



Organization of African Unity

**BRIEFING BY
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TO AFRICAN AMBASSADORS ON AFRICAN UNION**

ADDIS ABABA, ETHIOPIA

24 MAY 2001

1. I want to share with you some of the activities that have been undertaken by the Secretariat regarding the implementation of the Constitutive Act of the African Union and the preparations for the operationalization of the African Union.
2. I felt that it was particularly pertinent that I convene this meeting today, on the eve of our traditional commemoration of Africa Day, and only two days before the entry into force of the Constitutive Act of the African Union, which as you all know, is due to enter into force this coming Saturday, **26 May 2001**, following the deposit of the thirty-sixth instrument of ratification by the Federal Republic of Nigeria on 26 April, 2001.
3. Perhaps, in this respect, I should begin by informing you at the outset that, as of today, the Constitutive Act has been ratified by **forty-one (41)** Member States. **Thirty-seven (37)** of these have deposited the instruments of ratification and two **(2)** Member States, namely, **Algeria and Mozambique** have submitted copies of the instruments; **and two (2)** Member States: **Gabon, Guinea Bissau** have officially informed the Secretariat that they have ratified. This means that only **twelve (12)** countries have not yet ratified the Constitutive Act. These are: **Angola, Benin, Cameroon, Cape Verde, Congo, Democratic Republic of Congo, Egypt, Guinea, Kenya, Madagascar, Mauritania and Swaziland.**
4. I should, accordingly, like to take advantage of this meeting to appeal to all those countries that have not yet done so to ratify the Constitutive Act as expeditiously as possible in order to ensure that all Member States move towards the objective of establishing the African Union as one.
5. I would like to recall that at its Fifth Extraordinary Summit held in Sirte, Libya, from 1 to 2 March 2001, the Assembly of Heads of States and Government adopted a decision on the African Union, decision EAHG/Dec.1 (V). By this decision, the Assembly decided:
 - a. *To proudly declare the establishment of the African Union by the unanimous will of Member States;*
 - b. *That the legal requirements for the Union will have been completed upon the deposit of the 36th instrument of ratification of the Constitutive Act of the African Union;*
 - c. *That the Constitutive Act of the African Union 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, as provided for in Article 28 of the Constitutive Act;

d. That the 37th Ordinary Session of the Assembly should take the necessary decisions pertaining to the transformation of the OAU into the African Union, in accordance with Article 33 of the Constitutive Act, and the preparation of necessary draft protocols relating to the Organs and Institutions of the Union."

6. Following the Fifth Extraordinary Summit and upon our return to Addis Ababa, I immediately established a Working Group which was charged with the responsibility of initiating internal consultations and discussions within the General Secretariat so as to exchange views and examine the various aspects relating to the implementation of the decision on the African Union, and to make recommendations thereon. More specifically, I mandated the Working Group to undertake, *inter alia*, the following:

- (i) Study and exchange views on the implications of the Sirte Decision.
- (ii) Identify the implementation strategies for the functioning and operationalization of the African Union and its organs, including the identification of the tasks that need to be undertaken by the General Secretariat both prior to and after the Lusaka Summit, taking into account the imminent entry into force of the Constitutive Act.
- (iii) Draw up a road map for the operationalization of the African Union on the basis of the strategies and tasks identified in accordance with identified implementation strategies.

7. The decision to establish the Working Group arose from the perceived need for the General Secretariat to engage in thorough and immediate follow-up discussions of the Sirte Decision in order to better understand the various aspects relating to it and the implications arising therefrom. In particular, it was my view that among the issues that require immediate attention are:

- The role of the General Secretariat in mobilizing for the outstanding ratifications, now that all the Member States have signed the Constitutive Act;
- Identification of the tasks that need to be undertaken before the next OAU Summit in Lusaka, as well as after the Summit;

- Preparation of the draft decisions to be presented for consideration and adoption by the Lusaka Summit, in accordance with of Para. 4 of the Decision;
 - How should the Secretariat organize itself and reorient its activities in order to ensure the implementation of the Sirte Decision; and
 - How to organize the Consultation process with Member States as well as with partners.
8. During its discussions and consultations, the Working Group identified a number of major issues. On the basis of this initial exchange of views, I convened meetings of the Senior Management of the General Secretariat, including my collaborators, the Assistant Secretaries General, to examine the various observations and recommendations made by the Working Group. Following further discussions on all these issues, I directed the Working Group to revisit their original observations and recommendations, taking into account additional inputs made by the Change Management Team and the other members of the Senior Management. We have had further discussions in the General Secretariat on all the identified issues.
9. In the course of our discussions and exchange of views within the General Secretariat, we have identified a number of issues which I believe need to be addressed by us at the General Secretariat and also jointly by the General Secretariat in consultation with the Member States not in preparation for the Lusaka Summit but also beyond the Lusaka Summit. These issues are inter-related, and cover a wide range of questions. Among these are:
- Preparing for the Lusaka Summit;
 - The various implications (legal, political, institutional, etc.) of of the establishment of the African Union;
 - The Operationalization of the African Union and the setting up or launching of its organs/institutions;
 - The Reorientation of the Budget and Programmes of the African Union during the Transitional Period and Beyond;
 - Strategies for the advocacy and polularization of the African Union.
10. In addressing all these and the related questions which I have not specifically mentioned here, our cardinal concern has been to

identify the critical issues and tasks required for the institution-building and operationalization of the African Union, bearing in mind the provision of para. 4 of the Sirte Decision, which requires the preparation of the necessary draft decisions and recommendations pertaining to the transformation of the OAU into the African Union. We have also, in our discussion, paid particular attention to the required processes for this transformation.

11. In undertaking these tasks, we will in due course, organize for a thorough exchange of views with the representatives of Member States, through the appropriate modalities, in order to canvass the views of Member States and their understanding of the various issues relating to the African Union in general, and the implementation of the Sirte decision in particular. I shall, therefore, be calling upon the Ambassadors and Other Plenipotentiaries based here in Addis Ababa to exchange views on these issues so that the General Secretariat and the Member States can move with a common voice and vision.
12. Now, coming back to some of the specific questions that I raised. As I said, these are only some of the many cardinal questions we have been addressing within the General Secretariat and which we hope to address in our consultations with the Member States.
13. Guided by the stipulations of the Constitutive Act itself, as well as the observations and recommendations made by the Working Group which I established and the inputs from the discussions which we have subsequently conducted, I believe that the critical tasks which have to be accomplished in establishing the new institutions are the following:
 - (a) Launching the constituent organs of the African Union:
 - This relates principally to the need for preparation of rules of procedure, regulations, setting up structures, etc.
 - It is in my view extremely important that we exchange views with the Member States on this, particularly with regard to ensuring that the new structures are more revitalized and capable to fulfill the objectives of the African Union and how to structure institutions such as the Commission of the African Union, the Economic, Social and Cultural Council (ECOSOC), the Permanent Representatives Committee, etc.
 - While the General Secretariat will be making certain proposals on these matters, there are questions on which clear guidance will be required from the Member

States, particularly on the nature, functions, powers and structure of the Commission. The type of Commission to be put in place will define, so to speak, the type of African Union that we are establishing. There will also be need to exchange views on defining more clearly the functions of other organs, such as the Specialized Technical Committees as well as those organs or institutions not specifically provided for under the Constitutive Act.

- Indeed, with respect to these other organs, we have to define the appropriate modalities for the incorporation of, for example, the incorporation of the Mechanism for Conflict Prevention, Management and Resolution (which is not specifically mentioned in the Constitutive Act) and define the relationships with the other bodies – such as the RECs, the African Commission on Human and Peoples' Rights and the Specialized Agencies of the OAU, which are also not provided for in the Constitutive Act.

(b) On reorienting the current resources and programmes of the OAU to serve the needs of the African Union:

- We shall be undertaking consultations with Member States to agree on a common understanding and approach on a number of aspects, mainly: to prepare the draft work programme and related budget of the African Union during the transitional period as well as proposing modalities for reorienting the draft current OAU budget and programmes;
- Reorienting the General Secretariat as a whole so as to ensure that it is better able to undertake the new tasks, including a review of the on-going restructuring exercise so as to determine and accommodate the new responsibilities of the General Secretariat as the interim Secretariat of the Union;
- Reviewing all existing Agreements with partner organizations and host governments and examining and formulating appropriate recommendations relating to the existing OAU/AEC institutions and structures during the transitional period, including the transfer of properties, devolution of assets and liabilities, etc.

(c) On the Role of the Lusaka Summit:

- Most crucially the General Secretariat will be preparing the necessary draft recommendations and decisions, following the envisaged consultations and exchange of views with the Member States, on the various matters with a view to presenting them to the Lusaka Summit for the necessary guidance and approval.
- The Lusaka Summit will have to provide guidance, and adopt the appropriate decisions on a number of critical issues, for example: the duration of the transition period; the establishment of the Union organs; the mandate, duration and work programme as well as the transitional budget of the interim Secretariat; the date of the inaugural session of the African Union, and other related areas of concern.

(d) Encouraging Ratifications

- As we embark into the African Union, it is imperative that all our Member States move together towards our declared objective of consolidating the unity and cohesion of the continent. We should, therefore, do everything within our power to maintain and deepen the unity which has sustained the OAU for almost four decades.
- As I indicated at the beginning, only **twelve (12)** Member States are yet to ratify the Constitutive Act. I wish to re-iterate my appeal to these countries, through their distinguished representatives here, to expedite the process of ratification so as to ensure that we send one clear and unequivocal message to the people of this continent and to the international community at large: *that all of our Member States, all African nations, stand united in the objective of creating a new reinvigorated institutional framework.*
- We should avoid a situation in which some of our countries, the great majority, are members of the African Union while a few others remain outside it because they have not completed the constitutional processes of ratification.
- I believe that all African countries share the common vision of a united and cohesive Africa. I have not heard anything in my discussions with the various African Leaders to suggest otherwise. The fact that all

the Member States have signed the Constitutive Act is in itself clear evidence of this shared commitment.

- I, therefore, hope that through our collective efforts, those of the General Secretariat and individual Member States, we can mobilize for the outstanding ratifications.

(e) Popularizing the African Union

- You may recall that one of the underlying sentiments expressed in the various speeches and pronouncements by the Leaders in Sirte and Lome was the desire to create an organization to which the African People would feel that they truly belong. The African Union is thus envisaged as a "community of peoples", in whose activities ordinary African men and women should participate in a real substantive sense.
- We, therefore, have a challenge before us: the challenge of translating this noble sentiment into practical reality. How can we ensure that we truly involve the ordinary citizens of our Continent in the work of the African Union and assure them a true sense of belonging?
- We believe, in the General Secretariat, that the critical starting point is to educate and inform the people about the African Union. We need to explain to them what this new organization stands for, what it means for Africa and its people and in what manner it offers a qualitative difference with the OAU, and how they can be a living part of it. This is the message we must take to the people of Africa.
- In my view, this requires a vigorous mobilization of our collective efforts to popularize the African Union at entry level of society. The General Secretariat is devising and examining the strategies and modalities of carrying out this popularization and advocacy. I would appeal to the Member States, too, to undertake the necessary measures to inform and explain to citizens the African Union in a manner that enables them to understand and appreciate that it is an organization not of the political leaders, but of the ordinary men and women in the towns and villages of Africa.

14. These are merely some of the critical areas on which the General Secretariat has been exchanging views, and is continuing to do so. We have not yet concluded our consultations within the General Secretariat on this matter. As soon as we have done so, and we ourselves are clearer on things that have be done, we shall undertake consultations with Member States through you. We believe these consultations would be important in order to set the stage for the Summit. We believe that the document or documents that will be submitted to Summit through Council would take into account the outcome of these consultations. In the meantime, we welcome any and all suggestions and ideas.