan, by 2003, for the development of African capability to undertake peace support operations, including at the regional level;
- to train African peace support forces, including through the development of regional centres of excellence for military and civilian aspects of conflict prevention and peace support, such as the Kofi Annan International Peacekeeping Training Centre; and
- to better co-ordinate peacekeeping training initiatives.

1.3 Individual African states, the African Union, some African regional organisations, the United Nations, and individual donors (both G8 and non-G8) are already undertaking significant measures to build capacities to prevent and resolve conflicts in Africa, and to undertake peace support operations. Indeed, many African nations provide very considerable numbers of personnel (peacekeepers, observers and civilian police) to ongoing UN and African peacekeeping missions in Africa and elsewhere. The impact and effectiveness of these existing individual and collective efforts to build capacity could be multiplied by channelling them towards the realisation of a common vision. To be achievable and sustainable, this vision must be African owned and led. It must reflect a commitment on the part of Africans to invest in their future. G8 leaders have made clear their commitment to match African commitment (G8 Action Plan, Para 4).

1.4 Since the Kananaskis Summit, G8 and African partners have worked closely to develop the following plan for the development of African capability to undertake peace support operations, including at the regional level. The African Union and African regional organisations are continuing to develop the institutional framework for peace and security on the continent.

Key decisions are expected in coming months, as well as over coming years. Consequently, the plan must be phased and iterative, adjusted as African institutional arrangements are established and evolve.

2. Aim

2.1 The elements of the joint plan must be determined by its aim or goal. The starting point for the joint plan is the 'Protocol Relating to the Establishment of the Peace and Security Council of the African Union' which was adopted by the African Union Assembly in Durban on 9 July 2002, but which must still be ratified by member states. *Inter alia*, the Protocol calls for the establishment of:

- a continental early warning system;
- an African standby force;
- a military staff committee;
- Panel of the Wise.

African partners have asked for support in operationalising the Protocol.

2.2 In preparation for the AU Maputo Summit in July, African Chiefs of Defence Staff at their third meeting on May 15th-16th in Addis Ababa considered the operationalisation of the Protocol. They adopted a Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee. In particular, the policy framework provides for the establishment of an AU strategic level management capability and five regional brigades, that would enable the AU to undertake complex peace support operations in a phased approach by 2010. The AU continues to engage in discussions with African regional organisations to establish working partnerships. The UN Secretariat is continuing to providing advice to the African Union Commission on its institutional requirements to manage peace support operations, focusing on headquarters capacity and structures.

3. Necessary Capabilities

3.1 In considering the longer term vision for African peace support capabilities and in order to shape a strategic plan, it will be necessary to determine the capabilities which will be required to meet African goals. It will then be necessary to assess what capabilities exist within African states, which of those capabilities would be available to African peace support operations and what are the remaining gaps or weaknesses that might require focused attention. The process of generating standby lists could provide key information in this regard.

3.2 UN experience and the Brahimi Report on UN Peace Operations suggest that a viable multi-dimensional peace support operations capacity includes the following three basic elements:

- a legitimate, mandated political decision making authority;
- a multi-dimensional strategic management and integrated mission planning capability that includes the ability to provide direction, to plan and to provide support to field activity, as well as to potential and actual contributors (including support in the form of logistics and training); and
- a multi-dimensional field capability that includes a rapidly deployable mission headquarters, contributions of trained and equipped troops and civilian police from Member States, and civilian/political staff available for various other mission components (e.g. human rights, rule of law and governance).

3.3 Based on this, the UN Department of Peacekeeping Operations has developed a series of six scenarios outlining the particular capabilities generally required to mount different types of peace support operations:

- (i) military advice to a political mission;
- (ii) AU observer missions deployed alongside a UN mission;
- (iii) stand alone AU observer mission;
- (iv) AU peacekeeping force (traditional peacekeeping or preventive deployment);
- (v) AU peacekeeping force (complex multidimensional mission); and
- (vi) AU intervention mission.

These scenarios provide a basis to identify required capabilities, and determine available capabilities, weaknesses and gaps. This could assist in considering further elements for incorporation in the joint plan.

3.4 Many African nations have trained and experienced peacekeeping troops. However, a strategic management capacity for multidimensional peace support operations is still embryonic within the AU and within subregional organisations. To be effective, a multidimensional peace support operation must take account of humanitarian assistance needs, early peace-building tasks (including restoration of the rule of law) and reconstruction needs, all of which require civilian experts. The development of this management capacity will take time and considerable, sustained resources to develop. Consequently, a primary focus in the joint plan on developing a multi-dimensional field capability is a reasonable first step.

4. Key Partnerships

4.1 It will take time and considerable resources to create, and establish the conditions to sustain, the complete range of capabilities needed to fully undertake complex peace support operations and their related activities. Africa will need partners as it makes progress towards acquiring the capabilities required to meet its long term vision. The UN has well developed strategic management and planning capabilities for peace support operations, and is willing to make these capabilities available on an ad hoc basis to African institutions. To do this, the UN is discussing arrangements with the AU and African regional organisations to enable them to partner with UN planning and strategic management capabilities. The UN is also providing advice and training to African states and regional organisations, as well as support for regional and national training centres. The UN also helps to match donors and African troop contributing countries in need of equipment to undertake peace support operations.

4.2 In addition, the Multinational Standby High Readiness Brigade for UN Operations (SHIRBRIG) is a possible model for the development of an African regional or subregional standby brigade. Possibilities of secondments to the SHIRBRIG Planning Element in Copenhagen, expert consultations about its operating methods and technical assistance (such as the planning assistance SHIRBRIG is currently providing to ECOWAS for the potential mission in the Côte d'Ivoire) can be considered.

5. Building Blocks to Enhance African Capacities to Undertake Peace Support Operations

5.1 The African vision for its peace and security infrastructure is a work in progress. In recognition of this, G8 and African partners will work, step by

step, to develop key building blocks that will help to channel existing resources more effectively in support of a longer term vision. Without prejudging decisions to be made in coming months and years by the African Union on the operationalisation of its Protocol on peace and security (notably with respect to standby capacities), early building blocks that have been identified include:

- (1) the establishment, equipping and training by 2010 of coherent multinational, multi-disciplinary standby brigade capabilities including civilian components, at the AU and regional level, in particular integrated mission planning capability, mission field headquarters and strategic headquarters, which would be available for UN-endorsed missions undertaken under the auspices of the UN, AU or an African subregional organisation;
- (2) the development of capacities to provide humanitarian, security and reconstruction support in the context of complex peace support operations;
- (3) the establishment of a continental network of regional observation and monitoring (early warning) centres, linked electronically to a centre in the AU;
- (4) the development of institutional capacities at the continental and regional level to prevent conflict through mediation, facilitation, observation and other strategies;
- (5) the establishment of priority regional logistic depots to enhance existing capabilities;
- (6) the standardisation of training doctrines, manuals, curricula and programs for both civilian (including police) and military personnel for use in national and regional peacekeeping training schools and centres of excellence, and support for IT options to join up training centres within Africa and with international peacekeeping centres;
- (7) enhanced capacity in regional peace training centres;
- (8) continued joint exercises at the regional level;
- (9) current regional peacekeeping initiatives, such as the mission in Burundi and the ECOWAS mission for Côte d'Ivoire; and,
- (10) consensus building in the OECD Development Assistance Committee to consider as Official Development Assistance a more inclusive range of assistance provided to enhance capacities to undertake peace support operations and related activities.

5.2 Each of these proposed building blocks needs to be broken out into phased component parts to target efforts of all concerned. This work needs to be undertaken by concerned African partners, supported by the UN and experts from donor countries already active/or seeking to be active in each component.

6. Donor Coordination

6.1 Many G8 partners, and indeed other donors, currently have extensive, ongoing programs with African nations and institutions to support the development of African capacities to undertake complex peace support operations and related activities. There is a need to enhance coordination among donors and with African partners to avoid duplication and ensure cost-effectiveness. This joint plan is one means to help channel individual and collective efforts towards the achievement of the African vision for its capacity to prevent, manage and resolve conflict, and consolidate peace. Complementary programs and partnerships among donors, focused on clearly identified African priorities, can help achieve tangible results.

6.2 Consultation among donors on their military and civilian programs to enhance peace support capabilities in situ with their African partners is the most effective means of identifying priorities, developing transparency and finding synergies. Such consultations could take place regularly among resident players in capitals where African continental and regional peace and security institutions are located, as well as in the capitals of African peace keeping nations.

6.3 It is proposed that this broad process of consultation be centred on an annual consultation, focused on peace and security issues, between the AU, all interested donors (not only G8) and African peace and security institutions at the continental and regional level (such as peacekeeping training centres). This consultation could provide an ongoing mechanism to review the joint plan and its implementation. The consultation would also provide an opportunity to review broad security sector reform activities, which are a foundation stone for peace support capacities.

6.4 To complement these consultations, it has also been proposed to generate a database of information on donor activity to support the development of African capacities to undertake complex peace support operations and related activities. While this could in time be housed at the African Union Commission, G8 and African partners expressed interest in the UN's offer to build on the global data base on peacekeeping training assistance (originally created in 1996 and overseen by the Training and Evaluation Service of the Department of Peacekeeping Operations) by creating a website with links to the websites of all donors describing their activities in peace and security in Africa and providing contact information.

7. Specific Recommendations for Near Term Action

7.1 The AU host (with donor support) an annual consultation on the enhancement of African capacity to engage in peace support operations, between the AU, all interested donors (not only G8) and African peace and security institutions at the continental and regional level (i.e. peacekeeping training centres).

7.2 As required and appropriate, a series of experts meetings be convened by the AU with interested donors (drawing on embassy staff of G8 and non-G8 countries) to develop detailed strategies (identifying benchmarks and milestones) for each of the building blocks identified in this plan that would enable donors to target their individual and collective assistance.

7.3 Support be provided to enable the UN to continue to provide advice to the AU on the establishment of its peace and security institutions, and their relationship to regional organisations.

7.4 Support be provided to enable the AU and regional organisations to learn more about SHIRBRIG, which is a possible model for developing the African Standby Force.

7.5 The UN be encouraged to develop arrangements with the AU and regional organisations that would enable them to partner with UN planning and strategic management capabilities. Discussions among international donors and the UN be encouraged on options to address the financing needs of African-led peace support missions.

7.6 Representatives of G8 countries invite other concerned donors and African interlocutors to establish regular consultations on support for African peace and security initiatives in capitals where African continental and regional peace and security institutions are located (to be determined

following consultations with the African side), as well as in the capitals of African peace keeping nations.

7.7 The UN's offer to create a website with links to the websites of all donors describing their activities in peace and security in Africa be considered.

G8 Action Plan: Expanding Global Capability for Peace Support Operations (Sea Island G8 Summit) (2004)

Adopted at the G8 Summit held in Sea Island, USA from 6 to 8 June 2004. Available online at: http://www.globalsolutions.org/programs/peace_security/peace_ops/gpoi.pdf

The number of peace support operations throughout the world continues to grow, increasing the need for the international community to respond with military and related complex security operations to bring the stability and security that is fundamental to social, economic, and political progress in countries in crisis.

Africa is facing greater peace support needs, and the international community recognises the importance of more comprehensive measures for ensuring peace. In recognition of this, in Kananaskis, we resolved in the Africa Action Plan to:

Provide technical and financial assistance so that, by 2010, African countries and regional and subregional organisations are able to engage more effectively to prevent and resolve violent conflict on the continent, and undertake peace support operations in accordance with the United Nations Charter.

In Evian, we followed up our earlier pledge with the 'Joint Africa/G-8 Action Plan to enhance African Capabilities to undertake Peace Support Operations'. In that plan, we made the commitment to work with African partners, step by step, to develop key building blocks that will help to channel existing resources more effectively in support of the longer term African vision for its peace and security architecture.

Already many G-8 countries have undertaken activities to improve the capacity of African organisations and countries to conduct peace support operations and their related activities. The EU recently established the Peace Facility for Africa, an initiative that pledges €250 million to address the well-recognised financial and logistical difficulties that many countries in Africa face when trying to deploy to international peace support operations and to support the African institutional capacity building process. The U.S., France, Canada, Germany and the UK have provided bilateral assistance to train and equip African peace support operations units and to develop the capacity of African organisations to establish, manage and sustain peace support

operations. Italy has provided support to African peace support operations including through training activities at the UN Staff College in Turin and operations at the UN Logistical Support Base in Brindisi. Japan and Russia have supported African peace support operations efforts and their related activities, including disarmament, demobilisation, and reintegration.

While we have made progress in establishing a framework for greater peace and stability in Africa, more coordination is needed to maximise our individual efforts to enhance African peace support operations capabilities.

Similar measures to improve the capability to conduct peace support operations and related activities are also needed elsewhere. There are significant gaps in many countries' abilities to conduct peace support operations in a timely manner. Institutional capacity building is particularly important for headquarters staffs in those regional and subregional organisations that do not have the training and expertise required to effectively plan and carry out peace support operations. With the growing number of complex peace support operations around the world today, there is a lack of well-trained and equipped units able to respond to increased demands. Many of the countries that do have the capacity to participate in peace support operations are unable to participate due to their inability to transport and sustain their troops. Trained units need to maintain their skills until their deployment to a peace support operation.

Increasingly, carabinieri/gendarme-like forces have demonstrated their unique skills in recent peace support operations. These units can fill the security gap between military forces and civilian police, relieving some of the military units' heavy burden and establishing an environment in which civilian police can operate effectively within the rule of law. More interoperable and a greater number of these units are needed to participate in international peace support operations and their related activities.

Action Plan for Expanding Global Capability for Peace Support Operations

Today, we committed to an Action Plan to expand global capability for peace support operations that is available for any international peace support operation or mission on a timely basis. Any nation receiving training and assistance will make its own sovereign decision on whether to deploy its units to a particular peace support operation. All peace support operations and other related activities undertaken by G-8 members under this initiative would be in accordance with the UN charter. Moreover, given the fact that most of the peace support operations around the world, particularly those in Africa, are operating under the aegis of the UN and with a UN Security Council mandate, all actions undertaken by the G-8 to expand global capability for peace support operations should be implemented in close co-operation with the UN, in accordance with its technical standards, and take into account the recommendations of the Brahimi Report. In Africa, these actions should also be implemented in close co-operation with the African Union and subregional organisations, in line with the African ownership principle.

Accordingly, we undertake specific activities and co-ordinate our efforts closely to ensure the maximum benefit to our partners and ourselves. Therefore, we commit, consistent with our national laws, to:

- Train and, where appropriate, equip a total of approximately 75,000 troops worldwide by 2010, in line with commitments undertaken at Kananaskis and Evian. This effort will have a sustained focus on Africa and other nations that can contribute to peace support operations both

in Africa and elsewhere. We are also committed to training and exercises to ensure that those troops will maintain their skills after their initial training. Activities will also include enhancing the institutional capacity of regional and subregional organisations to plan and execute peace support operations;

- Co-ordinate with African partners, the UN, the EU and others to maximise our individual efforts to enhance African peace support operations capabilities and their related activities. By playing an active part in the AU-hosted annual consultation, setting up donor contact groups in African capitals (as foreseen in the Evian plan), and conducting coordination meetings with interested parties, we will more fully co-ordinate assistance by G-8 members and others related to peace support operations and their related activities. To this end, we will establish G-8 expert-level meetings to serve as a clearinghouse for exchanging information for as long as will be needed to accomplish this goal;
- Build peace support operations capabilities in other regions by 2010. Many of these peace support operations units could deploy to Africa, as well as to crises in their own regions. Member states are also committed to providing training and exercises to help ensure that those troops trained maintain their newly learned skills;
- Work with interested parties, before the next Summit, to develop a transportation and logistics support arrangement, which will help provide countries with transportation to deploy to peace support operations and logistics support to sustain units in the field. This kind of arrangement, which will take into account existing efforts, should address a key capabilities gap that often prevents timely intervention in crises;
- Increase our contribution to the training of carabinieri/gendarme-like forces both by continuing to support existing centres dedicated to that purpose, notably those in France and Italy, and those in Africa, and by supporting new initiatives in that respect. In particular, we will support the Italian initiative to establish, on a multinational basis, an international training center that would serve as a Center of Excellence to provide training and skills for peace support operations. The center will build on the experience and expertise of the Carabinieri, Gendarmerie and other similar forces to develop carabinieri/gendarme-like units of interested nations, including those in Africa, for peace support operations.

The initiatives will be carried out by:

- Operating training programs, including ‘train the trainer’ courses and pre-deployment training for specific missions;
- Developing a common doctrine and common operational standards for employing carabinieri/gendarme-like forces in peace support operations, specifically with regard to crowd control, combating organised crime, high risk arrests, prison security, protection of sensitive facilities, election security, VIP security and border control;
- Providing interoperability training with the relevant military forces; and
- Interacting with academic and research institutions in related areas, such as humanitarian law, human rights, criminal law, prison management, and civil-military co-operation.

These efforts complement the objective of building capabilities of military units, as both are needed in peace support operations.

We remain committed to the above actions to accelerate and expand current efforts to enhance global capability for peace support operations and its related activities. To do so, G-8 member states have provided, and will continue to provide, substantial support to meet these objectives. We look forward to the day when these units are no longer needed, but until then we acknowledge that expanding global capability for peace support operations is a critical element to a safer and more secure world.

G8 and Africa (Gleneagles) (2005)

<p>The G8 Summit held in Gleneagles, UK from 6 to 8 July 2005, renewed its commitment to Africa and support for NEPAD. Available online at http://www.g8.gov.uk/servlete_operations/</p>
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1. This is a moment of opportunity for Africa. Its leaders have embraced a new vision for the continent's future which recognises their leading role in addressing the continent's challenges and realising its opportunities.
2. There are now just ten years in which to take the action needed for all developing countries to meet the Goals agreed at the Millennium Summit in 2000. We should continue the G8 focus on Africa, which is the only continent not on track to meet any of the Goals of the Millennium Declaration by 2015.
3. Important progress has been made. In the past five years, more than two thirds of sub-Saharan African countries have had democratic elections. Inflation is a fifth of levels a decade ago. Growth in sixteen African countries averaged over 4% in the past decade, higher than in any major developed country. 24 African countries have now signed up to have their progress reviewed by their peers. And the promotion of good governance, peace and security and economic development is at the heart of the African Union (AU) and its programme, the New Partnership for Africa's Development (NEPAD).
4. The G8 has focused on issues of importance to Africa at every Summit since the late 1990s (see Annex I).

Building on Progress: A Renewed Commitment to Africa

5. Further progress in Africa depends above all on its own leaders and its own people. We welcome their commitment to take responsibility for developing their continent, and to promote good governance and take action against corruption in their countries. We want to help them ensure that reforms in Africa gain momentum: today we renew our own commitment to support countries and people making such efforts.
6. We have therefore agreed a set of further measures designed to help Africa build the successful future all of us want to see, many of which will be applicable to other poor countries. These actions must be undertaken in a co-ordinated and coherent manner. Better governance, stability and peace are

necessary for the private sector to grow and create jobs; a growing private sector creates more revenue for investment in health and education; increased numbers of healthy, well-skilled people will improve capacity for governance. These mutually-reinforcing actions should accelerate the self-sustaining growth of Africa and end aid dependency in the long term.

7. Our commitments today build on Africa's own efforts, set out in the AU and NEPAD strategies and programme; and on the G8's past and present commitments. Progress on the Africa Action Plan, agreed at Kananaskis, has been reviewed by our Africa Personal Representatives. We have also noted the conclusions of the recent report of the Commission for Africa. Other countries are willing to share their experience of successful economic development, including in Asia, and we recognise that South-South co-operation can make a significant contribution. In some areas we intend to strengthen our support for what is already working; in others a reinforced effort is required.

Peace and Stability

8. Peace is the first condition of successful development. We support Africa's efforts to build a peaceful and stable Africa. We will help Africa's fragile states to emerge successfully from crisis and conflict. We support African initiatives to prevent, mediate and resolve conflicts and consolidate peace, in the spirit of the UN Charter. And we back the African Union and the other African institutions which must continue to develop their capacity for promoting lasting peace and stability on the continent. In this regard, we are progressing with our Sea Island commitment to train and, where appropriate equip, some 75,000 troops by 2010 to take part in peace support operations worldwide, with a sustained focus on Africa. We commend and will continue to support the African Union's mission in Sudan (Darfur), just as we are contributing to UNMIS's operation in southern Sudan.

9. We will enhance our support for the development of Africa's capacity to resolve conflicts and keep the peace, consistent with our national laws, by:

- (a) Providing co-ordinated technical assistance to the African Standby Force and helping to establish planning elements at the African Union HQ and its regional brigades.
- (b) Supporting the AU in developing its ability to deploy unarmed military observer missions, civilian policing operations and gendarmerie/ carabinieri-like forces as part of stabilisation and peace support operations.
- (c) Providing support, including flexible funding, for African peace support operations including transport, logistics and financial management capacity.
- (d) Countering terrorism in Africa, including through co-operation with the AU Anti-Terrorism Centre in Algiers.
- (e) Supporting efforts from regional and international organisations to reinforce African capacity to promote peace and stability.

10. We will also help Africa prevent conflict and ensure that previous conflicts do not re-emerge, by:

- (a) Working in partnership with the AU and subregional organisations, including by providing resources to develop their planned Continental Early Warning System and implement the AU Panel of the Wise to address and mediate conflicts before they erupt into violence.

- (b) Enhancing the capabilities of the AU and African sub-organisations, building on the existing G8 Action Plan for Expanding Global Capability for Peace Support Operations, as well as commitments from the Evian and Kananaskis Summits. To support this, we will work to promote within our respective governments mechanisms for more effective and flexible crisis response and promote faster, more comprehensive and co-ordinated partner responses engaging ourselves, the UN, key regional organisations and other partners.
 - (c) Maximising the contribution of local and multinational companies to peace and stability including through working with the UN Global Compact and developing OECD guidance for companies working in zones of weak governance.
 - (d) Working to implement UN sanctions regimes more effectively by improved co-ordination of existing monitoring mechanisms and more efficient use of independent expertise.
 - (e) Acting effectively in the UN and in other fora to combat the role played by 'conflict resources' such as oil, diamonds and timber, and other scarce natural resources, in starting and fuelling conflicts.
 - (f) Improving the effectiveness of transfer controls over small arms and light weapons, including at *inter alia* the review conference of the UN Programme of Action on small arms and light weapons in 2006, and taking effective action in Africa to collect and destroy illicit small arms. Development of international standards in arms transfers, including a common understanding of governments' responsibilities, would be an important step towards tackling the undesirable proliferation of conventional arms. We agree on the need for further work to build a consensus for action to tackle the undesirable proliferation of conventional arms.
 - (g) Working in support of the UN Secretary General's proposed new Peace-building Commission.
11. We will give greater attention and resources to reconstruction and reconciliation in post-conflict countries by:
- (a) Providing rapid and flexible multilateral and bilateral debt relief for post-conflict countries, where appropriate.
 - (b) Allocating grant financing for reconstruction needs, including the disarmament, demobilisation and reintegration (DDR) into civilian society of former combatants.
12. We will work urgently with other partners to improve the timeliness, predictability, effectiveness and availability of humanitarian assistance by:
- (a) Helping to fund sufficiently the urgent needs of millions of Africans caught up in the humanitarian emergencies identified by the UN in Africa, especially in the so-called 'forgotten humanitarian crises', so that co-ordinated emergency funding is available in time to save lives at risk.
 - (b) Working with the UN to improve the tracking, reporting, and co-ordination of the resources provided for humanitarian emergencies.
 - (c) Supporting the UNSG's work to strengthen the international humanitarian response system. The G8 members are working with the Secretary General to improve the speed of response, efficiency, responsibility, accountability and transparency of humanitarian assistance operations on the ground, while respecting the principles of

humanity, impartiality, neutrality and independence of humanitarian assistance.

- (d) Working with the African Union to promote the increased engagement of African Governments to ensure that there is safe and unimpeded access to the population for humanitarian personnel, and to support, address and resolve humanitarian crises.

Promoting Good and Responsive Governance

13. We welcome African institutions' engagement in promoting and enhancing effective governance, including NEPAD's strong statements in support of democracy and human rights. Well-governed states are critical to peace and security; economic growth and prosperity; ensuring respect for human rights and promotion of gender equality and the delivery of essential services to the citizens of Africa. We will support African countries' efforts to make their governments more transparent, capable and responsive to the will of their people; improve governance at the regional level and across the continent; and strengthen the African institutions that are essential to this.

14. In response to this African commitment, we will:

- (a) Help strengthen the AU and NEPAD, including through:
- support, including flexible funding, for the African Union and other pan-African institutions such as the Pan-African Parliament;
 - support to the African Peer Review Mechanism (APRM), while respecting African ownership, such as through contributions to the APRM Secretariat Trust Fund;
 - appropriate and co-ordinated support to African countries in the implementation of their good governance national strategies, including their country action plans for implementation of APRM recommendations.
- (b) Support greater transparency in public financial management, including revenues, budgets and expenditure, licences, procurement and public concessions, including through increased support to capacity building in those African countries that are taking credible action against corruption and increasing transparency and accountability.
- (c) Support African partners in signing and ratifying the African Union Convention on Preventing and Combating Corruption and provide support towards the implementation of the AU Convention.
- (d) As part of our work to combat corruption and promote transparency, increase support to the Extractive Industries Transparency Initiative and countries implementing EITI, including through financial and technical measures. We call on African resource-rich countries to implement EITI or similar principles of transparency and on the World Bank, IMF and regional development banks to support them. We support the development of appropriate criteria for validating EITI implementation. Transparency should be extended to other sectors, as the G8 is doing in pilot projects.
- (e) Call on African countries to implement the African Charter on Human and People's Rights and its protocols in order to encourage respect for the rights of ethnic minorities, women and children.
- (f) Work vigorously for early ratification of the UN Convention Against Corruption and start discussions on mechanisms to ensure its effective implementation. Work to establish effective mechanisms, consistent with the provisions of UNCAC and previous G8 commitments, within our

own administrations for the recovery of assets, including those stolen through corruption, taking into account final disposal of confiscated property where appropriate, and to return assets to their legitimate owners. We encourage all countries to promulgate rules to deny entry and safe haven, when appropriate, to officials and individuals found guilty of public corruption, those who corrupt them, and their assets.

- (g) To further protect the international financial system from illicit corruption proceeds, we encourage all countries to require enhanced due diligence for financial transactions involving politically exposed persons. In addition, we urge all countries to comply with UN Security Council resolution 1532 to identify and freeze the assets of designated persons.
- (h) Reduce bribery by the private sector by rigorously enforcing laws against the bribery of foreign public officials, including prosecuting those engaged in bribery; strengthening anti-bribery requirements for those applying for export credits and credit guarantees, and continuing our support for peer review, in line with the OECD Convention; encouraging companies to adopt anti-bribery compliance programmes and report solicitations of bribery; and by committing to co-operate with African governments to ensure the prosecution of those engaged in bribery and bribe solicitation.
- (i) Take concrete steps to protect financial markets from criminal abuse, including bribery and corruption, by pressing all financial centres to obtain and implement the highest international standards of transparency and exchange of information. We will continue to support Financial Stability Forums ongoing work to promote and review progress on the implementation of international standards, particularly the new process concerning offshore financial centres that was agreed in March 2005, and the OECD's high standards in favour of transparency and exchange of information in all tax matters.

Investing in People

15. Life expectancy is increasing in every continent except Africa, where it has been falling for the last 20 years. We will continue to support African strategies to improve health, education and food security.

16. To unlock the vast human potential of Africa, we will work with Africa to create an environment where its most capable citizens, including teachers and healthcare workers, see a long-term future on the continent. We will work with committed national governments to assist in creating that environment.

17. The core aims for education and health are stated in the UN Millennium Declaration. We support our African partners' commitment to ensure that by 2015 all children have access to and complete free and compulsory primary education of good quality, and have access to basic health care (free wherever countries choose to provide this) to reduce mortality among those most at risk from dying from preventable causes, particularly women and children; and so that the spread of HIV, malaria and other killer diseases is halted and reversed and people have access to safe water and sanitation.

18. We will work to achieve these aims by:

- (a) Working with African governments, respecting their ownership, to invest more in better education, extra teachers and new schools. This is made more crucial by the number of teachers dying from AIDS. As part

of this effort, we will work to support the Education for All agenda in Africa, including continuing our support for the Fast Track Initiative (FTI) and our efforts to help FTI-endorsed countries to develop sustainable capacity and identify the resources necessary to pursue their sustainable educational strategies. Our aim is that every FTI-elected country will develop the capacity and have the resources necessary to implement their sustainable education strategies.

- (b) Helping develop skilled professionals for Africa's private and public sectors, through supporting networks of excellence between African's and other countries' institutions of higher education and centres of excellence in science and technology institutions. In this respect, we look forward to the outcome of the second phase of the World Summit on the Information Society taking place in November in Tunis.
- (c) Investing in improved health systems in partnership with African governments, by helping Africa train and retain doctors, nurses and community health workers. We will ensure our actions strengthen health systems at national and local level and across all sectors since this is vital for long-term improvements in overall health, and we will encourage donors to help build health capacity.
- (d) With the aim of an AIDS-free generation in Africa, significantly reducing HIV infections and working with WHO, UNAIDS and other international bodies to develop and implement a package for HIV prevention, treatment and care, with the aim of as close as possible to universal access to treatment for all those who need it by 2010. Limited health systems capacity is a major constraint to achieving this and we will work with our partners in Africa to address this, including supporting the establishment of reliable and accountable supply chain management and reporting systems. We will also work with them to ensure that all children left orphaned or vulnerable by AIDS or other pandemics are given proper support. We will work to meet the financing needs for HIV/AIDS, including through the replenishment this year of the Global Fund to fight AIDS, TB and Malaria; and actively working with local stakeholders to implement the '3 Ones' principles in all countries.
- (e) Building on the valuable G8 Global HIV/AIDS vaccine enterprise, increasing direct investment and taking forward work on market incentives, as a complement to basic research, through such mechanisms as Public Private Partnerships and Advance Purchase Commitments to encourage the development of vaccines, microbicides and drugs for AIDS, malaria, tuberculosis and other neglected diseases. We note continuing work to explore establishing an International Centre for Genetic Engineering & Biotechnology centre in Africa to help research into vaccines for the diseases that are afflicting the continent.
- (f) Supporting the Polio Eradication Initiative for the post eradication period in 2006-8 through continuing or increasing our own contributions toward the \$829 million target and mobilising the support of others. We are pleased that the funding gap for 2005 has been met.
- (g) Working with African countries to scale up action against malaria to reach 85% of the vulnerable populations with the key interventions that will save 600,000 children's lives a year by 2015 and reduce the drag on African economies from this preventable and treatable disease. By contributing to the additional \$1.5bn a year needed annually to help ensure access to antimalaria insecticide-treated mosquito nets,

adequate and sustainable supplies of Combination Therapies including Artemisin, presumptive treatment for pregnant women and babies, household residual spraying and the capacity in African health services to effectively use them, we can reduce the burden of malaria as a major killer of children in sub-Saharan Africa.

- (h) Helping to meet the needs identified by the Stop TB Partnership. We also support the call for a high-level conference of Health Ministers for TB in 2006.
- (i) Implementing the G8 water action plan agreed at Evian, in partnership with the AfDB initiative on rural water and sanitation, including through increasing aid in this sector; maintaining political momentum and commitment on the water issue; and reinforcing co-ordination and monitoring mechanisms.
- (j) Reconfirming our Sea Island commitment to help countries that are willing to make a political commitment to develop comprehensive food security and famine prevention programmes.

Promoting Growth

19. Private enterprise is a prime engine of growth and development. Enhancing governance and the rule of law will attract more and broader private investment, including FDI, which is the basic condition for inclusive growth. African countries need to build a much stronger investment climate: we will continue to help them do so, including through the promotion of a stable, efficient and harmonised legal business framework (noting the work of the OHADA business legal unification process and the improvement of the investment climate through the OECD/NEPAD Investment Initiative) and increased access to finance including strong support for the development of micro-finance in Africa. Partnership between the public and private sectors is crucial.

20. Investment is needed in sustainable agriculture, which is the most important economic sector for most Africans. African governments have made a commitment to invest 10% of their budgets in agriculture. We will strengthen our support for their commitment.

21. An ambitious and balanced conclusion to the Doha Round is the best way to make trade work for Africa and increase African countries' integration into the global economy. The Hong Kong Ministerial in December will be a critical step towards a successful outcome of the DDA in 2006. Our separate statement on the DDA gives more details of the potential benefits. The World Bank estimates that completing these negotiations could lift 140 million people out of poverty.

22. We agree:

- (a) To increase our help to developing countries to build the physical, human and institutional capacity to trade, including trade facilitation measures. We are committed to granting additional support for trade capacity building to assist LDCs, particularly in Africa, to take advantage of the new opportunities to trade which will result from a positive conclusion of the DDA. We call on the IFIs to submit proposals to the annual meetings for additional assistance to countries to develop their capacity to trade and ease adjustment in their economies;
- (b) To provide resources and training to help African producers meet current and new health and safety standards for food exports and other products. We will encourage our national standard setting and

regulatory bodies to work with African exporters and national authorities, and we will support African nations in playing their full part in the relevant international standard setting bodies, in order to facilitate African export to our markets.

- (c) To support African efforts to increase South-South trade and regional integration, to improve specialisation and create more jobs and prosperity;
- (d) To improve the utilisation of our preference schemes by ensuring that rules (particularly rules of origin) are transparent and simple to follow and do not inadvertently preclude eligible developing countries from taking advantage of those schemes. We support the efforts underway by the World Bank and others to address concerns regarding trade preference erosion. We further agree to report back on progress to future presidencies.

23. Infrastructure and supply-side weaknesses often prevent the poorest countries from exploiting their trading opportunities and need to be addressed. To boost growth, attract new investment and contribute to building Africa's capacity to trade we will:

- (a) Continue our work to build an international infrastructure consortium involving the AU, NEPAD, World Bank and African Development Bank (AfDB), recognised by NEPAD as the lead infrastructure agency, to facilitate infrastructure investment, including in cross-border infrastructure, in Africa. This should achieve more effective and larger-scale infrastructure activity to back Africa's priorities, and to identify and overcome project development, financing, and business environment constraints, recognising the comparative advantages of different donors and the private sector.
- (b) Support investment, enterprise development and innovation, for example through support to the AU/NEPAD Investment Climate Facility, the Enhanced Private Sector Assistance with the AfDB, and other appropriate institutions, to invest in SMEs and microfinance, and through actions by the relevant International Financial Institutions and African governments to increase access to financial services through increased partnerships between commercial banks and micro-finance institutions, including through support for diversification of financial services available to the poor and effective use of remittances.
- (c) Support a comprehensive set of actions to raise agricultural productivity, strengthen urban-rural linkages and empower the poor, based on national initiatives and in co-operation with the AU/NEPAD Comprehensive Africa Agriculture Development Programme (CAADP) and other African initiatives.
- (d) Encourage best practice in responsible investment through African private sector networks, including support to the UN Global Compact.
- (e) Welcome the growing market for fair-trade goods and their positive effect in supporting livelihoods and increasing public awareness of the positive role of trade in development.
- (f) Support youth employment in Africa for both men and women, including vocational education and training relevant to market demands.

Financing for Development

24. Successful development requires sustained and consistent progress across the range of areas we have identified: strengthened peace and

security, better governance, improved healthcare and education, enhanced growth, access to markets, and capacity to trade. Implementation will require access to additional resources for Africa and other developing countries. Some of this can and should come from developing countries' domestic resources, FDI and other private flows and increased trade. This will increase as developing country economies grow. The primary responsibility for this lies with developing countries themselves. Additional resources will also come from remittances and donations from private individuals in developed countries, and we welcome our citizens' generous response to appeals for the Tsunami, Sudan and other emergencies. Some of this financing can come from environmental initiatives. Support for peace and security is also relevant to building the foundation for development. We invite the Development Assistance Committee of the OECD to pursue its work on the way different flows to developing countries are taken into account.

25. A substantial increase in official development assistance, in addition to other resources, is required in order to achieve the internationally agreed development goals and objectives, including those contained in the Millennium Declaration (the Millennium Goals) by 2015, as we agreed at Monterrey in 2002. Fulfilling this commitment is needed in order to consolidate and build on recent progress in Africa, to stimulate the growth that will increase other resources and to enable African and other poor countries over time to reduce their aid dependency.

26. G8 countries and other donors have made substantial commitments to increase aid, through a variety of means, including traditional development assistance, debt relief and innovative financing mechanisms. Our commitments are set out in Annex II.

27. The commitments of the G8 and other donors will lead to an increase in official development assistance to Africa of \$25 billion a year by 2010, more than doubling aid to Africa compared to 2004.

28. As we confront the development challenges in Africa, we recognise there is a global development challenge facing the world as a whole. On the basis of donor commitments and other relevant factors, the OECD estimates that official development assistance from the G8 and other donors to all developing countries will now increase by around \$50 billion a year by 2010, compared to 2004.

29. The G8 has agreed a proposal to cancel 100% of outstanding debts of eligible Heavily Indebted Poor Countries to the IMF, IDA and African Development Fund, and to provide additional resources to ensure that the financing capacity of the IFIs is not reduced, as set out in the statement of 11 June. We welcome the agreement in principle by the Paris Club aimed at achieving a sustainable exit for Nigeria from its debt problems.

30. These substantial extra resources will be focused on countries where they will make a difference, to accelerate progress towards the achievement of the Millennium Goals, and help us to achieve the objectives set out in this statement. We will focus aid on low income countries, which are committed to growth and poverty reduction, to democratic, accountable and transparent government, and to sound public financial management, although aid is also important to respond to humanitarian crises and countries affected by or at risk of conflict.

31. It is up to developing countries themselves and their governments to take the lead on development. They need to decide, plan and sequence their

economic policies to fit with their own development strategies, for which they should be accountable to all their people.

32. We need to support sound development strategies with better aid, to ensure it is used most effectively. We will implement and be monitored on all commitments we made in the Paris Declaration on aid effectiveness, including enhancing efforts to untie aid; disbursing aid in a timely and predictable fashion, through partner country systems where possible; increasing harmonisation and donor co-ordination, including through more programme-based approaches.

Partnership and Mutual Accountability: Gleneagles and Beyond

33. We need an effective mechanism to take forward our high-level strategic dialogue with Africa, focusing on the results of our joint efforts. We acknowledge the productive role played by the Africa Personal Representatives and the Africa Partnership Forum. We agree that the APF should be strengthened. We recommend that the APF meet twice yearly at an appropriately high level, reviewing progress by all the partners involved in this joint undertaking not only by the G8 but also by Africans and other development partners. We encourage the APF to develop a process for monitoring, reporting and reviewing progress against milestones and benchmarks and to enable corrective action to be taken. There should be sufficient support for the APF to enable effective follow up, including by the G8, on implementation between meetings, working with AU/NEPAD, OECD/DAC, ECA and other organisations.

Conclusion: from Gleneagles to New York and Hong Kong

34. Through our agreement today and the previous G8 commitments we will continue to support the efforts of African countries to build lasting peace and prosperity. Many of the proposed measures have a wider applicability to the developing world as a whole and are consistent with the vision set out in the UN Secretary General's proposals. We call on other world leaders and institutions to work together to achieve a successful UN Summit in September that will take forward this agenda, building on the impetus that we have created today.

35. We also call on other world leaders to join us in ensuring a successful WTO Ministerial in Hong Kong in December, leading to the conclusion in 2006 of the Doha Development Round with an agreement to a trade package that has the potential to help lift millions out of poverty. It is in all our interests that we succeed.

Annex I

The G8 and international response

- Birmingham in 1998 agreed that there was a need to enhance the heavily indebted poor countries (HIPC) initiative, launched at the Lyon summit in 1996, to provide more relief to more poor countries.
- Cologne in 1999 launched the enhanced HIPC initiative. This has helped to increase social expenditure in 27, mostly African, countries by around \$4bn per year.
- Okinawa in 2000 was the first G8 Summit to invite African leaders to outreach dialogue. It also began the process that led to the

establishment of the Global Fund for AIDS, TB and Malaria in Genoa in 2001.

- At Genoa, in 2001, the G8 recognised the need to respond to NEPAD through the Genoa Plan for Action and appointed Africa Personal Representatives to recommend specific actions.
- At Kananaskis in 2002, the G8 launched the Africa Action Plan inaugurating the new partnership between the G8 and Africa. We said then that this would help to ensure that no country committed to poverty reduction, good governance and economic reform would be denied the chance to achieve the Millennium Goals through lack of finance.
- At Evian in 2003, the G8 announced specific measures to take these forward, a Water action plan and a new G8/Africa plan to enhance African capabilities to undertake peace support operations; and created the Africa Partnership Forum for dialogue between Africans and development partners beyond the G8.
- At Sea Island in 2004, the G8 agreed further measures to tackle HIV and polio, to enhance the role of the private sector in development, to promote transparency and fight corruption, to take additional steps to enhance productivity and to expand global peace support operations capabilities.
- And in addition to this, each G8 government has made its own specific commitments in support of Africa. We have collectively doubled our aid to Africa since 2001.

...

Consultation Between the AU, the G8 Member Countries and Other Partners and African Peace and Security Institutions (2005)

Report of the Consultation held in Addis Ababa, Ethiopia on 4 April 2005, attended by the AU, the RECs, the NEPAD Secretariat and Africa's development partners, with the aim of enhancing peace and security in Africa through the operationalisation of the African Standby Force and enhancement of capacity of other peace and security institutions.

1. Within the framework of the Joint Africa/G8 Plan to enhance African capabilities to undertake Peace Support Operations (PSO), adopted at Evian, France, in June 2003, a Consultation between the African Union (AU), the Regional Economic Communities (RECs), namely CEN-SAD, COMESA, ECCAS, ECOWAS, IGAD and SADC, the NEPAD Secretariat and representatives of the G8 Member Countries, the European Union (EU), the United Nations (UN) and other important Partners (Denmark, The Netherlands, Norway and Sweden) took place in Addis Ababa, on 4 April 2005. The purpose of the Consultation

was to consider activities that require support in order to enhance peace and security in Africa, including the operationalisation of the African Stand-by Force (ASF) within the framework of African Peace and Security Architecture (APSA), as articulated in the Protocol Relating to the Establishment of the Peace and Security Council (PSC) of the AU. The list of participants is attached.

2. The Consultation recognised the progress made by the AU and the RECs in developing the overall APSA, including their growing co-operation, and took note of the information provided in this regard. The AU briefed the Consultation on the ongoing steps to rationalise the RECs, within the context of the regional standby brigades, among others. The Partners noted the AU's commitment to fully operationalise the APSA, including the establishment of the Panel of the Wise, the ASF and the Continental Early Warning System (CEWS), as well as the early finalisation of the Memorandum of Understanding (MoU) between the AU and the RECs, and reaffirmed their willingness to work in partnership with the AU in this endeavour.

3. The Consultation welcomed the efforts of the AU and RECs in conflict prevention and operational deployments in, *inter alia*, Burundi, Côte d'Ivoire, Darfur and Liberia. It noted the progress made, although at different speeds, towards the establishment of the ASF stand-by brigades and the sharing of information between all the stakeholders, in this regard. The AU and RECs, on their part, acknowledged the value of co-operation with, and the support of, the Partners.

4. As part of its deliberations, the Consultation reviewed progress in the implementation of the existing G8 commitments as spelt out in the G8 Plan of Action for Africa and, in drawing its conclusions, took cognisance of the forthcoming G8 Summit in Gleneagles, Scotland, in July 2005.

5. The Consultation took note of the outcome of the Experts Meeting on the relationship between the AU and the Regional Mechanisms for Conflict Prevention, Management and Resolution, held in Addis Ababa, on 22 and 23 March 2005, and adopted, as the basis of its work, the document titled '*Roadmap for the Operationalisation of the African Stand-by Force*', which resulted from the meeting.

6. During the deliberations on the document, the Consultation recognised the importance of taking into account lessons learnt from the deployments of past and existing regional and AU mandated PSO missions while developing future ASF procedures and structures. To this end, the Consultation welcomed the recent Joint Assessment Mission Report to Darfur, with its recommendations, and looked forward to the lessons learnt being used to shape the outputs of the ASF Workshops.

7. The Consultation agreed as follows:

(a) On the African Stand-by Force

8. The AU, the RECs and the Partners will continue to work together to operationalise the ASF on the basis of the '*Roadmap for the Operationalisation of the African Stand-by Force*'. In particular, it was agreed that work was necessary at both continental and regional levels, specifically:

- to establish the PLANELMs at the AU Headquarters, in Addis Ababa, and in each of the five Regions, by 30 June 2005; and
- to support the convening, between June and December 2005, and implementation of the outcomes of the five technical Workshops listed below, and as outlined in the Roadmap:

- Doctrine;
 - Standard Operating Procedures (SOPs);
 - Command, Control, Communications and Information Systems (C³IS);
 - Logistics; and
 - Training and Evaluation.
9. The AU welcomed the proposal to convene a ‘mind clearing’ meeting of AU, RECs, EU, UN and G8 logistic experts, in London, on 12 April 2005, as a starting point for the work on transport and logistic requirements.
10. The AU further welcomed the support expressed by Partners on the importance of strategic level communication, and noted their willingness to help in a practical way, to support the development of the AU communication structure.
11. Additionally, the Consultation agreed on the need:
- to establish the AU’s strategic level peace support operations capability in Addis Ababa, including infrastructure and communications, for which the AU will shortly submit concrete proposals;
 - to continue to support the enhancement of the RECs through capacity building and other concrete activities;
 - to establish the transport and logistic support resulting from the Workshop referred to above on this issue, necessary for the effective deployment of an ASF mission, including regional logistic bases and continental depot;
 - to strengthen the CIVPOL capacity within the ASF concept, including within the Peace Support Operations Division;
 - to enhance the Regional Peacekeeping Training Centres and Centres of Excellence, as identified by the AU; and
 - to draw on the available experience of the UN.
12. The Partners also expressed their willingness to contribute to the studies relating to the establishment of the five regional brigades and to consider costed proposals, to be finalised by 31 December 2005, to provide physical and intellectual support, as well as facilitate the sustainability of the brigades.

(b) On Lessons Learned

13. The Partners expressed their willingness, on the basis of the African ownership, to support the AU and RECs in their efforts to learn lessons from past and on-going missions, through studies and workshops.

(c) On the Continental Early Warning System and Conflict Prevention

14. The Partners noted the AU and RECs strong commitment to conflict prevention through the development of an early warning capability and enhanced mediation and conflict prevention capacity. The proposal to develop a ‘Roadmap’ towards the establishment of the Continental Early Warning System (CEWS), provided for in the PSC Protocol, was welcomed. The Partners expressed willingness to co-operate in this initiative and looked forward to the Roadmap being developed and potential areas of support being identified.

(d) On Post-Conflict Reconstruction

15. The Partners noted the desire of the AU to contribute effectively to postconflict reconstruction, as part of its efforts to promote lasting peace and security in Africa, and expressed their willingness to contribute to the AU’s

efforts in this area, including support for the AU Policy Workshop planned for 7/8 June 2005. A number of points were raised and noted for discussion at the Workshop.

(e) On Partners' Coordination

16. The Partners committed themselves to working with the AU to establish more effective mechanisms for enhanced Partners' coordination, with a view to reducing transaction costs, drawing lessons from the experience in the provision of support for AMIS. Part of this process would include reviewing funding mechanisms, which could include the possibility of establishing a separate AU Peace Support Operation Fund to complement the Peace Facility established by the EU at the request of the AU.

17. The Consultation welcomed the proposal for the Commission to prepare a document for in-depth discussion on the issue of Partners' coordination, including the convening of a Workshop.

(f) On Follow-up Mechanism

18. The Consultation agreed that:

- The annual Consultation, as foreseen in the Joint Africa/G8 Plan, would take place each April under the auspices of the AU to support peace and security efforts on the continent;
- The AU would convene an annual Technical Level Meeting bringing together the RECs, the Partners and other stakeholders, in October each year, to review progress and to 'fine tune' practical efforts in preparation for the annual Consultation mentioned above;
- Regular consultations would be held between the Partners, the AU, the RECs and other stakeholders in capitals.

3. European Union

Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States of the one Part, and the European Community and its Member States, of the other Part (Cotonou Agreement) (2000)

Signed in Cotonou, Benin in 23 June 2000. Article 8 of the agreement provides for political dialogue between the EU and the ACP countries, including on issues such as the arms trade; excessive military expenditure; drugs and organised crime; ethnic, religious or racial discrimination; and the respect for human rights, democratic principles, the rule of law and good governance. Available online: http://europa.eu.int/comm/development/body/cotonou/pdf/agr01_en.pdf#zoom=100

Preamble

Having Regard to the Treaty establishing the European Community, on the one hand, and the Georgetown Agreement establishing the Group of African, Caribbean and Pacific States (ACP), on the other;

Affirming their commitment to work together towards the achievement of the objectives of poverty eradication, sustainable development and the gradual integration of the ACP countries into the world economy;

Asserting their resolve to make, through their co-operation, a significant contribution to the economic, social and cultural development of the ACP States and to the greater well-being of their population, helping them facing the challenges of globalisation and strengthening the ACP-EU Partnership in the effort to give the process of globalisation a stronger social dimension;

Reaffirming their willingness to revitalise their special relationship and to implement a comprehensive and integrated approach for a strengthened partnership based on political dialogue, development co-operation and economic and trade relations;

Acknowledging that a political environment guaranteeing peace, security and stability, respect for human rights, democratic principles and the rule of law, and good governance is part and parcel of long term development; acknowledging that responsibility for establishing such an environment rests primarily with the countries concerned;

Acknowledging that sound and sustainable economic policies are prerequisites for development;

Referring to the principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights, the conclusions of the 1993 Vienna Conference on Human Rights, the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of all forms of Discrimination against Women, the International Convention on the Elimination of all forms of Racial Discrimination, the 1949 Geneva Conventions and the other instruments of

international humanitarian law, the 1954 Convention relating to the status of stateless persons, the 1951 Geneva Convention relating to the Status of Refugees and the 1967 New York Protocol relating to the Status of Refugees; *Considering* the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe, the African Charter on Human and Peoples' Rights and the American Convention on Human Rights as positive regional contributions to the respect of human rights in the European Union and in the ACP States;

Recalling the Libreville and Santo Domingo declarations of the Heads of State and Government of the ACP countries at their Summits in 1997 and 1999;

Considering that the development targets and principles agreed in United Nations Conferences and the target, set by the OECD Development Assistance Committee, to reduce by one half the proportion of people living in extreme poverty by the year 2015 provide a clear vision and must underpin ACP-EU co-operation within this Agreement;

Paying particular attention to the pledges made at the Rio, Vienna, Cairo, Copenhagen, Beijing, Istanbul and Rome UN conferences and acknowledging the need for further action to be taken in order to achieve the goals and implement the action programmes which have been drawn up in those fora;

Anxious to respect basic labour rights, taking account of the principles laid down in the relevant conventions of the International Labour Organisation;

Recalling the commitments within the framework of the World Trade Organisation,

HAVE DECIDED to conclude this agreement:

PART 1: General Provisions

TITLE I: Objectives, Principles and Actors

Chapter 1: Objectives and Principles

Article 1: Objectives of the partnership

The Community and its Member States, of the one part, and the ACP States, of the other part, hereinafter referred to as the 'Parties' hereby conclude this Agreement in order to promote and expedite the economic, cultural and social development of the ACP States, with a view to contributing to peace and security and to promoting a stable and democratic political environment. The partnership shall be centred on the objective of reducing and eventually eradicating poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy.

These objectives and the Parties' international commitments shall inform all development strategies and shall be tackled through an integrated approach taking account at the same time of the political, economic, social, cultural and environmental aspects of development. The partnership shall provide a coherent support framework for the development strategies adopted by each ACP State.

Sustained economic growth, developing the private sector, increasing employment and improving access to productive resources shall all be part of this framework. Support shall be given to the respect of the rights of the

individual and meeting basic needs, the promotion of social development and the conditions for an equitable distribution of the fruits of growth. Regional and subregional integration processes which foster the integration of the ACP countries into the world economy in terms of trade and private investment shall be encouraged and supported. Building the capacity of the actors in development and improving the institutional framework necessary for social cohesion, for the functioning of a democratic society and market economy, and for the emergence of an active and organised civil society shall be integral to the approach. Systematic account shall be taken of the situation of women and gender issues in all areas - political, economic and social. The principles of sustainable management of natural resources and the environment shall be applied and integrated at every level of the partnership.

Article 2: Fundamental principles

ACP-EEC co-operation, underpinned by a legally binding system and the existence of joint institutions, shall be exercised on the basis of the following fundamental principles:

- equality of the partners and ownership of the development strategies: for the purposes of implementing the objectives of the partnership, the ACP States shall determine the development strategies for their economies and societies in all sovereignty and with due regard for the essential elements described in article 9; the partnership shall encourage ownership of the development strategies by the countries and populations concerned;
- participation: apart from central government as the main partner, the partnership shall be open to different kinds of other actors in order to encourage the integration of all sections of society, including the private sector and civil society organisations, into the mainstream of political, economic and social life;
- the pivotal role of dialogue and the fulfilment of mutual obligations: the obligations assumed by the Parties in the framework of their dialogue shall be central to their partnership and co-operation relations;
- differentiation and regionalising: co-operation arrangements and priorities shall vary according to a partner's level of development, its needs, its performance and its long-term development strategy. Particular emphasis shall be placed on the regional dimension. Special treatment shall be given to the least-developed countries. The vulnerability of landlocked and island countries shall be taken into account.

...

Article 8:

...

3. The dialogue shall cover all the aims and objectives laid down in this Agreement as well as all questions of common, general, regional or sub-regional interest. Through dialogue, the Parties shall contribute to peace, security and stability and promote a stable and democratic political environment, gender, migration and questions related to the cultural heritage.

4. The dialogue shall focus, inter alia, on specific political issues of mutual concern or of general significance for the attainment of the objectives of this

Agreement, such as the arms trade, excessive military expenditure, drugs organized crime, or ethnic, religious or racial discrimination. The dialogue shall also encompass a regular assessment of the developments concerning the respect for human rights, democratic principles, the rule of law and good governance.

5. Broadly based policies to promote peace and to prevent, manage and resolve violence conflicts shall play a prominent role in this dialogue, as shall the need to take full account of the objective of peace and democratic stability in the definition of priority areas of co-operation.

...

Article 11: Peacebuilding policies, conflict prevention and resolution

1. The Parties shall pursue an active, comprehensive and integrated policy of peacebuilding and conflict prevention and resolution within the framework of the Partnership. This policy shall be based on the principle of ownership. It shall in particular focus on building regional, subregional and national capacities, and on preventing violent conflicts at an early stage by addressing their root-causes in a targeted manner, and with an adequate combination of all available instruments.

2. The activities in the field of peacebuilding, conflict prevention and resolution shall in particular include support for balancing political, economic, social and cultural opportunities among all segments of society, for strengthening the democratic legitimacy and effectiveness of governance, for establishing effective mechanisms for the peaceful conciliation of group interests, for bridging dividing lines among different segments of society as well as support for an active and organised civil society.

3. Relevant activities shall also include, *inter alia*, support for mediation, negotiation and reconciliation efforts, for effective regional management of shared, scarce natural resources, for demobilisation and reintegration of former combatants into the society, for addressing the problem of child soldiers, as well as for suitable action to set responsible limits to military expenditure and the arms trade, including through support for the promotion and application of agreed standards and codes of conduct. In this context, particular emphasis shall be given to the fight against anti-personnel landmines as well as to addressing an excessive and uncontrolled spread, illegal trafficking and accumulation of small arms and light weapons.

4. In situations of violent conflict the Parties shall take all suitable action to prevent an intensification of violence, to limit its territorial spread, and to facilitate a peaceful settlement of the existing disputes. Particular attention shall be paid to ensuring that financial resources for co-operation are used in accordance with the principles and objectives of the Partnership, and to preventing a diversion of funds for belligerent purposes.

5. In post-conflict situations, the Parties shall take all suitable action to facilitate the return to a non-violent, stable and self-sustainable situation. The Parties shall ensure the creation of the necessary links between emergency measures, rehabilitation and development co-operation.

...

European Union-African Union Ministerial Meeting Final Communiqué (2005)

Communiqué of the fifth Ministerial Meeting of the African and EU Troikas in Bamako, Mali, on 2 December 2005. Available online at http://europa-eu-un.org/articles/en/article_5420_en.htm

Introduction

In the framework of the EU-Africa dialogue, the Fourth Ministerial Meeting of the African and European Troikas met in Luxemburg, on 11 April 2005. The meeting was preceded by a meeting of Senior Officials, held from 8 to 9 April 2005. The Meeting of Ministers was co-chaired by the Minister of Foreign Affairs of Nigeria, H.E. Oluyemi Adeniji, current Chairperson of the AU Executive Council and by H.E. Jean Asselborn, Minister of Foreign Affairs and Immigration of Luxemburg, current President of the Council of the European Union (EU).

The AU Troika was also composed of H.E. Alcinda de Abreu, Minister of Foreign Affairs and Co-operation of Mozambique and the African Union Commissioners Dr. Maxwell M. Mkwezalamba, Commissioner for Economic Affairs, Mr. Said Djinnit, Commissioner for Peace and Security and Mrs. Elisabeth Tankeu, Commissioner for Trade and Industry.

The EU Troika was also composed of the Secretary General/High Representative for Common Foreign and Security Policy of the Council of the European Union, Mr. Javier Solana, the Minister for Africa of the United Kingdom, Mr. Chris Mullin, and the member of the European Commission, responsible for Development Aid and Humanitarian Affairs, Mr. Louis Michel. During the deliberations, Ministers considered the following issues and made recommendations thereon.

I. Peace and Security

(a) Recent developments in conflict situations in Africa: Enhancement of EU-AU partnership in the settlement of conflicts

Ministers exchanged views on matters relating to peace and security in Africa, including on specific conflict situations, terrorism and the progress made with regards to capacity building in the field of conflict prevention and crisis management, emphasising the objective of consolidating and further developing their partnership in this area.

Regarding Sudan, Ministers welcomed the signing of the comprehensive peace agreement between the Government of Sudan (GoS) and the Sudan People's Liberation Movement/ Army (SPLM/A), which should pave the way for the promotion of peace, post conflict reconstruction and development of all parts of Sudan. This is for restoring peace, security and stability in the whole of Sudan. The two sides encouraged the parties to work for the full and swift implementation of the agreement, expressing the hope that the principles set out in the comprehensive peace agreement, in particular those relating to power sharing and distribution of wealth with a view to the integration of marginalised regions, would serve as a basis for restoring peace, security and

stability in the whole of Sudan, including Darfur. The two sides reiterated their readiness to provide support for the implementation of the comprehensive peace agreement and for the United Nations Mission in Sudan (UNMIS) and the EU its readiness to provide material and diplomatic support. They expressed the hope that the Oslo donors' conference on 11-12 April would result in substantial contributions to the development of Sudan.

Ministers expressed their grave concern at the continuing conflict in Darfur and its consequences for the civilian population. The two sides condemned the violations by all parties of the cease-fire, particularly the assaults on the civilian population, humanitarian workers and on the personnel of the AU. They strongly urged the parties to refrain from the use of force and to seek peaceful channels for resolving their differences, as well as to fulfil the demands expressed in United Nations (UN) Security Council Resolutions 1556, 1564, 1574, 1590 and 1591. The two sides, looking forward to the resumption of the Abuja talks and welcoming the efforts made by the AU in preparation of the next round of negotiations, called on the parties to live up to their commitment to seek a peaceful and negotiated solution to the conflict in Darfur and to swiftly proceed with the negotiations. In this regard, the EU and the AU agreed on the necessity to co-ordinate and harmonise their efforts in supporting the negotiation process.

The EU expressed its appreciation for the leadership role of the AU in addressing the Darfur conflict and in particular congratulated the AU in its success and achievements in establishing AMIS and improving the security situation in Darfur. For its part, the EU expressed appreciation for the support and co-operation provided by the EU for AMIS, under the Peace Facility and in terms of expert support. The EU commended the AU for conducting the recent assessment mission, which, in an open and transparent manner, had provided an objective analysis of the current status of AMIS. In this regard, both sides stressed the importance of bringing AMIS up to full operational capability through addressing the organisational and logistical problems identified by the assessment mission. The EU offered its assistance in this regard, on the basis of a list of priority initiatives to be drawn up by the AU. Both parties emphasised the importance of the civilian component of AMIS and of a swift completion of the remaining phases of the deployment of the mission's police component. The EU reiterated its continuing support to AMIS and its readiness to strengthen it.

Ministers reiterated their support for the process of transition in Somalia, emphasising the importance of inclusiveness and consensus-building in achieving peace and stability in Somalia. They urged all factions and militia leaders in Somalia to cease hostilities and to conclude a comprehensive and verifiable cease-fire agreement leading to full disarmament. The EU commended the AU and IGAD for their efforts to promote security and stabilisation in Somalia and confirmed its willingness to examine requests for assistance in this regard. In addition, the EU stressed the need to sustain consensus within and among the transitional institutions in pursuit of the peace and reconciliation process in Somalia. It also underlined the need for careful planning of any peace support mission. Ministers also recognised the importance, of moving the transitional institutions to Somalia, in the restoration of peace and stability in this country.

On DRC, the two parties welcomed the progress realised in the peace and transition process. They called on the Congolese leaders to relentlessly pursue their engagement, in preparing for the impending elections. The EU

welcomed the African Union's efforts aiming at the operationalisation of the joint verification mechanisms agreed on by Rwanda and the DRC and aiming at the restoration of confidence between the two countries. The EU also welcomed the efforts of the AU to contribute to the disarmament of the Ex-Far/Interahamwe and other armed groups present in Eastern Congo. In this regard, the two parties encouraged the FDLR (Forces Démocratiques de Libération du Rwanda) to live up to the commitments made in Rome, Italy, on 30 March 2005, in which the movement undertook to refrain from armed action, condemned the 1994 Rwandan genocide and announced its decision to join the DDRRR process. Moreover, the AU expressed its appreciation for the EU's efforts in support of the transition in the DRC. The two parties agreed to maintain their ongoing efforts and to reinforce their partnership in order to support the entire regional process.

On Côte d'Ivoire, Ministers expressed appreciation and support for the mediation efforts of the AU under the leadership of President Thabo Mbeki and expressed their satisfaction with the Pretoria Agreement. They urged the Ivorian Parties to respect their commitments and to implement all provisions included in the Pretoria Agreement. Both sides reiterated their support to the Neutral Forces and welcomed the decision of the Ivorian parties to request the United Nations to be involved in the organisation of general elections. They recalled that a solution to the crisis has to be found in free, democratic and inclusive elections. The two parties reiterated their engagement to support the efforts underway to implement the Linas - Marcoussis, Accra III and Pretoria agreements.

The two sides expressed their satisfaction with the important role played by the AU and ECOWAS in ensuring the return to constitutional legality in Togo. The action taken by these two organisations served to underscore the resolve of African organisations to refuse unconstitutional seizure of power and promote good governance. The importance of supporting the electoral process in Togo and the long-term consolidation of democracy in the country was stressed. The AU welcomed the EU's support to the efforts of the AU and ECOWAS, and both parties underlined the need to further increase their co-operation in this regard.

The EU welcomed the AU's efforts in Burundi, the Comoros, Liberia, the Central African Republic, and Guinea-Bissau. Both sides stressed the necessity to continue supporting the ongoing peace processes in these countries and reiterated their commitments to work towards achieving permanent and irreversible peace.

(b) Terrorism

Ministers reaffirmed their commitment and determination to continue to co-operate in the global fight against terrorism. The AU informed the EU on the status of operationalisation of the African Centre for the Study and Research on Terrorism, and welcomed the EU's contribution in this regard. The EU expressed appreciation for the AU counter-terrorism policies, and in particular the AU appeal to its member states to ratify and implement all relevant international instruments to combat terrorism. The AU stressed the need to co-operate in the field of information exchange. The two parties undertook to co-operate in achieving a common position on the UN Convention against Terrorism.

(c) Progress report on the capacity building agenda in the field of peace and security

Ministers reviewed progress made by the AU and other African organisations regarding the strengthening of capabilities in the area of peace and security, as well as European-African co-operation in this respect. The AU underlined the contribution of the Peace Facility to the substantial progress realised in the area of conflict resolution in Africa, as well as in the strengthening of the AU's capacity in conflict prevention, management and resolution. The AU presented a progress report on the ongoing programmes aimed at the completion of Peace and Security Council organs, the strengthening of the capacities of the Peace and Security Department, the establishment of the continental peace and security architecture and deployments in the field. The AU called upon the EU to replenish the Peace Facility in view of its numerous activities in the areas of conflict prevention, management and resolution and the need to strengthen the capacity of the Peace and Security Department and Subregional organisations.

The EU informed the AU of the adoption of the Action Plan in the framework of the European Security and Defence Policy (ESDP) in support of African peacekeeping capabilities and expressed its readiness to assist in this regard. Both parties recognised the importance of post-conflict reconstruction in the consolidation of peace and stability. They underlined the need to draw lessons from the past and to enhance coherence between peace and security and economic reconstruction and development. In this context, both sides noted with interest the UNSG's proposal on the creation of a Peacebuilding Commission.

II. Governance

(a) Progress report on the governance agenda of the AU and the support provided by the EU

The two sides exchanged views on the current state of play in the field of governance in Africa based on the AU's priority activities in the area of enhancing more transparent, participatory and democratic practice in public life. The two sides welcomed the progress made in operationalising the African Peer Review Mechanism (APRM) and looked forward to the first APRM review. The EU offered to support the APRM, including through the APRM Trust Fund, as well as through the implementation of APRM recommendations in the future.

The two sides welcomed the contribution of the Pan African Parliament to improving good governance in Africa. The two sides also noted the efforts of the AU with assistance from the international community, including the EU, to set up a Governance Unit at the AU Commission to strengthen the capabilities of African states in dealing with governance issues. The two sides stressed their shared responsibility in fighting corruption, including through the return of illegally acquired assets to their countries of origin, capacity building to address corruption, public service reforms, improving budget and fiscal transparency, improving public procurement policy and administration, and increasing transparency in extractive industries. The two sides agreed to report on progress made in these areas to a forthcoming EU-Africa Ministerial troika meeting.

This would include addressing legal obstacles to the return of illegally acquired assets to Africa.

The two sides agreed to work together to encourage member states to ratify the UN Convention against Corruption.

(b) Election observation

The two sides welcomed efforts by the AU at sending regular electoral observer missions to Member States, at the invitation of such States in accordance with the AU Durban Declaration on the Conduct of Democratic Elections, and to establish an AU Election Monitoring/Observation Unit. The African side expressed its gratitude for the EU contribution of Euro 2 million to support the AU governance agenda including electoral observation. The two sides welcomed the AU's efforts to ensure systematic election observation, through, *inter alia*, the setting up of an electoral assistance unit and an electoral assistance fund and looked forward to the publication in 2005 of AU guidelines on election monitoring and observation. The two sides agreed to co-operate in carrying out their respective mandates when observing elections.

Both sides exchanged views on electoral processes in Africa. The EU expressed its position on the electoral process in Zimbabwe. The AU restated its position on the matter.

(c) Human rights

The two sides welcomed the entry into force of the Protocol establishing the African Court on Human and Peoples Rights and noted the decision of the AU Heads of State and Government on the merger of the African Court of Human and Peoples Rights with the African Court of Justice for reasons of efficiency and effectiveness. They also agreed to work together to strengthen the work of the African Commission on Human and Peoples Rights in supervising the implementation of the African Charter on Human and Peoples Rights.

Ministers reiterated the importance of the International Criminal Court in the global fight against genocide, war crimes and crimes against humanity.

The African side stressed the importance of providing adequate support to facilitate voluntary repatriation of refugees and internally displaced persons and to ensure the sustainability of democracy and good governance through their full participation in elections and socio-economic development.

III. Regional integration and trade Joint EU-AU mechanism on the supervision of the EPA negotiations

(a) Regional Integration

The EU reiterated its readiness to assist Africa in accelerating its integration process. In this respect, the EU stressed the need to use the EPAs to enhance Africa's efforts in the areas of regional integration. The AU welcomed this commitment, and highlighted the measures it has taken to accelerate the integration process which included the review of the new protocol on relations between the AU Commission and the RECs, evaluation of the implementation schedule under the Abuja treaty, and the rationalisation of the RECs.

Furthermore, the AU Commission drew the attention of the EU to the importance of supporting the capacity building of the RECs and the AU Commission.

The AU appealed to the EU to prioritise the provision of economic assistance targeted at addressing the root causes of poverty linked to conflict. The EU took note of this appeal and welcomed the convergence of actions between the two Commissions in addressing this issue.

(b) Trade

In recognising the EPAs as a development instrument, the AU emphasised the need to contribute to the improvement of Africa's capacity in international negotiations and to enhance the access of African products into European markets. Furthermore, the AU Commission launched an appeal to the EU side to call upon the private sector to increase its investment in Africa.

The EU provided information on the state of play of the negotiations in the six regional groupings. Both sides agreed on possible dates for meetings of the joint EU-AU mechanisms in May/June 2005. Configuration of the negotiating groups in Africa was mentioned as a possible agenda item.

IV. Key development issues

Environment including desertification, drought, natural calamities and locusts

Ministers noted the need to strengthen the co-operation between Africa and the EU on critical environmental issues facing Africa, such as land degradation, desertification and drought, poor water supply, the deterioration of the coastal and marine environment and the loss of biodiversity. They also noted the need to collaborate in fighting the locust plague. While underlining their own efforts in this area, the African side also recognised the EU's contribution during the recent outbreak by locusts by providing funds through the FAO. It also expressed appreciation for the creation of EU-ACP Water Facility. Both sides expressed the hope that an agreement would be reached on operational principles in the framework of the 13th session of the UN Committee on Sustainable Development (11-22 April 2005), allowing for progress on the objectives the international community set itself, notably in the framework of the Johannesburg summit of 2002.

...

4. Tokyo International Conference on African Development (TICAD)

Tokyo Declaration on African Development: Towards the 21st Century (TICAD I) (1993)

Adopted on 6 October 1993 at the first Tokyo International Conference on African Development (TICAD I), by over 1,000 participants from 48 African countries, 13 donor countries, international organisations, observer countries and other groups, including civil society organisations. Available online at: http://www.ticad.net/tokyo_declaration_1993.html

We, the participants of the Tokyo International Conference on African Development (TICAD), consisting of African countries and Africa's development partners, declare with one voice our continued dedication to the development of Africa towards a new era of prosperity. We, therefore, solemnly adopt the present Declaration, in the firm belief that it will serve to strengthen an emerging new partnership for sustainable development of Africa based on self-reliance of African countries and the support of Africa's development partners.

Background

1. Africa's economic and social crises of the 1980s highlighted the development challenges faced by this Continent. To address these challenges, many African countries have embarked on far-reaching political and economic reforms. We, the participants of TICAD, are encouraged by signs in recent years of both positive macro-economic performance and political development resulting from those reforms. In so doing, we nevertheless recognise the continued fragility and vulnerability of Africa's political and economic structures and situations that inhibit the achievement of sustainable development. TICAD intends to give further impetus to these reforms, taking into account the United Nations New Agenda for the Development of Africa in the 1990s (UN-NADAF).
2. With the end of the Cold War, African countries and the international community now have an opportunity to share a broader common understanding of the need for dynamic development co-operation. The development of the Continent has emerged as an imperative in our search for a better future.
3. While special consideration should be given to obstacles confronting Africa, we are determined to strengthen our collective forward-looking efforts for the development of the Continent. This has been the spirit in which we have conducted our deliberations on the issues central to sustainable development in Africa.
4. These issues include the on-going process of simultaneous political and economic reforms, the necessity of increased private sector participation in domestic economic activity, the promotion of regional co-operation and

integration, and the detrimental effects of humanitarian emergencies on Africa's socio-economic development. We recognise that the Asian experience of economic development and the catalytic role of international co-operation offer hope and provide a challenge for African economic transformation.

Political and Economic Reforms

5. Convinced of the advent of a new international era, we, the African participants, reaffirm our commitment to pursue and further strengthen political and economic reforms, in particular democratisation, respect for human rights, good governance, human and social development, and economic diversification and liberalisation. To achieve sustainable, broad-based economic growth, we, the participants of TICAD, believe that more open, accountable and participatory political systems are vital, including a stronger role for civil society. We recognise that political, economic and social reforms must be initiated and carried out by African countries themselves, based on their visions, values and individual socio-economic background. Africa's development partners should therefore support African initiatives in these areas.

6. We, the participants of TICAD, recognise that simultaneous implementation of political and economic reforms, while conducive to development, may often entail painful transition processes. The interaction between political and economic reforms, which over time should be mutually reinforcing, is a complicated process which requires support to bring about progress. We, Africa's development partners, reaffirm our commitment to providing priority support to countries undertaking effective and efficient political and economic reforms. We, the participants of TICAD, also reaffirm our commitment to enhancing constructive dialogue to facilitate the reform processes.

7. We, the African participants, reaffirm our commitment to improving the quality of governance, in particular, transparency and accountability in public administration. We recognise that criteria for public expenditure should aim at enhancing overall socio-economic development and reducing non-productive expenditures. The building of human and institutional capacities for sustainable development is essential for all of these objectives. We commit ourselves to creating the enabling environment for training, retaining and effective utilisation of human resources and improving institutional capacities. We, Africa's development partners, will enhance our support for African capacity building including improved technical assistance.

8. We, the participants of TICAD, reaffirm that structural adjustment programmes should take more actively into consideration the specific conditions and requirements of individual countries. We reiterate that political and economic reforms should ultimately lead to the alleviation of poverty and enhanced welfare of the entire population. To that effect, structural adjustment programmes should contain, more than in the past, measures to improve the access of the poor in particular to income earning opportunities and to effective social services, while seeking to shield them as far as possible from adverse social consequences. Increased priority should be given to investment in human capital through nutrition, health and education programmes, especially to improve the situation of women and children. Additionally, noting that the overall economic development in Africa has not kept pace with Africa's rapid population growth, we recognise the importance of sound population policies and call upon African Governments and the

international community to address this issue within the socio-economic development process.

Economic Development through Activities of the Private Sector

9. The private sector is vital as an engine for sustainable development. We, the participants of TICAD, agree that though foreign aid has an impact on development, its role is only supplementary in magnitude and catalytic in nature. We recognise that a workable and practical co-operation between government and the private sector is a key factor for development. A climate of trust between these two actors should be encouraged and interaction promoted. We realise that political and economic stability is a prerequisite to commitments for long-term investments.

10. We, the African participants, are determined to continue policies which foster a greater role for the private sector and which encourage entrepreneurship. While stepping up deregulation measures, we will provide and maintain, in co-operation with our development partners, physical infrastructure and viable administrative, legal and financial institutions. We consider in general the informal sector as a source of vitality for African economies which deserves support in order to further mobilise entrepreneurial capacity, generate employment, and to facilitate the transition into the formal economy.

11. We, the participants of TICAD, are convinced that further improvements in financial systems and practices are needed to stimulate domestic savings investment, and to prevent and reverse capital flight.

12. In support of these efforts, we, Africa's development partners, shall continue to provide assistance in order to improve the enabling environment which requires economic reforms and privatisation, the building of human and institutional capacities, and the development of financial intermediation. We recognise the importance of appropriate insurance and guarantee schemes to protect private enterprises investing in Africa from political and economic risks.

13. We, the African participants, affirm the central importance of international trade to our future development prospect. We, Africa's development partners, will work to facilitate market access for African products globally and to assist in up-grading and diversifying African exports. We, the participants of TICAD, support the vital role of private associations such as the African Business Round-Table and confirm the usefulness of investment – and trade-promotion initiatives within Africa and between Africa and the rest of the world.

Regional Co-operation and Integration

14. We, the African participants, reaffirm our vision and aspiration for ultimate regional integration and co-operation goals as embodied in the Abuja Treaty establishing the African Economic Community. We, the participants of TICAD, realise that although these goals have been, since the early years of independence, a logical development strategy for African countries, most of which have small national markets, greater efforts must now be made in promoting inter-regional trade and investment.

15. We, the African participants, will ensure that our commitments to regional schemes are fully incorporated in our national development plans, policies and programmes.

16. We, Africa's development partners, welcome and support the renewed commitment to regional co-operation and integration as has been recently demonstrated by African countries. These regional arrangements should continue to be consistent with the multilateral open trading system, and contribute to trade expansion. We will continue to extend our support to African countries' efforts aimed at reducing obstacles to integration through measures such as reduction of trade and investment barriers and policy harmonisation, and to viable regional endeavours particularly in the area of infrastructure development and capacity building. We, the participants of TICAD, believe that regional integration should also be pursued by encouraging private sector initiatives, adopting consistent and gradual approaches for broadening exchanges and rationalising existing schemes.

Emergency Relief and Development

17. We, the participants of TICAD, note with great concern that over the last two decades, and particularly in recent years, that a large number of African countries have suffered and are still suffering from natural and man-made disasters. The international community has responded generously to these situations since the early crises in the 1970s.

18. These disasters have constrained development in many African countries, destroyed the very basis for development, increased the number of refugees, and diverted human and financial resources that otherwise could have served development purposes.

19. We, the participants of TICAD, realise that man-made disasters are the result of a complex interplay of political, economic and social factors. In this context, lack of democratisation and respect for human rights and the rights of minorities are among the root causes of these disasters.

20. We, the participants of TICAD, accept that responsibility for disaster prevention and management rests primarily with Africans themselves. We, the African participants, are therefore determined to devote our efforts to addressing the root causes of these disasters. We also confirm the critical role of regional co-operation as demonstrated in the past. We, the participants of TICAD, underscore the need to establish effective mechanisms for prevention, preparedness and management of man-made and natural disasters in general, and to strengthen food security schemes in particular. We, therefore, welcome the decision of the Organization of African Unity to establish the Mechanism for Conflict Prevention, Management and Resolution and pledge our support to strengthen the effective functioning of this mechanism. We also reaffirm our willingness to assist victims of disasters, and urge the removal of all hindrances to effective distribution of relief supplies.

21. We, Africa's development partners, having recognised that there is a continuum between emergency relief and development, will ensure that the humanitarian assistance for the affected communities continue to be provided for resettlement, rehabilitation and reconstruction.

Asian Experience and African Development

22. Over the past 30 years, in contrast to Africa, the countries of East and South-East Asia have achieved high rates of growth in per capita income. We, the participants of TICAD, are mindful that in view of the differing international and internal conditions no one model of development can be simply transferred from one region to another. Nevertheless, we acknowledge some relevance of the Asian experience for African development. The very

diversity of successful Asian countries gives hope that lessons can be drawn for African development.

23. We, the participants of TICAD, have noted that as demonstrated by the successful examples of the Asian development experience, the backdrop of development success lies in the combination of a strong commitment by the leadership and the people to economic prosperity, appropriate long-term development strategies and functional government administration to pursue these strategies coherently.

24. We have also noted that the policy factors which contributed to the remarkable performance of East and South-East Asia have included (1) the rational application of macro-economic policies and maintenance of political stability, (2) the promotion of agricultural production through technological research and innovations as solid basis for socio-economic development, (3) long-term investment in education and human resource development as priority of development strategy, (4) market-friendly and export-led policies to advance and adapt modes of production in order to increase opportunities for trade and economic growth, (5) measures to stimulate domestic savings and capital formation by developing financial intermediation and by expansion of banking services at the community level, (6) policy emphasis on the private sector as an engine of growth and development, and (7) early implementation of land reform.

25. We, the participants of TICAD, recognise that development achievement in East and South-East Asia have enhanced opportunities for South-South co-operation with Africa. We welcome the interest shown by some Asian and African countries in promoting this co-operation.

International Co-operation

26. We, the participants of TICAD, have concluded that the current situation in Africa calls for increased solidarity among us to act in full partnership to address this situation. This new partnership should be based on Africa's objective to achieve self-reliance on the one hand and responsive support by Africa's development partners on the other.

27. We, the participants of TICAD, agree that stability and security are prerequisites to sustainable development, and that it is essential to make efficient use of scarce resources and to minimise military and other unproductive expenditures.

28. We, the participants of TICAD, realise that development calls for full participation by the people at all levels, who should be galvanised toward action as agents for progress. In this regard, we acknowledge the dynamic and diversified role of African women in various sectors of the economy and recommend that special measures be taken to promote their rights and roles in order to enhance gender equity and to remove all legal, social and cultural barriers for advancement of women. Furthermore, we recognise the need to enhance co-operative efforts with local NGOs and other institutions of civil society which play constructive roles for African development.

29. We, Africa's development partners, will make all efforts to enhance development assistance to Africa, despite current global economic difficulties. This assistance will be increasingly oriented toward the priorities set by African countries. In making commitments to continued and enhanced co-operation, we will take into account the expectation of our constituencies that resources be spent where they are most efficiently utilised for the greatest development impact.

30. As African countries are at various stages of development, and have different cultural and historical backgrounds, we, Africa's development partners, may take differentiated approaches as we plan and implement our development co-operation, with due regard to aid coordination.

31. We, Africa's development partners, will apply a comprehensive approach covering aid, trade, debt strategy and investments. We, the participants of TICAD, reaffirm that debt and debt service still pose serious difficulties to many African countries. We emphasise the necessity to urgently address the debt issue within the overall context of debt relief and flows of new financial resources for development. We confirm the validity of the international debt strategy and invite the Paris Club to continue reviewing the question of debt relief for the poorest highly-indebted countries, especially with regard to earlier reductions in the stock of debt on a case by case basis. We urge creditor countries to take into account the difficulties that heavily indebted African countries are now facing.

32. We, the participants of TICAD, reiterate the importance of a successful conclusion to the Uruguay Round of GATT negotiations and will make all efforts to remove trade barriers and other trade practices that prevent the expansion of African exports including exports to other African countries. We underscore the importance of primary commodities for many African countries export earning and the need for diversification to reduce the volatility of these earnings.

33. We, the participants of TICAD, confirm that United Nations Conference on Environment and Development (UNCED) agreements should be steadfastly implemented with a special emphasis on balanced relationships among agriculture, population and environment policies, particularly drought and desertification.

34. We also recognise that many of the gains made in Africa are threatened by the HIV/AIDS pandemic and related diseases which are already of a disastrous proportion in some countries. There is a need for a much stronger response by Africa and its development partners, for preventing and controlling these diseases including caring facilities as well as measures addressing its socio-economic impacts.

Follow-up

35. We, the participants of TICAD, pledge to take, in our respective spheres of responsibility, measures aimed at advancing the spirit of this Declaration through effective policies and actions. We have entrusted the three co-organisers of TICAD with evaluating and reviewing progress made towards the implementation of this Declaration. Ultimately, we intend to hold a conference of a similar magnitude and membership at the latest before the turn of the century.

Tokyo Agenda for Action (TICAD II) (1998)

Adopted at the Second Tokyo International Conference on African Development on 21 October 1998. Available online at: http://www.ticad.net/tokyo_agenda_for_action_1998.html

I. Introduction

1. Africa is undergoing a profound transformation. Since the first Tokyo International Conference on African Development (TICAD-I) in 1993, a number of countries have emerged as open and democratic nations, which are beginning to achieve significant economic growth. Sound political and economic reforms that promote democratic principles and facilitate market-driven economic activity have encouraged this resurgence.

2. Nevertheless, widespread poverty and inadequate policies stunt individual potential in a sizeable number of countries. In most cases, the poorest segment of the population has yet to benefit from overall economic growth. Poverty and inequality contribute to political instability. Violent conflicts ravage the lives of many, and the foundations for durable peace and security remain fragile. Conflicts have to be settled by peaceful means using existing mechanisms of conflict management provided by the United Nations system, the OAU, and African subregional organisations.

3. We are therefore determined to build on the progress made since TICAD-I, and renew the resolve to meet the remaining challenges in African development. To this end, we, the participants of TICAD-II, have gathered here in Tokyo to adopt this Agenda for Action. We reaffirm our strong commitment to the actions identified here, which will be followed up by African countries with support and assistance from their development partners in the spirit of true partnership, building on the ownership and priorities of African countries themselves.

...

3. Basic foundations for development

29. Democracy and good governance, as well as peace and security, are essential to socio-economic development, in Africa. The fundamental principles of democracy and good governance are widely accepted, but their applicability to the African context should take into account the specificity of each individual country, its historical circumstances and cultural realities. Violent conflicts in a number of countries constitute a major obstacle to sustainable development in Africa, potentially reversing its economic progress and impeding its future development.

3.1 Good governance

30. In recent years, many African countries have made significant progress in democratisation. To consolidate this positive trend and achieve further progress in social and economic development on a sustained basis, African countries need to intensify their efforts to further strengthen good governance, taking into account their respective cultural and political circumstances.

(a) Goals and objectives

- (i) strengthen constitutional legitimacy and democratic systems based on the principle of separation of executive, legislative, and judicial powers;
 - (ii) strengthen institutions that are essential components of good governance and democracy;
 - (iii) promote respect for human rights and the rule of law;
 - (iv) enhance accountability, and transparency and efficiency in public administration;
 - (v) promote a culture of tolerance, and promote broader participation in the decision-making process, particularly participation by women and civil society;
 - (vi) promote social justice by encouraging equitable development across different ethnic groups and geographic areas.
- (b) Guidelines for action

To achieve the above goals, African countries will:

- (i) ensure that multiparty democratic elections are truly free and fair, and strengthen appropriate institutions;
- (ii) establish an independent, impartial and adequately funded judiciary to ensure fair and effective enforcement of the law;
- (iii) strengthen human and institutional capacities of the legislature and enhance its oversight functions in relation to policy-making and budget formulation;
- (iv) establish a lean, competent, transparent, accountable, and merit-based civil service, with institutional support for anti-corruption measures;
- (v) strengthen administrative capacity also at the local level and facilitate the process of decentralisation;
- (vi) facilitate the development of a strong civil society, including community-based organisations and women's groups, and forge a genuine partnership between civil society organisations and government institutions involved in socio-economic development;
- (vii) consider the establishment of independent human rights and Ombudsman institutions, and promote civic education, with particular focus on human rights education.

Development partners will:

- (i) support efforts of African countries in strengthening human and institutional capacities of the legislature, judiciary, and executive branch of the government;
- (ii) support subregional/regional exchanges of experiences on best practices relating to governance, including devising indicators for the effective delivery of public services.

3.2 Conflict prevention and post-conflict development

31. Over the years, a number of wars have been fought in Africa, undermining Africa's efforts to pursue a durable peace stability and sustainable development. In recent years, Africa has made progress in conflict prevention, management, and resolution. In this respect, the establishment of the OAU mechanism is a significant step. Efforts by the OAU and subregional organisations need to be supported and consolidated to prevent a recurrence of conflicts and to initiate and strengthen post-conflict rehabilitation and reconstruction of the affected countries. The Secretary-General of the United Nations has issued a report on the Causes of Conflict

and the Promotion of Durable Peace and Sustainable Development in Africa (S/1998/318), which specifies actions to mitigate the potential for conflict.

(a) Goals and Objectives

- (i) strengthen African structures and capacities for conflict prevention, management and resolution;
- (ii) develop and implement effective confidence-building measures at national, regional and subregional levels as part of preventive strategies;
- (iii) provide a smooth and early transition from emergency relief in conflict situations, through rehabilitation and reconstruction, to post-conflict development;
- (iv) ensure the security of refugees and internally displaced persons.

(b) Guidelines for Action

To achieve the above goals, African Countries will:

- (i) intensify regional and subregional co-operation by exchanging information, monitoring and controlling illicit trafficking and stockpiling of small arms and light weapons. Towards that end, African countries may consider the possibility of conducting a study on appropriate measures for registering transactions of small arms and light weapons within the framework of the United Nations or other regional mechanisms, including the intensification of co-operation within OAU for the possibility of formulating a convention on the illicit possession and transfer of small arms;
- (ii) provide vocational training to former and demobilised combatants and refugees; and develop programmes for effective management and eventual destruction of accumulated weapons, especially small arms;
- (iii) make efforts, where appropriate, to invite accession to and early entry into force of the 1997 Ottawa Convention on anti-personnel mines, and assist in the rehabilitation of victims and strengthen programmes for skill development for de-mining;
- (iv) ensure the protection and voluntary repatriation of refugees under international and humanitarian principles, such as those provided for in the United Nations and OAU refugee conventions, and work towards the establishment of international mechanisms to assist host governments in maintaining the security and neutrality of refugee camps and settlements;
- (v) promote the active participation and involvement of civil society including women's NGOs and women's groups in peacebuilding and conflict prevention.

Development partners will:

- (i) support integrated approaches to security and development, including capacity-building for police and internal security forces, and strengthening of border controls;
- (ii) continue financial and technical assistance to strengthen the capacity of the OAU and subregional organisations for the prevention, management and resolution of conflicts, as well as African centres for training in conflict prevention and peacekeeping;
- (iii) support the United Nations and OAU's efforts to develop an early warning and response system by enhancing their capacities to gather, analyse and disseminate necessary information through their communication and data bank systems;

- (iv) provide the necessary assistance in land mine clearance for affected countries and demobilisation of soldiers and their reintegration into civilian life, and increase the exchange of information between Asia and Africa on de-mining experience and technology;
- (v) take necessary action to monitor and prevent the export of small arms to potential conflict areas;
- (vi) support for emergency and post-conflict relief, rehabilitation and reconstruction, and development, through mobilising resources and co-ordinated efforts within a framework of a long-term strategy, so as to facilitate the transition from emergency relief to development assistance;
- (vii) provide assistance to ensure prevention of recruitment of children into armed forces and provide for productive social re-integration of demobilised child soldiers through support to their families and through provision of sound education, recreation, and employment opportunities;
- (viii) assist countries hosting refugees in restoring the social and economic infrastructure which have been destroyed in the process of refugees' movements and settlements.

TICAD Tenth Anniversary Declaration (TICAD III) (2003)

Adopted at the Third Tokyo International Conference on African Development held in Tokyo, Japan from 29 September to 1 October 2003. Available online at <http://www.ticad.net/declaration2003.pdf>

We, the participants of the Third Tokyo International Conference on African Development (TICAD III) held in Tokyo from 29 September to 1 October 2003, having reviewed the achievements of the ten-year TICAD process and discussed the future direction it should take in light of the latest developments on the African continent and in the international arena, declare as follows:

I. New Challenges for African Development

We recall that the TICAD process was launched in 1993, a time when international interest in Africa was waning as a result of the end of the Cold War. During the following decade, the TICAD process has consistently promoted African development from the standpoint of African countries and peoples by assisting Africa to enhance its ownership of its development programs and reviving international partnership in support of such programs. These basic principles of the TICAD process, now widely shared not only by African countries but also by the international community as a whole, have

made a significant contribution to encouraging international commitment to African development within international frameworks such as the United Nations and the G8 process.

In the 1980s and 1990s, African leaders had already expressed the political desire to demonstrate Africa's ownership of its development process through the Lagos Plan of Action, and later agreeing to the establishment of the African Economic Community. At the dawn of the new century, the framework for realisation has been established through the transformation of the Organization of African Unity (OAU) to the African Union (AU) and the adoption of the New Partnership for Africa's Development (NEPAD) as a programme of the AU. The international community welcomed this commitment by Africa and offered to provide its solid support for achieving sustainable development through various initiatives such as the Millennium Development Goals (MDGs), the LDC's Plan of Action, the Monterrey Consensus, the G8 Africa Action Plan, and the Plan of Implementation of the World Summit on Sustainable Development (WSSD). This momentum in both Africa and the international arena thus evolved into an interactive process of ownership by Africa and partnership by the international community. Recognising this positive international trend that can create a critical turning point in Africa's development process, the TICAD process, together with NEPAD, is now to embark on a new challenge to realise the African Vision that 'Africa will claim the twenty-first century' by fully employing its abundant natural and human resources for self-sufficient and sustainable development and enjoying the benefits of trade, industry, and investment through integrating Africa into the global economy.

We, the participants of TICAD III, hereby reaffirm TICAD's basic philosophy and renew our political commitment to the goal of African development on this commemorative occasion of the tenth anniversary of TICAD. We believe that this 'TICAD Tenth Anniversary Declaration' constitutes another important step for major progress toward African development in the twenty-first century.

II. Achievements of the TICAD Process

We acknowledge that TICAD is not simply a series of conferences but an evolving process. The TICAD conferences have brought a general consensus on development philosophy and priorities for African development through the 'Tokyo Declaration' and the 'Tokyo Agenda for Action,' adopted at TICAD I (1993) and TICAD II (1998), respectively. The TICAD process has also been playing a catalytic role in translating its philosophy and priorities into tangible projects in areas such as human resources development and socio-economic infrastructure. The ceaseless efforts under the TICAD process over the past ten years, thus, have steadily contributed to African development by presenting unique views on African development and new grounds for partnership. Its key achievements include the following:

1. Raising Awareness of the Challenges Facing Africa

It is noteworthy to recall that each TICAD conference has contributed toward maintaining the focus of the international community on African development during periods when global attention to Africa was about to be diverted to other regions. TICAD I was convened in 1993 after the end of the Cold War;

TICAD II in 1998 coincided with the Asian financial crisis; and the TICAD Ministerial-level Meeting in 2001 was held immediately after the September 11 terrorist attacks in the United States. At those critical moments, The TICAD process, together with other regional and international initiatives, continually highlighted African development and provided the advocacy momentum to mainstream African issues on the international agenda in a series of international forums, including the International Conference on Financing for Development in Monterrey, G8 Summits, the WSSD, and the Third World Water Forum. This momentum successfully led to the concerted co-operation of the international community through the United Nations and the G8 process and complemented Africa's own efforts as manifested by NEPAD and the AU. The TICAD process thus significantly contributed to raising awareness of the challenges facing Africa and its tenth anniversary comes at a time when the circumstances for African development are more favourable than ever, both within Africa and externally. However, we have noted with regret that there was little or no progress in advancing the Doha Development Agenda at the WTO Ministerial Conference in Cancun. The creation of an equitable international trade system remains as a major challenge to African development.

2. 'Ownership' and 'Partnership'

The TICAD process has constantly advocated that 'ownership' by African countries of their development processes and 'partnership' by the international community in support of such ownership are essential for African development. These concepts have found wide acceptance among the international community including African countries. NEPAD, in particular, shares with TICAD its emphasis on African ownership and its focus on priority areas such as peace and governance, human resources development, infrastructure, agriculture, and private sector development. The TICAD process thus welcomes the establishment of NEPAD, while NEPAD recognises the TICAD process as a pivotal initiative in addressing the challenges of African development. It is therefore a natural consequence that the TICAD process and NEPAD support and complement each other.

3. Expansion of Development Partnership

The TICAD process is a unique international framework that has the active participation of diversified development actors, including African countries, African regional organisations, Asian countries, partner countries and international organisations, as well as the private sector and civil society organisations such as NGOs. This broad coalition expands development partnership, enriches ideas, and augments resources for African development. In particular, it is of great significance that the TICAD process has underscored the importance of South-South co-operation, especially Asia-Africa co-operation that utilises the successful economic development experiences of Asian countries. The enormous potential of Asia-Africa co-operation is illustrated by such examples as the development of NERICA (New Rice for Africa: a new rice variety developed by crossing Asian and African species) and private sector co-operation to facilitate economic linkages between the two regions, especially in trade and investment. As a result, the TICAD process, by suggesting additional ways to meet the challenges faced by Africa, has provided diversity and dynamism to the development process of the African continent. It is therefore of particular importance that Asian

countries are more actively involved in supporting the implementation of NEPAD through the TICAD process.

III. A Compass for the Future of the TICAD Process

We, the participants of TICAD III, note with satisfaction that the TICAD process has facilitated the synchronisation of Africa's efforts and the commitment of its development partners, in other words, African ownership and international partnership, and synthesised the resources of both sides for a common purpose. Thus, the TICAD process has contributed to enhancing ownership and partnership to develop genuine solidarity that leads to expanded and multi-layered co-operation in support of African development. Now Africa has provided a powerful vehicle – NEPAD – to accelerate African development. The TICAD process provides the philosophies of ownership and partnership as wheels of the vehicle, the solidarity between Africa and its development partners as the engine and the globally combined resources as fuel. Furthermore, through TICAD high-level policy forums, Africa and its development partners seek the underlying philosophy and guiding principles of co-operation for African development, which can serve as a compass for African development. Reaffirming international commitments to existing guidelines including the 'Tokyo Declaration' of 1993 and the 'Tokyo Agenda for Action' of 1998, we, the participants of TICAD III, reconfirm that African development should continue to emphasise the following viewpoints:

1. Leadership and People's Participation in the African Development Process

To realise development based on ownership, it is imperative that the political leaders of African countries exercise committed and progressive leadership. It is also indispensable that the peoples of Africa, the primary beneficiaries of development, share the spirit of NEPAD and actively participate in the development process. Achieving a well-balanced and sustainable development of Africa that genuinely and directly benefits African people is too formidable a challenge to be addressed through a single approach. This challenge can best be met by adopting a mutually reinforcing combination of two approaches: state-led development based on leadership and democratic governance, on the one hand, and community-based development based on the empowerment of individuals, on the other. It is essential that political leaders and their people share common values and work together to achieve their development goals. This national commitment upheld by strong leadership and grass-roots participation will ensure successful and sustainable development.

2. Peace and Good Governance

We note with appreciation the improved peace and security in some parts of Africa resulting from efforts by Africans themselves supported by the international community. However, it still remains critically important that African countries should consolidate such peace and put an end to remaining conflicts on the continent in order that States can devote all their capacity and resources to economic growth and sustainable development. Conflict is a serious obstacle to African development not only because it exhausts the States involved and wastes the resources of nations and peoples, but also

because conflict leaves long-term consequences such as refugees and internally displaced persons (IDPs), landmines, and the proliferation of small arms and light weapons that often exacerbates conflicts. It is encouraging that some African regional organisations and countries are playing key roles in the prevention and management of conflicts, but the consolidation of peace process including disarmament, demobilisation, and reintegration of ex-combatants (DDR), the repatriation of refugees and IDPs, and demining still requires broad support from the international community, and measures to prevent the illegal proliferation and trafficking in small arms and light weapons. In order to prevent the recurrence of conflicts, it is also essential to address the root causes of conflicts and to promote steadily economic and social reconstruction based on good governance that entails democratisation and the adoption of appropriate macro-economic policies. Although African ownership should primarily take the lead in the African development process, international partnership also has an important role to play in extending comprehensive and integrated assistance to African countries and peoples that are hindered from exerting such ownership by conflict.

3. Human Security

Ensuring the security of States is a prerequisite for the development of African countries, but may not automatically lead to better lives of individuals in Africa. It is likewise imperative to protect the peoples of Africa from any threats to their survival, dignity, and livelihood, and moreover to empower all, including women, children and other vulnerable groups, to shape and fully own the process of building communities and nations. Such protection and empowerment are pivotal concepts underlying human security. The Millennium Declaration of the United Nations in 2000 and the report of the Commission on Human Security in 2003 underscored the fact that the peoples of Africa still face serious problems such as poverty, hunger, infectious diseases including the HIV/AIDS epidemic especially, and a lack of education, thus indicating that Africa is the continent where human security is least assured. The TICAD process therefore places great emphasis on the concept of human security with a view to relieving the African people of their present afflictions, providing them with peace and hope for the future, and engaging them in the development process.

4. Respect for Distinctiveness, Diversity, and Identity

In order for Africa to take full ownership of its development process, Africa needs to set its own development goals. Self-confidence and self-esteem, based on due understanding of and respect for the history and cultures of Africa as the cradle of humankind, constitute the main driving force of African-owned development. The international community should not only acknowledge Africa's distinctiveness, diversity, and identity simply from cultural and historical points of view, but also recognise them as indispensable to African development. This approach, consonant with the NEPAD development philosophy, helps Africans to become true pioneers in carving out their own destiny. The international community is encouraged to support this view and incorporate it into development co-operation policies toward Africa.

IV. A New Partnership: Mutual Respect and Trust

We, the participants of TICAD III, recognise that the challenges facing African development are pressing global issues that must be addressed by both Africa and its partners in the twenty-first century. One of the ultimate goals of the TICAD process is to forge solidarity between Africa and the rest of the international community based on ownership and partnership because African development can be achieved only by the concerted efforts of Africa and its development partners. Africa should determine and own, with self-confidence and self-esteem, the direction it will take in pursuit of self-sufficient and sustainable development. The international community, at the same time respecting and trusting Africa's ownership, should deliver timely and substantial assistance to help Africa make the best use of its own resource, through enhancing current initiatives to promote market access and fair trade in order to support the efforts of African countries to gain a meaningful foothold in the global market place. It is also necessary to increase ODA and promote foreign direct investment.

We recall that the African Union has stated that 'today's investment in children is tomorrow's peace, stability, security, democracy, and sustainable development,' and also that NEPAD declares that it aims to 'give hope to the emaciated African child that the 21st century is indeed Africa's century' (NEPAD, paragraph 207). Affirming mutual 'respect' and 'trust,' we, the representatives of Africa and its development partners, are now to take a new step forward to fill the hearts of children in Africa with hope, not despair, and their lives with peace, not instability. This momentous step must be one that is taken not by leaders alone but also by each individual in all African countries and throughout the international community. We firmly believe that such a step, taken with great confidence and shared conviction, will truly take Africa forward to a bright and hopeful future.

We, the participants of the Third Tokyo International Conference on African Development, while proudly acknowledging the achievements of the TICAD process, hereby pledge to support Africa's ownership, especially the implementation of NEPAD, by working together to address the new challenges set before us.

5. Commission for Africa

Our Common Interest: Report of the Commission for Africa (2005)

Released on 11 March 2005. The recommendations of the Commission for Africa, initiated by British Prime Minister Tony Blair, informed discussions at the G8 Summit in Gleneagles in July 2005 (see above). Available online at: http://www.commissionforafrica.org/english/report/thereport/english/11-03-05_cr_report.pdf

...

Tackling the causes of conflicts, and building the capacity to manage them:

- The make aid more effective at reducing conflict, all donors, the international financial institutions, and the United Nations should be required to use assessments of how to reduce the risk of violent conflict and improve human security in formulating their country and regional assistance strategies.
- As a matter of priority and no later than 2006, the international community should open negotiations on an international Arms Trade Treaty (ATT).
- The international community must also adopt more effective and legally-binding agreements on territorial and extra-territorial arms brokering, and common standards on monitoring and enforcement. These agreements could be integrated into a comprehensive ATT.
- To speed up action to control the trade in natural resources that fund wars, the international community should agree on a common definition of conflict resources, for global endorsement through the United Nations and create a permanent Expert Panel within the UN to monitor the links between natural resources extraction and violent conflicts and the implementation of sanctions. The panel should be empowered to recommend enforcement measures to the UN Security Council.
- OECD countries should promote the development and full implementation of clear and comprehensive guidelines for companies operating in areas at risk of violent conflict, for incorporation into the OECD Guidelines on Multinational Enterprises.

Building regional and global capacity to prevent and resolve conflict

The international community must honour existing commitments to strengthen African peacekeeping capacity, including support for training logistics. But it must move beyond this to increase investment into more effective prevention and non-military means to resolve conflicts.

- To enable the AU to act quickly and effectively to prevent and resolve conflict, donors should agree to fund at least 50 per cent of the AU's Peace Fund from 2005 onwards. As far as possible, and in return for the implementation of effective financial accountability by the AU, these contributions out to be unearmarked and provided jointly on an annual

basis. Where funds are provided directly to RECs, these should also be co-ordinated and, where possible, unearmaked.

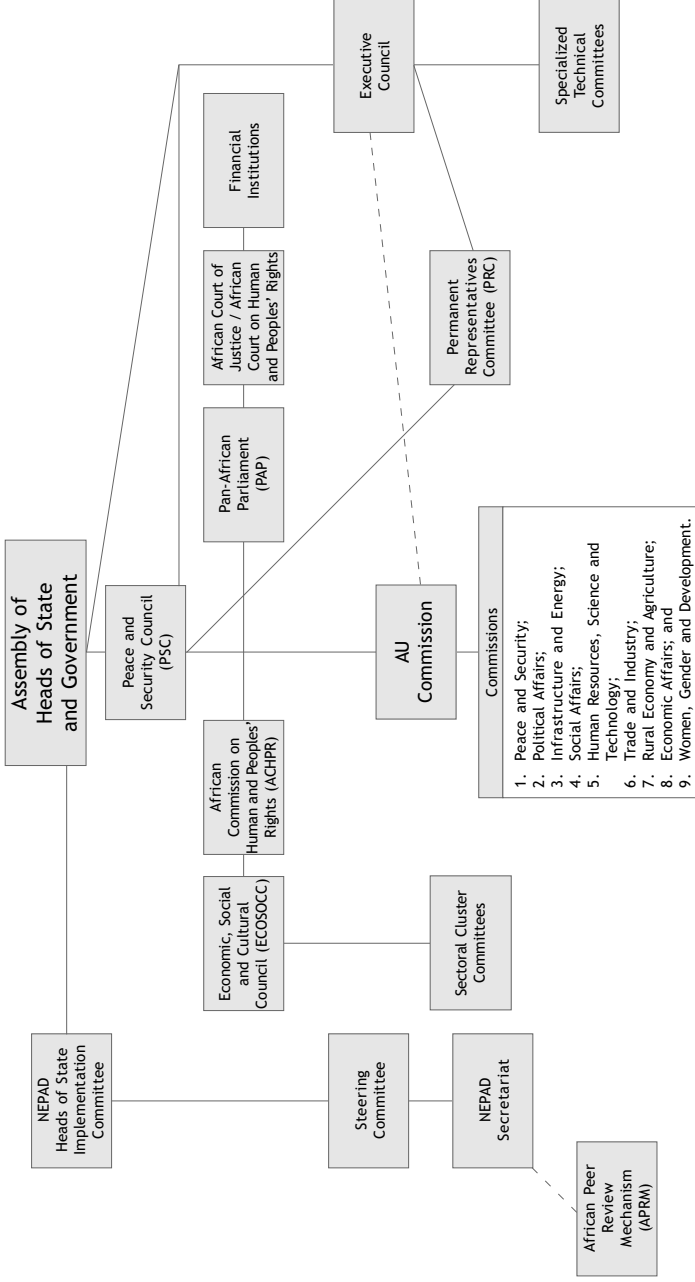
- In 2005, the UN and regional organisations must take steps to clarify their respective roles and responsibilities, and the criteria for taking action to prevent and resolve conflict. They must also establish effective coordination mechanisms.
- In 2005, the UN Security Council should establish the UN Peacebuilding Commission, as proposed by the United Nations High Level Panel on Threats, Challenges and Change. It should have the powers and resources required to fulfil its mandate to prevent violent conflict, and co-ordinate post-conflict reconstruction.

Post-Conflict peacebuilding

As well as supporting the UN Peacebuilding Commission to improve the coordination of post-conflict peacebuilding, the report recommends that donors should fund the rapid clearance of arrears for post-conflict countries in Africa to enable early access to concessional financing from international financial institutions. In line with this, they (donors) should also allocate long-term and predictable grant financing sufficient to meet reconstruction needs of post-conflict countries.

...

Expositions of the AU Structures*



* The framework/structures of the AU are still evolving

Structure of the Peace and Security Council

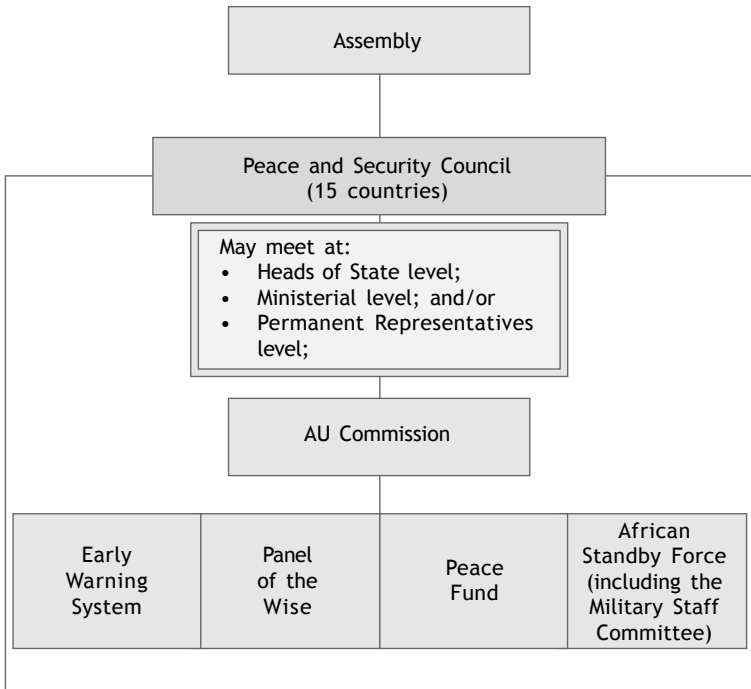
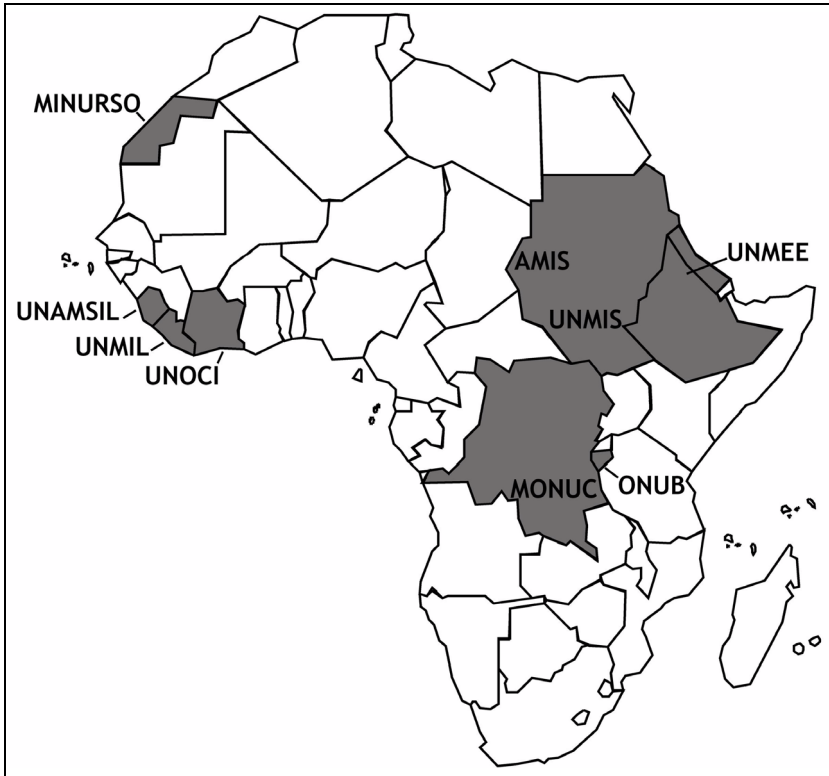


Chart of Ongoing Peacekeeping Operations in Africa (2006)

Acronym	Full name	Established	Current strength	Information
MINURSO	United Nations Mission for the Referendum in Western Sahara	April 1991	225	http://www.un.org/Depts/dpko/missions/minurso/
MONUC	UN Organization Mission in the Democratic Republic of the Congo	November 1999	16,047	http://www.un.org/Depts/dpko/missions/monuc/
UNAMSIL	United Nations Observer Mission in Sierra Leone	July 1998	2,515	http://www.un.org/Depts/dpko/missions/unamsil/
UNMEE	United Nations Mission in Ethiopia and Eritrea	July 2000	3,293	http://www.un.org/Depts/dpko/missions/unmee/
UNMIL	United Nations Mission in Liberia	September 2003	15,974	http://www.un.org/Depts/dpko/missions/unmil/
UNOCI	United Nations Operation in Côte d'Ivoire	April 2004	7013	http://www.un.org/Depts/dpko/missions/unoci/
ONUB	United Nations Operation in Burundi	June 2004	5,625	http://www.un.org/Depts/dpko/missions/burundi/
UNMIS	United Nations Mission in the Sudan	March 2005	1,926	http://www.un.org/Depts/dpko/missions/unmis/
AMIS	African Union Mission in Sudan (Darfur)	April 2004	6,752	http://www.africa-union.org/darfur/homedar.htm

Source: <http://www.un.org>, <http://www.africa-union.org> and <http://www.accord.org.za> (accessed 15 April 2006).

Peacekeeping Operations in Africa (2006)



Source: <http://www.un.org>, <http://www.africa-union.org> & <http://www.accord.org.za> (accessed 15 April 2006).

Chart of Ratifications: Key AU Conflict Prevention, Management and Resolution Instruments

	Convention on Mercenarism in Africa (1977/1985)	Pelindaba Nuclear Weapon-Free Zone Treaty (1996/)	OAU Convention on Terrorism (1999/2003)	Constitutive Act of the AU (2000/2001)	Protocol Relating to the Pan-African Parliament (2001/ 2003)
COUNTRY	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded
Algeria		23/12/97	16/09/00	23/05/01	22/04/03
Angola			20/08/99	19/09/01	29/10/03
Benin	17/01/79		01/03/04	03/07/01	11/11/03
Botswana		04/02/99		01/03/01	10/07/01
Burkina Faso	06/07/84	12/05/98	23/06/03	27/02/01	23/06/03
Burundi			04/11/03	28/02/01	04/11/03
Cameroon	11/04/87			09/11/01	04/11/03
Cape Verde			03/05/02	21/06/01	17/02/04
Central African Republic				16/02/01	12/03/04
Chad				16/01/01	07/01/04
Comoros	18/03/04		13/09/02	16/02/01	13/03/04
Congo	01/04/88			18/02/02	23/02/04
Côte d'Ivoire		20/05/99		27/02/01	
Democratic Republic of Congo	13/07/79			07/07/02	
Djibouti			16/05/04	04/12/00	10/03/04
Egypt	10/05/78		08/02/01	05/07/01	08/10/03
Equatorial Guinea	20/12/02	20/12/02	20/12/02	26/12/01	03/02/04
Eritrea			22/12/99	01/03/01	
Ethiopia	07/02/82		24/02/03	08/03/01	29/05/03
Gabon			25/02/05	17/05/01	29/12/03
The Gambia		03/09/96		22/02/01	04/07/03
Ghana	20/07/78		30/08/02	11/05/01	15/09/03
Guinea	14/03/03	26/05/99	20/06/03	23/04/02	15/03/04
Guinea-Bissau				14/01/01	
Kenya		15/11/00	28/11/01	04/07/01	19/12/03

	Convention on Mercenarism in Africa (1977/1985)	Pelindaba Nuclear Weapon-Free Zone Treaty (1996/)	EAU Convention on Terrorism (1999/2003)	Constitutive Act of the AU (2000/2001)	Protocol Relating to the Pan-African Parliament (2001/ 2003)
Lesotho	29/10/82	06/03/02	06/03/02	16/02/01	16/04/03
Liberia	31/03/82			26/02/01	
Libya	25/01/05	12/02/05	16/01/02	25/10/00	10/08/02
Madagascar	31/08/05	12/12/03	12/09/03	05/06/03	09/02/04
Malawi			23/06/03	03/02/01	03/07/02
Mali	25/09/78	27/05/99	11/03/02	11/08/00	26/05/01
Mauritania		10/01/98	03/03/04	20/11/01	22/12/03
Mauritius		19/04/96	27/01/03	13/04/01	09/02/04
Mozambique			21/10/02	17/05/01	20/05/03
Namibia				28/02/01	13/08/02
Niger	11/07/80		14/09/04	26/01/01	07/08/03
Nigeria	14/05/86	20/04/00	28/04/02	29/03/01	23/12/03
Rwanda	08/05/79		29/04/02	16/04/01	22/08/01
Sarawak Arab Democratic Republic			09/01/02	27/12/00	04/06/01
São Tomé and Príncipe				27/02/01	
Senegal	02/10/81		21/01/02	28/08/00	14/10/03
Seychelles	15/10/79		17/07/03	20/03/01	24/03/03
Sierra Leone				09/02/01	16/06/03
Somalia				26/02/01	
South Africa		13/03/98	07/11/02	03/03/01	03/07/02
Sudan	26/08/78		15/04/03	22/11/00	16/10/02
Swaziland		13/11/96		08/08/01	11/03/04
Tanzania	04/03/85	27/05/98	03/09/03	06/04/01	04/07/02
Togo	30/03/87	28/06/00	03/01/03	30/08/00	03/01/03
Tunisia	24/04/84		13/11/01	13/03/01	01/03/04
Uganda			17/10/03	03/04/01	09/07/03
Zambia	21/01/83			21/02/01	21/11/03
Zimbabwe	27/01/92	09/02/98		03/03/01	07/07/03
TOTAL NUMBER OF STATES	27	20	36	53	46

	Protocol Relating to the Peace and Security Council (2002/2003)	Protocol on Amendments to the Constitutive Act (2003/)	Protocol to the OAU Convention on Terrorism (2004/)	AU Non-Aggression and Common Defence Pact (2005/)
COUNTRY	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded	Ratified/ Acceded
Algeria	29/01/03			
Angola	30/08/04			
Benin	10/05/04	01/12/05		
Botswana	21/06/05			
Burkina Faso	01/12/03	05/04/05		
Burundi	04/11/03			
Cameroon	04/11/03			
Cape Verde				
Central African Republic				
Chad	07/04/04			
Comoros	26/07/03	02/04/04		
Congo	23/02/04			
Côte d'Ivoire				
Democratic Republic of Congo				
Djibouti	18/10/05			
Egypt	01/02/05			
Equatorial Guinea	29/01/03			
Eritrea				
Ethiopia	29/05/03			
Gabon	29/12/03			
The Gambia	19/11/03			
Ghana	04/07/03			
Guinea				
Guinea-Bissau				
Kenya	19/12/03			
Lesotho	30/06/03	26/10/04		
Liberia				
Libya	24/06/03	23/05/04		

	Protocol Relating to the Peace and Security Council (2002/2003)	Protocol on Amendments to the Constitutive Act (2003/)	Protocol to the OAU Convention on Terrorism (2004/)	AU Non-Aggression and Common Defence Pact (2005/)
Madagascar	28/06/04			
Malawi	07/07/03			
Mali	28/02/03	07/05/04		
Mauritania				
Mauritius	16/06/03			
Mozambique	20/05/03	17/07/04		
Namibia	19/11/03			
Niger	07/08/03			
Nigeria	23/12/03			
Rwanda	19/05/03	25/10/04		
Sarawak Arab Democratic Republic	10/05/04			
São Tomé and Príncipe	22/09/03			
Senegal	09/09/03	14/02/06		14/02/06
Seychelles				
Sierra Leone	16/06/03			
Somalia				
South Africa	15/05/03	16/03/04		
Sudan	05/07/03			
Swaziland				
Tanzania	03/09/03	14/04/04		
Togo	23/02/04			
Tunisia				
Uganda	10/03/04			
Zambia	04/07/03			
Zimbabwe	02/02/04			
TOTAL NUMBER OF STATES	40	11	0	1

- Morocco withdrew from the OAU in 1984.

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Useful websites

While this is not an exhaustive list, the following websites are recommended as sources of more information on Conflict Prevention, Management and Resolution:

The African Centre for the Constructive Resolution of Disputes (ACCORD)
<http://www.accord.org.za/web/home.htm>

African Union
www.africa-union.org

Beyond Intractability
<http://www.beyondintractability.org/>

Carnegie Commission on Preventing Deadly Conflict
<http://www.wilsoncenter.org/subsites/ccpdc/>

Centre for Human Rights
www.chr.up.ac.za

INCORE International Conflict Research
<http://www.incore.ulst.ac.uk/>

Institute for Media, Peace and Security
<http://www.mediapeace.org/>

Institute for Security Studies
www.iss.co.za

International Alert
<http://www.international-alert.org>

International Crisis Group
<http://www.crisisgroup.org>

SaferAfrica
<http://www.saferfrica.org>

Search for Common Ground
<http://www.sfcg.org/>

The Centre for Conflict Resolution
<http://ccrweb.ccr.uct.ac.za/>

The Conflict Resolution Information Source
<http://www.crinfo.org/index.jsp>

The Initiative for Inclusive Security (formerly known as Women Waging Peace)
<http://www.womenwagingpeace.net>

TRANSCEND Peace and Development Network for Conflict Transformation by Peaceful Means

<http://www.transcend.org>

United Nations-affiliated University for Peace (UPEACE) Resource Centre

<http://www.upeace.org/resources/index.cfm>

WomanWarPeace (UNIFEM Portal)

<http://www.womenwarpeace.org/>

Profiles

University for Peace

The University for Peace was established by a UN General Assembly Resolution to provide humanity with an international institution of higher education for peace, with the aim of promoting among all human beings a spirit of understanding, tolerance and peaceful coexistence, to stimulate co-operation among peoples, and to help lessen obstacles and threats to world peace and progress, in keeping with the noble aspirations proclaimed in the Charter of the UN. In the extension of its programmes worldwide, the Africa Programme of UPEACE aims at assisting African Universities and institutions to increase their capacity in teaching, research, and training in areas related to peace, security, and development. Human rights is seen as a significant component of the quest for lasting peace.

For more information, see www.upeace.org

SaferAfrica

SaferAfrica is an African NGO established in 2001 to serve the long-term security and development needs of Africa and its people in accordance with the vision of African renewal and Pan-Africanism. In pursuit of this objective, its Peace and Security Programme offers advice and technical support to African multilateral institutions, in particular the AU, NEPAD, Regional Economic Communities, such as SADC, and national governments, in the development and implementation of policies relating to peace and security issues. The assistance takes the form of crafting briefs, concept papers, base policy documents; organising and facilitating consultative processes that aid the development of policies; and strengthening the capacity of civil society actors through training, workshops and outreach activities, as a basis for enhancing their effective participation in governmental processes. Further, the programme supports and facilitates coherence between African institutions, in particular NEPAD and the AU, and development partners, including the G8, EU, and the UN, in matters relating to peace and security. The programme also hosts regular *Ukumbi* policy fora, publishes *Pax Africa*, a quarterly peace and security newsletter, and collaborates with other like-minded institutions that pursue sustainable peace and security in Africa.

For more information, see www.safer africa.org

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