

**ASSEMBLY OF HEADS OF STATE
AND GOVERNMENT
Thirty-Eighth Ordinary Session
of the Organization of African Unity
8 July 2002
Durban, SOUTH AFRICA**

**AHG/Decisions 171-184(XXXVIII)
AHG/Decl. 1-2 (XXXVIII)**

DECISIONS AND DECLARATIONS

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**DECISION ON THE 15TH ANNUAL ACTIVITY REPORT OF THE
AFRICAN COMMISSION ON HUMAN AND PEOPLE'S RIGHTS**

The Assembly,

- 1. TAKES NOTE WITH SATISFACTION** of the 15th Annual Activity Report of the African Commission on Human and People's Rights and **COMMENDS** the African Commission for the excellent work accomplished in the past year in the area of promotion and protection of human rights;
- 2. CALLS ON** the African Commission to propose ways and means of strengthening the African system for the promotion and protection of Human and People's Rights within the African Union, and submit a report thereon at the next session of the Assembly;
- 3. CALLS UPON** Member States, which have not yet done so, to expedite the process of ratification of the Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights in order to have this important instrument in force before the next session (July 2003);
- 4. REQUESTS** the Secretary General to take the necessary action in order to complete as soon as possible, the elaboration of the Draft Protocol to the African Charter on Human and People's Rights relating to the Rights of Women in Africa and to make sure that all Member States are fully involved in the process;
- 5. AUTHORIZES** the publication of the 15th Annual Activity Report of the African Commission on Human and People's Rights, pursuant to Article 59 of the African Charter on Human and People's Rights.

**DECISION ON THE REPORT OF THE AFRICAN COMMITTEE ON
THE RIGHTS AND WELFARE OF THE CHILD**

The Assembly:

1. **TAKES NOTE** of the report and recommendations of the inaugural meeting of the African Committee on the Rights and Welfare of the Child;
2. **RECOGNIZES** the important role of the African Committee in the improvement of the conditions of African children everywhere on the Continent;
3. **CALLS UPON** the Committee to ensure that the provisions on the rights and welfare of the African child, as enshrined in the African Charter are respected in all Member States;
4. **URGES** Member States which have not yet done so to urgently sign and/or ratify the African Charter on the Rights and Welfare of the Child;
5. **REQUESTS** Member States to extend their full support and cooperation to the African Committee and submit their reports regularly to the Committee;
6. **CALLS UPON** the Secretary General to urgently appoint a Secretary to the Committee, as stipulated in Article 40 of the African Charter on the Rights and Welfare of the Child, to enable the Committee to function effectively;

DECISION ON THE LOCKERBIE CASE

The Assembly:

1. **TAKES NOTE** of the Report of the OAU Commission of Jurists on the Lockerbie Case which noted that the judgment of 31 January 2001 was based on evidence that was not in line with the vital elements of the accusation;
2. **RECALLS** Decision AHG/Dec.3 (V) adopted by the 5th Extraordinary Session of the Assembly of the Heads of State and Government held in Sirte, Libyan Arab Jamahiriya on 2 March 2001 and Decision AHG/Dec. 168 (XXXVII) adopted on the issue by the 37th Ordinary Session of the Assembly of Heads of State and Government held from 9 to 11 July 2001 in Lusaka, Zambia as well as all the other resolutions and decisions taken by the OAU on this matter;
3. **REGRETS** the fact that the United Nations Security Council has, up to now, not definitively lifted the unjust sanctions and embargo imposed on Libya and which no longer have legal or moral justification, given the positive attitude and full cooperation shown by Jamahiriya in handling this issue and **URGENTLY REQUESTS** the Security Council to take the necessary measures to immediately and definitively lift these sanctions and embargo which have already caused untold suffering to the Libyan people;
4. **ALSO REGRETS** that the Court of Appeal pronounced judgment on 14 March 2002 rejecting the appeal lodged by Mr. Al Megrahi;
5. **FURTHER REGRETS** the decision taken on 7 January 2002 by the United States of America to extend for a period of one year the measures to boycott the Libyan Arab Jamahiriya by virtue of the special law they promulgated since 1986 in the aftermath of the crisis;
6. **COMMENDS** the Libyan Arab Jamahiriya for the spirit of cooperation it demonstrated throughout the judicial process and for the efforts it has invested to find a just and equitable solution to the Lockerbie Affair;

7. **RECOMMENDS** that the Current Chairman and the members of his Bureau use their good offices to make the necessary contacts with a view to ensuring a rapid and permanent settlement of the case.

**DECISION ON THE STATUS REPORT ON GLOBAL ALLIANCE
FOR VACCINES AND IMMUNIZATION (GAVI)**

The Assembly:

1. **TAKES NOTE** of the Report;
2. **ACKNOWLEDGES** that vaccines constitute one of the most effective means of improving health and reducing the suffering and mortality occasioned by infectious diseases;
3. **ALSO ACKNOWLEDGES** that the Global Alliance for Vaccines and Immunization (GAVI) is a public-private partnership established in 1999 to reinforce the commitment to immunization;
4. **URGES** Member States to take all necessary measures to ensure that every child in Africa is fully immunized by widening, for all children, the range of basic vaccines (measles, poliomyelitis, BCG and DTC) to include Hepatitis-B Vaccines;
5. **FURTHER URGES** Member States to establish more effective linkages between immunization and health sector development in general, and create technical partnerships between low and medium income countries to promote experience and resource sharing so as to reduce the gap between children born in different environments;
6. **APPEALS** to GAVI partners to support efforts aimed at combating measles which accounts for 50% of infant mortality each year in Africa; formulate strategies to ensure the sustainability of immunization services in the poorest countries, with over 80% coverage; and help low-income African countries to identify mechanisms which will enable them to increase their national immunization budgets;
7. **URGES** GAVI partners to undertake to increase the number of African governments on the Governing Body of GAVI in order to reflect the priority needs of the Continent, and to collaborate with the vaccine industry partners to guarantee adequate supply of essential vaccines

8. **FURTHER URGES** donors, international organizations and all institutions working in the health and development sector to provide adequate and sustained official development assistance for long-term funding, as well as other financial incentives related to poverty reduction strategies, such as debt cancellation and additional technical assistance;
9. **FINALLY REQUESTS** the Secretary General to take all the necessary measures to follow-up on the implementation of the present decision and report to subsequent sessions of Council.

**DECISION ON THE CONFERENCE ON SECURITY, STABILITY,
DEVELOPMENT AND COOPERATION (CSSDCA)**

The Assembly:

1. **WELCOMES** the efforts deployed by the Secretary General in the implementation of the Solemn Declaration on the Conference on Security, Stability, Development and Cooperation (CSSDCA) adopted by the Assembly of Heads of State and Government in Lomé, Togo, in July 2000;
2. **APPROVES** the Memorandum of Understanding on Security, Stability, Development, Cooperation as elaborated by the Experts' meetings, enriched by the OAU-Civil Society Conference and recommended by the Council of Ministers;
3. **REQUESTS** the Member States to take steps required for the implementation of the Memorandum of Understanding and to keep the Secretariat informed of the progress made in this direction in order to facilitate the monitoring and evaluation process of the CSSDCA, including through review conferences and meetings, as provided for in the CSSDCA Solemn Declaration adopted in Lomé, Togo, in July 2000;
4. **WELCOMES** the convening of the second OAU-Civil Society Conference on Developing Partnership between the OAU and African Civil Society Organizations, held in Addis Ababa, Ethiopia, from 11 – 15 June 2002 and **TAKES NOTE** of the recommendations of the Conference, in particular, those relating to the African Union and the CSSDCA Process;
5. **COMMENDS** Nigeria and South Africa for their generous contribution of five hundred thousand dollars (US\$500,000) each for the operationalization of the CSSDCA and **CALLS** upon OAU Member States, the United Nations and all OAU Partners to provide financial support for the CSSDCA Process;
6. **REAFFIRMS** the centrality of the CSSDCA Process as a policy development forum, a framework for the advancement of common values, and as a monitoring and evaluation mechanism for the African Union;

7. **REQUESTS** the Secretary-General to pursue efforts aimed at strengthening the CSSDCA Unit to enable it to carry out its functions effectively and to take the necessary steps to ensure the follow-up of these recommendations.

**DECISION ON THE PLACE OF THE AFRICAN POPULATION
COMMISSION (APC) IN THE AFRICAN UNION**

The Assembly:

1. **RECOGNIZES** the objectives, functions and achievements of the Commission, since its inception in 1994, under the Joint Secretariat of ADB, ECA and OAU;
2. **COMMENDS** the efforts of the African Population Commission (APC) in the implementation of the Dakar/Ngor Declaration and the International Conference on Population and Development and **URGES** for intensification of these efforts;
3. **REQUESTS** the OAU/AU to continue spearheading the realization of the APC Programmes;
4. **CALLS UPON** Member States to provide sustained and adequate support to National Population Councils, local focal points of the APC;
5. **FURTHER CALLS UPON** the United Nations Fund for Population Activities (UNFPA) and other relevant partners to continue supporting and working with the APC;
6. **REQUESTS** the Secretary General to take the necessary measures to determine the position of this commission within the African Union, and make recommendations in this regard to the Assembly.

DECISION ON THE PLACE OF THE OAU LABOUR AND SOCIAL AFFAIRS COMMISSION IN THE AFRICAN UNION

The Assembly

- 1. ACKNOWLEDGES** the multifarious human, social and economic problems hindering sustainable development in the African continent;
- 2. RECOGNIZES** that the Labour and Social Affairs Commission is one of the most dynamic and fruitful organs of the OAU;
- 3. RECOGNIZES ALSO** the numerous achievements of the Commission in improving the social and economic conditions of the African peoples during its twenty-five years of existence;
- 4. COMMENDS** the spirit of tripartism that exists in the Commission and the collaboration among Governments, Employers and Workers which is unique in the world, thus making the Labour and Social Affairs Commission a unique Regional Commission of this nature in the world;
- 5. AFFIRMS** that with the promotion of tripartism as the bedrock of social dialogue and democracy, faster and sustainable development, social justice, peace, stability and good governance can be achieved;
- 6. FURTHER RECOGNIZES** that in the context of globalisation and the attendant challenges which Africa should take up in the economic and social fields, in particular employment, it is imperative to maintain the Commission in its present tripartite form and to strengthen it with a view to enhancing its effectiveness;
- 7. REQUESTS** that the social dimension be adequately addressed in the New Partnership for Africa's Development (NEPAD) programme;
- 8. REQUESTS** the Secretary General to take the necessary measures to determine the position of this Commission within the African Union and make recommendations in this regard to the Assembly.

DECISION ON THE WORLD SOLIDARITY AND POVERTY REDUCTION FUND

The Assembly:

- 1. RECALLS** decision AHG/Dec. 4 (XXXV) by which the Heads of State and Government reiterated their support for the initiative launched by H.E. Zine El Abidine Ben Ali, the President of the Republic of Tunisia aimed at the establishment of the World Solidarity Fund;
- 2. RECALLS** Decision CM/Dec. 645 by which Council requested the Secretary General to seize the United Nations Secretary General of this Decision as the African Common Position, and seek his support to speed up the implementation of Resolution 56/207 on the mechanisms, operational modalities, powers and management modalities for the Fund, thereby making it operational;
- 3. REAFFIRMS** its conviction that the Fund will contribute to the strengthening of international solidarity and cooperation with a view to eradicating poverty in the world, especially on the African continent, pursuant to the objectives the poverty reduction programme adopted at the Millennium Summit held in September 2000;
- 4. FURTHER REAFFIRMS** that this fund will constitute one of the instruments for the realization of the objectives of the African Union and NEPAD;
- 5. TAKES NOTE** of the report of the Secretary General on consultations with the United Nations Secretary General to accelerate the process of establishing this Fund;
- 6. REQUESTS** the Secretary General to continue his efforts as well as his consultations with the United Nations Secretary General and closely monitor negotiations on the implementation mechanisms to be conducted during the next session of the United Nations General Assembly.

- 7. FURTHER REQUESTS** the Secretary General to report on progress made in the implementation of this decision to the next session of the Assembly of the African Union.

DECISION ON THE CONTROL OF ARTERIAL HYPERTENSION IN AFRICA

We, Heads of State and Government of the Member States of the Organization of African Unity meeting in Durban, South Africa on 8th July 2002,

Anxious to ensure the sustainable preservation and protection of health as a basic necessity of the individual, an inalienable right and an international public good,

Recalling the New African Initiative adopted by the Assembly of Heads of State and Government of the African Union in Lusaka, Zambia, in July 2001 and later renamed NEPAD which recognizes that poverty eradication, necessary for placing our countries on the path of sustainable growth and development, requires the revitalization of teaching, technical training and health services,

Recognizing that the reduction and eventual elimination of poverty requires bold leadership, building an international partnership and the adoption of policies and strategies aimed at promoting development and strengthening dependable and efficient health systems,

Noting that the objectives set with regard to health promotion need not be solely limited to the control of major communicable diseases, and that non-communicable diseases equally record very high morbidity and mortality rates,

Stressing that the prevalence of cardiovascular diseases, especially arterial hypertension, has assumed alarming dimensions with the tendency towards early occurrence and increased severity,

Further stressing that these diseases which are becoming the major cause of morbidity and invalidity, with the attendant consequences of increased human suffering and health loss in Africa call for a preventative public health approach characterized by a determination to act and by resource mobilization,

Bearing In Mind, the Victoria (Canada) Declaration of 28 May 1992 on Cardiovascular Health, as well as the will to promote Cardiovascular Health awareness in the Third Millennium, which emphasizes prevention and calls for inter-sectoral and interdisciplinary collaboration,

Considering the conclusions and recommendations of the "First Symposium on the Problem of Arterial Hypertension among Black

People” organized in Brussels on 11 December 2000, which stressed the urgent need for concerted and collective action with regard to the control of cardiovascular diseases, not only by way of testing and management, but through preventive measures,

Further Considering the conclusions and recommendations of the Libreville Declaration on the Control of Arterial Hypertension in Africa of 6 November 2001,

REAFFIRM the importance of addressing the problem of Non-Communicable Diseases as one that requires a multi-sectoral approach involving all the sectors concerned, especially with regard to health and development policy, production and marketing of pharmaceutical products and research,

DECIDE that the fight against Arterial Hypertension should feature prominently in the development policies of our respective countries;

REQUEST the Secretary General to ensure that this matter is drawn to the attention of the relevant Specialized Technical Committees, upon the establishment of these committees, in order to ensure the promotion and coordination of research and control activities for arterial hypertension and other cardiovascular diseases..

INVITE the International Community to respond positively to this Declaration by supporting financially and otherwise our efforts to fight against arterial hypertension in Africa.

MANDATE COUNCIL to review each year, the progress made in the implementation of this Declaration with a view to ensuring better control of arterial hypertension in Africa.

DECISION ON SUPPORT FOR MR JUAN SOMAVIA

The Assembly :

- 1. TAKES NOTE** of the Motion of Support for the candidature of Mr. JUAN SOMAVIA for a second term as ILO Director General, adopted by the 25th Ordinary Session of the OAU Labour and Social Affairs Commission held in Ouagadougou, Burkina Faso, from 16 to 21 April 2002;
- 2. ENDORSES** this Motion and **SUPPORTS** the candidature of Mr. Juan Somavia for re-election for a second term as Director General of the ILO;
- 3. REQUESTS** the Secretary General and the African Tripartite Representatives on the ILO Governing Body to ensure implementation of this Decision.

**DECISION ON AFRICAN PROCESS FOR THE DEVELOPMENT
AND PROTECTION OF THE MARINE AND COASTAL
ENVIRONMENT IN AFRICA**

The Assembly:

1. **RECALLS** Decision AHG/Dec. 163 (XXXVII) of its 37th Ordinary Session, held in Lusaka, Zambia in July 2001, which further endorsed the African Process for the Development and Protection of the Marine and Coastal Environment in *Sub-Saharan Africa and decided to hold its Partnership Conference at the level of Heads of State in conjunction with the World Summit on Sustainable Development;
2. **AFFIRMS** that the African Process is an important contribution of African countries to the World Summit in Sustainable Development and **ACKNOWLEDGES** the outstanding quality of the work carried out by African experts in the development of the Global Environment Facility (GEF MSP) for the Development and Protection of the Marine and Coastal Environment in Sub-Saharan Africa through which the African Process has been implemented to date;
3. **ENDORSES** the proposal made at the Second Meeting of the Steering Committee of the GEF MSP on the Environmental Component of the New Partnership for Africa's Development (NEPAD) to include the African Process as the component of its oceans segment, and to recommend the application of its methodology to other thematic areas;
4. **INVITES** all participating countries in the process to provide adequate financial resources, as well as institutional, administrative, policy and regulatory support, for the implementation of the African Process, and in particular for selected project proposals and **URGES** all Member States to support and actively participate in the implementation of the African Process;
5. **APPEALS TO** the G8 countries and other external partners, bilateral and multilateral, as well as international financial Institutions, to assist with financing projects which are to be presented at the Partnership Conference of the African Process;

* **Reservation by Libya**

6. **REQUESTS** the Global Environmental Facility and the World Bank to fund the second generation of the African Process project development cycle, with a view to enabling other Member States to participate and to assist in the development of viable “win-win” projects which address root causes of environmental degradation and promote sustainable development;
7. **COMMENDS** the innovative approach developed by the African Process, executed by a representative of civil society, the Advisory Committee on Protection of the Sea (ACOPS) in partnership with UNEP, the GPA Co-ordination Office and IOC, of UNESCO, and recommends that such multi-stakeholder partnerships be further promoted for addressing pressing environmental issues, and that such mechanism should also include the OAU/AU;
8. **EXPRESSES ITS APPRECIATION** to the Government of Nigeria, and in particular to His Excellency President Olusegun Obasanjo, for his vision and leadership in fulfilling the mandate given to his country as Presidency of AMCEN, and his decision to host the Super Prep-Com as well as in ensuring that the Partnership Conference be held at the level of Heads of State during WSSD Conference;
9. **FURTHER REQUESTS** the Secretary General to report on the conclusions of the Partnership Conference to the next Summit of the African Union.

**DECISION ON THE IMPLEMENTATION AND UNIVERSALITY OF
THE CONVENTION ON THE PROHIBITION OF THE
DEVELOPMENT, PRODUCTION, STOCKPILING
AND USE OF CHEMICAL WEAPONS
AND ON THEIR DESTRUCTION**

The Assembly:

1. **TAKES NOTE** of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereinafter “the Convention”) that aims to achieve the effective prohibition of the development, production, acquisition, transfer, stockpiling and use of chemical weapons and their destruction,
2. **RECALLS** United Nations General Assembly Resolution A/RES/55/33 of 20 November 2000 which notes with appreciation the ongoing work to achieve the objective and purpose of the Convention, to ensure the full implementation of its provisions and to provide a forum for consultation and cooperation among States parties,
3. **ALSO RECALLS** the steadfast position of Africa regarding Weapons of Mass Destruction and in particular to the Pelindaba Treaty,
4. **ACKNOWLEDGES** the conclusions and recommendations of the workshop devoted to Africa on the Chemical Weapons Convention held in Khartoum, the Sudan, from 9 to 11 March 2002,
5. **WELCOMES** the recommendation for an effective implementation of the Chemical Weapons Convention in Africa through sustained technical assistance from the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons,
6. **ENCOURAGES** the call to achieve universality of the Chemical Weapons Convention in Africa,
7. **REQUESTS** the Secretary General to inform Council, at its regular sessions, of developments regarding the implementation of the Chemical Weapons Convention and the progress made on the issue of universality.

DECISION ON DEVELOPMENTS IN THE MIDDLE EAST AND PALESTINE

The Assembly

1. **TAKES NOTE** of the Report;
2. **RECALLS** UN General Assembly resolutions on the Middle East and Palestine, in particular resolutions 181 and 194 and Security Council Resolutions 242, 252, 338, 465, 478, 1397, 1402 and 1403 and **CALLS** for the implementation of these resolutions;
3. **FURTHER RECALLS** all relevant resolutions of the Assembly of Heads of State and Government and the Council of Ministers on the Middle East, which affirm that the Question of Palestine is at the core of the Middle East conflict and that no comprehensive, just and lasting peace can be established unless Israel fully withdraws from all occupied Palestinian and Arab territories, including East Jerusalem, the Syrian Golan Heights, the Lebanese territory to the borders of 4th June 1967;
4. **REAFFIRMS** its solidarity and support for the just and legitimate struggle of the Palestinian people, under the leadership of the Palestine Liberation Organization, their sole and legitimate representative, to exercise their inalienable national rights, including their right to return to their homes, recover their property, self-determination and the establishment of an independent state on their national soil, with East Jerusalem as its capital, in accordance with the principles of international law and other pertinent resolutions of the UN;
5. **EXPRESSES** full solidarity with and support for the elected President of the Palestinian National Authority, the Leader of the Palestinian People, H.E. Yasser Arafat, and **DEMANDS** the immediate end of the Israeli brutal military siege imposed on President Arafat in Ramallah and **CALLS** for international efforts and assistance to rebuild the Palestinian institutions destroyed by the Israeli occupation army;

6. **FURTHER CONDEMNS** the repeated military incursions and reoccupation of areas under Palestinian control, the marginalization of the Palestinian National Authority, the wave of killings and assassinations, the policy of collective punishment and premeditated destruction of the Palestinian economy, infrastructures, official and public institutions, including the Presidential buildings in Gaza and Ramallah, and the suffocating blockage against the Palestinian people, all of which, will only jeopardize the prospects of peace in the region; also condemns the policy of Israel to desecrate Christian and Moslem places of worship in the occupied Palestinian territory and demands that Israel respect the sanctity of these religious institutions and Israel's commitment to the principles of international humanitarian law in the occupied Palestinian territory.
7. **ALSO CONDEMNS** the policy of destruction and demolition of homes carried out by the Israeli forces in the Palestinian refugee camps, villages and towns as well as the refusal of the Israeli Government to allow the UN Fact-Finding Mission charged with establishing the facts about alleged crimes and atrocities committed in the Jenin refugee camp, Nablus and other places. Also condemns the policy of Israel to forbid the entry and provision of medical and food supplies to the refugee camps, villages and towns in the occupied Palestinian territory;
8. **TAKES NOTE WITH APPRECIATION** of the initiative of the Saudi Crown Prince, adopted by the Arab League Summit in Beirut, Lebanon, which provides a historic opportunity and basis for a global, lasting and comprehensive settlement of the conflict in the Middle East, and **CALLS UPON** the parties and the International Community to support the initiative;
9. **CALLS** for the implementation of the Declaration adopted by the reconvened Conference of High Contracting Parties to the Fourth Geneva Convention on 5 December 2001 and **CALLS** for concrete action on the national, regional and international levels to ensure respect by the occupying power of the provisions of the Convention;
10. **HAILS** the efforts deployed by the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People

and **URGES** it to continue to pursue its initiatives with all the parties concerned;

11. **WELCOMES** the recent resolutions adopted by the UN Security Council on Development in the Middle East and Palestine, especially Resolution 1397 (2002) of 12 March 2002 which inter alia reaffirms a vision of a region where two states, Israel and Palestine, live side by side within secure and recognized borders;
12. **EXPRESSES CONCERN** over the stalled peace process attributed to the lack of commitment of the Israeli Government in pursuing the negotiations that will ensure a just and comprehensive peace and guarantee security and stability for all the peoples of the region and **REITERATES ITS CALL** for the resumption of negotiations between Israel and Palestine on the one hand, and between Israel and Syria and Lebanon on the other, on the basis of Resolutions 242, 338, 425 and tenets of the peace process established at the Madrid Conference as well as the full implementation of all other agreements and commitments undertaken on all tracks of the peace process in the region;
13. **ALSO EXPRESSES ITS SUPPORT** for all peace initiatives aimed at achieving just, lasting and comprehensive peace, including the recommendations of the Mitchell Report and the Tenet Work Plan on security intended to ensure the stoppage of the cycle of violence and facilitate the resumption of the peace negotiations as well as the initiatives of the US Secretary of State, Mr. Colin Powell, and the “Quartet” amongst other things, the immediate cessation of hostilities and the establishment of a ceasefire regime and **URGES** the sponsors and the international community at large, to revive the peace process and guarantee its success and for the parties concerned, to honour their commitments in order to create the necessary conditions for the establishment of a ceasefire regime that will usher in lasting peace and security in the region;

14. **WELCOMES** the proposals of the Secretary General of the United Nations on the establishment of a robust and credible multinational force under Chapter VII of the Charter of the UN. **CALLS** on the members of the Security Council to quickly consider the proposal of the Secretary General and to take the necessary measures in this regard since the presence of such a Force in Palestine could make an important, positive contribution towards the rapid achievement of a final settlement between Palestine and Israel

15. **AGREES** to set up a Committee of 10 Members in order to activate the peace process in the Middle East.

RESOLUTION ON THE RETURN OF THE PILLAGED AFRICAN MONUMENT THE OBELISK OF AXUM

The Assembly of Heads of State and Government:

Recalling the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted on 14 November 1970, by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO),

Recalling also the Convention regarding the protection of the World Cultural and Natural Heritage adopted on 16 November 1972, by UNESCO,

Recalling further United Nations General Assembly resolutions on the return or restitution of cultural property to the countries of origin, adopted since 1972, and in particular resolutions 33/50 of 14 December 1978, 34/64 of 29 November 1979 35/128 of 11 December 1980, 36/64 of 27 November 1981, 38/34 of 25 November 1983, 40/19 of 21 November 1985, 42/7 of 22 October 1987, 44/18 of 6 November 1989, 50/56 of 11 December 1995, 52/24 of 25 November 1997, 45/190 of 17 December 1999 and 56/97 of 14 December 2001,

Convinced that cultural property constitutes a basic element of civilization and national culture,

Cognizant of the singular importance attached by the countries of origin to the return of cultural property which is a fundamental spiritual and cultural value to them,

Reiterating the solemn appeal made on 7 June 1987, by the Director-General of UNESCO for the return of irreplaceable cultural heritage to the countries of origin,

Bearing in mind the United Nations General Assembly Resolution 56/8 on the proclamation of 2002 as the United Nations Year for Cultural Heritage,

- 1. DECLARES** that the return or restitution to a country of its cultural property contributes to the strengthening of international cooperation between developed and developing countries.
- 2. Affirms** the importance of the provisions of the convention on Stolen or Illegally Exported Cultural Objects.

3. **DEPLORES** the systematic delaying tactic deployed by the government of Italy regarding the pillaged African historical monument, namely the Obelisk of Axum.
4. **CALLS** upon the government of Italy to abide by its commitment entered into in 1947, 1956 and 1997 to return the Obelisk of Axum to its country of origin;
5. **URGES** UNESCO to put the necessary pressure on the government of Italy to return the Obelisk of Axum to Ethiopia without further delay.
6. **APPEALS** to the international community to pressure the Italian Government to return the Obelisk of Axum pursuant to the United Nations General Assembly Resolutions.

OAU/AU DECLARATION ON THE PRINCIPLES GOVERNING DEMOCRATIC ELECTIONS IN AFRICA

I. PREAMBLE

We, the Heads of State and Government of the Organization of African Unity, meeting in Durban, South Africa, at the 38th Ordinary Session of the Assembly of the OAU, have considered the Report of the Secretary General on strengthening the role of the OAU in election observation and monitoring and the advancement of the democratization process.

Considering the principles and objectives of the African Union enshrined in the Constitutive Act of the African Union, particularly in its Articles 3 and 4;

Reaffirming the Algiers Decision of July 1999 and the Lomé Declaration of July 2000 on the Framework for an OAU response to unconstitutional changes of government, which laid down a set of common values and principles for democratic governance;

Considering the CSSDCA Solemn Declaration adopted by the Assembly of Heads of State and Government of the OAU in Lomé, Togo, in July 2000, which underpins the OAU's agenda of promoting democracy and democratic institutions in Africa;

Considering the New African Initiative (NAI) now referred to as the New Partnership for the African's Development (NEPAD) adopted by the Assembly of the Heads of State and Government in Lusaka, Zambia, in July 2001, by which, through the Democracy and Political Governance Initiative, African Leaders undertook to promote and protect democracy and human rights in their respective countries and regions, by developing clear standards of accountability and participatory governance at the national and sub-regional levels;

Reaffirming the importance of the Universal Declaration of Human Rights adopted in December 1948, as well as the International Covenant on Civil and Political Rights adopted in December 1966, which recognized the will of the people expressed through free and fair elections as the basis of the authority of government;

Reaffirming also the significance of the African Charter on Human and Peoples' Rights adopted in Nairobi, Kenya, in June 1981, which recognized the right of every citizen to participate freely in the government of his or her country whether directly or through democratically elected representatives;

Recalling the Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the Political and Socio-economic Situation in Africa and the Fundamental Changes Taking Place in the World, adopted in Addis Ababa, Ethiopia, in July 1990 wherein OAU Member States undertook to continue with the democratization of African societies and the consolidation of the democratic institutions;

Recalling further the African Charter for Popular Participation in Development adopted in Addis Ababa, Ethiopia, in July 1990, which emphasized the need to involve the people of Africa in the spheres of economic and political governance;

Referring to the Cairo Agenda for Action adopted in Cairo, Egypt, in 1995, which stressed the imperative of ensuring good governance through popular participation based on the respect for human rights and dignity, free and fair elections, as well as on the respect of the principles of freedom of the press, speech, association and conscience;

Cognizant of the fact that each Member State has the sovereign right to choose its political system in accordance with the will of its people and in conformity with the Constitutive Act of the African Union and the universally accepted principles of democracy;

Considering the ever-growing role already played by the OAU in the observation/monitoring of elections and the need to strengthen the Organization's efforts in advancing democracy in Africa;

Agree and endorse the following Principles Governing Democratic Elections in Africa:

II. PRINCIPLES OF DEMOCRATIC ELECTIONS

1. Democratic elections are the basis of the authority of any representative government;
2. Regular elections constitute a key element of the democratization process and therefore, are essential ingredients for good governance, the rule of law, the maintenance and promotion of peace, security, stability and development;
3. The holding of democratic elections is an important dimension in conflict prevention, management and resolution;

4. Democratic elections should be conducted:
 - a) freely and fairly;
 - b) under democratic constitutions and in compliance with supportive legal instruments;
 - c) under a system of separation of powers that ensures in particular, the independence of the judiciary;
 - d) at regular intervals, as provided for in National Constitutions;
 - e) by impartial, all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics;

III. RESPONSIBILITIES OF THE MEMBER STATES

We commit our Governments to:

- a) take necessary measures to ensure the scrupulous implementation of the above principles, in accordance with the constitutional processes of our respective countries;
- b) establish where none exist, appropriate institutions where issues such as codes of conduct, citizenship, residency, age requirements for eligible voters, compilation of voters' registers, etc would be addressed;
- c) establish impartial, all-inclusive, competent and accountable national electoral bodies staffed by qualified personnel, as well as competent legal entities including effective constitutional courts to arbitrate in the event of disputes arising from the conduct of elections;
- d) safeguard the human and civil liberties of all citizens including the freedom of movement, assembly, association, expression, and campaigning as well as access to the media on the part of all stakeholders, during electoral processes;
- e) promote civic and voters' education on the democratic principles and values in close cooperation with the civil society groups and other relevant stakeholders;
- f) take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices

throughout the whole electoral process, in order to maintain peace and security,;

- g) ensure the availability of adequate logistics and resources for carrying out democratic elections, as well as ensure that adequate provision of funding for all registered political parties to enable them organise their work, including participation in electoral process.;
- h) ensure that adequate security is provided to all parties participating in elections;
- i) ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by accrediting national and/other observers/monitors;
- j) encourage the participation of African women in all aspects of the electoral process in accordance with the national laws.

IV. ELECTIONS: RIGHTS AND OBLIGATIONS

We reaffirm the following rights and obligations under which democratic elections are conducted:

1. Every citizen shall have the right to participate freely in the government of his or her country, either directly or through freely elected representatives in accordance with the provisions of the law.
2. Every citizen has the right to fully participate in the electoral processes of the country, including the right to vote or be voted for, according to the laws of the country and as guaranteed by the Constitution, without any kind of discrimination.
3. Every citizen shall have the right to free association and assembly in accordance with the law.
4. Every citizen shall have the freedom to establish or to be a member of a political party or Organization in accordance with the law.
5. Individuals or political parties shall have the right to freedom of movement, to campaign and to express political opinions

with full access to the media and information within the limits of the laws of the land.

6. Individual or political parties shall have the right to appeal and to obtain timely hearing against all proven electoral malpractices to the competent judicial authorities in accordance with the electoral laws of the country.
7. Candidates or political parties shall have the right to be represented at polling and counting stations by duly designated agents or representatives.
8. No individual or political party shall engage in any act that may lead to violence or deprive others of their constitutional rights and freedoms. Hence all stakeholders should refrain from, among others, using abusive language and/or incitement to hate or defamatory allegations and provocative language. These acts should be sanctioned by designated electoral authorities.
9. All stakeholders in electoral contests shall publicly renounce the practice of granting favours, to the voting public for the purpose of influencing the outcome of elections.
10. In covering the electoral process, the media should maintain impartiality and refrain from broadcasting and publishing abusive language, incitement to hate, and other forms of provocative language that may lead to violence.
11. Every candidate and political party shall respect the impartiality of the public media by undertaking to refrain from any act which might constrain or limit their electoral adversaries from using the facilities and resources of the public media to air their campaign messages.
12. Every individual and political party participating in elections shall recognize the authority of the Electoral Commission or any statutory body empowered to oversee the electoral process and accordingly render full cooperation to such a Commission/Body in order to facilitate their duties.
13. Every citizen and political party shall accept the results of elections proclaimed to have been free and fair by the competent national bodies as provided for in the Constitution and the electoral laws and accordingly respect the final decision of the competent Electoral Authorities or, challenge the result appropriately according to the law.

V. ELECTION OBSERVATION AND MONITORING BY THE OAU

We request the OAU to be fully engaged in the strengthening of the democratization process, particularly by observing and monitoring elections in our Member States, according to the following guidelines:

1. The observation and monitoring of elections shall be undertaken subject to a memorandum of understanding between the OAU General Secretariat and the host country in accordance with the principles enshrined in this Declaration and the laws of the host country.
2. In performing their obligations, the election observers or monitors shall be guided by detailed guidelines to be prepared by the General Secretariat drawing inspiration from the essential thrust of this declaration, the specific mandates and terms of reference determined by the particular case in question as well as the wider legal framework of the country staging elections.
3. Member States should ensure that invitations to the OAU to participate in election observation or monitoring are sent at least two months before the date of the election.
4. Member States should refrain from imposing any fees and/or charges on OAU observers i.e. registration/accreditation fees etc and facilitate easy access of observers/monitors to locations of electoral events/activities and unhindered in the performance of their tasks.
5. The General Secretariat shall have the right to decline invitations to monitor elections which in its considered opinion, do not measure up to the normative standards enunciated in this Declaration.

VI. ROLE AND MANDATE OF THE GENERAL SECRETARIAT

Further request the OAU Secretary General to take all necessary measures to ensure the implementation of this Declaration by undertaking, in particular, the following activities:

- a) Strengthen its role in the observation and monitoring of elections within the legal framework of the host country, in

accordance with the memorandum of understanding reached with that country;

- b) Mobilize extra-budgetary funds to augment the General Secretariat resource base so as to facilitate the implementation of this Declaration;
- c) Undertake a feasibility study on the establishment of a Democratization and Electoral Assistance Fund, to facilitate a successful implementation of this Declaration.
- d) Undertake a feasibility study on the establishment within the OAU General Secretariat of a Democratization and Election Monitoring Unit that will also discharge issues on good governance;
- e) Compile and maintain a roster of African Experts in the field of election observation and monitoring and democratization in general in order to deploy competent and professional observers and to avail itself of their services whenever necessary. Member States on their part are requested to assist by making the names of their experts available to the General Secretariat;
- f) Work out better standards of procedures, preparations and treatment for personnel selected to serve on OAU observer missions.
- g) Promote cooperation and work in partnership with African Organizations and International Organizations, as well as national institutions, non-governmental Organizations and civil society groups involved in the elected monitoring and observation work.
- h) Publish and make the General Secretariat Reports on the observation/monitoring of elections and other related activities open to all Member States and the public at large, as a means of consolidating electoral and democratic processes on the continent.

DECLARATION ON DEVELOPMENTS IN ANGOLA

We, the Heads of State and Government of the Organization of the African Unity, meeting at our Thirty-eighth Ordinary Session, in Durban, South Africa, on the 8 July 2002,

Having taken cognisance of developments in the situation in Angola, as presented by H.E. the President of the Republic of Angola,

Having been solicited by the Angolan Government to mobilize humanitarian assistance for the people recently affected by the war in the country,

1. **WELCOME** the return of peace to Angola which, we are convinced, will bring about peace and tranquility in the Southern and Central African regions as well as in the whole African Continent;
2. **NOTE WITH SATISFACTION** the exemplary implementation of commitments subscribed to within the framework of the Memorandum of Understanding to the Lusaka Protocol between the Angolan Armed Forces and UNITA signed on 4 April, 2002 in Luanda.;
3. **COMMEND** the Government and the people of Angola, and in particular, H.E. President JOSE EDUARDO dos SANTOS for the spirit of national reconciliation and magnanimity they have demonstrated and encourage them to continue in this spirit;
4. **EXPRESS** our willingness to contribute to the ongoing efforts aimed at finding a solution for demobilized soldiers, orphans, internationally displaced persons and other war victims by ensuring their social reintegration and rehabilitation;
5. **APPEAL** to the African community in particular, and the international community in general, to continue to provide urgent humanitarian assistance towards the reconstruction and development of Angola.