

SOUTH AFRICA'S PREPARATIONS FOR THE AFRICAN UNION

Introduction

South Africa will be hosting the first Summit of the African Union (AU) from 1 to 11 July 2002 in Durban, the Summit part commencing on 8 July and to be preceded by ministerial and officials meetings. Apart from the significance of hosting the inaugural Summit and playing host to 53 Heads of State and Government and their delegations, South Africa will also become the first chair of the AU in the person of President Thabo Mbeki. This is a singular honour and responsibility especially against the background of the role the President will play in leading the process to finalise and establish the remaining organs of the AU, lead the implementation programme and in so doing lay the foundation for the functioning of the Organisation.

Transition from the OAU to the AU

In general, the AU objectives are different and more comprehensive than those of the OAU. The OAU has served its mission and was due for replacement by a structure geared towards addressing the current needs of the continent, in particular regarding social and economic development. In addition, a structure is needed that will be able to deal effectively with the political challenges of peace, stability and security issues. The AU has come at the ideal time as the perfect instrument for implementing NEPAD and bringing about an age of prosperity and progress.

The AU has a vastly expanded mandate from that of the OAU. It includes the principles contained in the Charter of the OAU, as well as the goals entrenched in the Abuja Treaty regarding social and economic development. In addition, it reflects a greater openness and willingness to be mutually scrutinised and assisted in areas such as human rights. Added to this is the need to establish a structure that can deliver on the expanded mandate.

The roots of the AU are already demonstrating a departure from the old: wide and broad participation is encouraged; RECs' participation and the crucial role they will play as implementing mechanisms for the programmes of the AU is being emphasised; RECs, in particular SADC, are playing a much stronger role in the development and operationalisation of the AU, than it has ever done in the case of the OAU; there has been agreement regarding the right to intervene in member states under specific circumstances; and the creation of the Permanent Representatives Committee (PRC) allows for an interactivity not previously experienced.

Processes to effect the transition

In preparing for the inaugural Summit of the AU, processes to be engaged with were identified at national, regional and continental level.

- At national level, member states had to prepare positions on the immediate objective to put in place the core structures of the AU, the Assembly of the Heads of State and Government of the AU, the Executive Council of Ministers, the Permanent Representatives Committee of Ambassadors, and the Commission that will be providing the secretariat services of the AU. These institutions were identified as the most basic requirements for the launching of the African Union. Negotiations on these core organs are largely completed. Progress has also been made on the restructuring of the Central Organ of the Mechanism for Conflict Prevention and Management.

Member states are also considering which of the organs, apart from the core organs and the Central Organ, of the AU it would like to host, and the issue of the staffing of the Commission is under consideration

South Africa as host country is engaged in the logistical preparations for the launch of the AU. This includes issues such as the identification of a theme for the Summit, the programmes we would like to pursue as chair of the AU, as well as issues which we would like to see concluded during our term as chair.

- The regional process in Southern Africa consisted of a series of SADC meetings during which SADC developed positions regarding the Rules of Procedures for the core organs. The process culminated in the SADC Extraordinary Council of Ministers Meeting in Blantyre in January 2002.
- The continental process is aimed at concluding the Rules of Procedures on the core organs. A series of meetings took place of which the last was a Council of Ministers Meeting from 9 to 15 March 2002 in Addis Ababa, as well as a meeting on the Central Organ which took place from 19 to 22 March 2002 at Fancourt. The Council of Ministers Meeting approved the Rules of Procedure for the core organs.

Theme Of the Summit

South Africa's deliberations on the theme for the Summit are taking into account the objectives of the African Union, as embodied in the Constitutive Act. The objectives of the Union are 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 cooperation, 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 cooperation in all fields of human activity to raise the living standards of African peoples;
- (l) Coordinate and harmonize policies between 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;

Agenda For The Summit

As host of the Summit, South Africa may suggest specific agenda items. South Africa would like to see a clear distinction between the different categories, namely political which will include conflict prevention, management and resolution, social development and economic development.

Programme of the AU during its first year.

The programme of the AU during its first year, will to a great extent be dominated by administrative/procedural/legal matters, which are all aimed at establishing the full scope of AU institutions, and winding down the affairs of the OAU. As first chair of the African Union, South Africa will also have the unique opportunity to set the tone for other programmes which the AU may be engaged in. In keeping with the decisions of the Lusaka Summit in 2001, South Africa intends to focus on programmes identified and prioritised under NEPAD, which will be the programme of the AU.

Commission programme

As part of the administrative/procedural/legal programme, the finalisation of work towards operationalising the AU and its new organs are a priority. This includes:

- The development of the Rules of Procedure on the Pan African Parliament, the Court of Justice, the Economic, Social and Cultural Council (ECOSOCC);
- The review of OAU Agreements, Treaties, Protocols and their relevance under the AU;
- The operationalisation of the relationship between the RECs and the AU;
- The review of the Scale of Assessment of the AU as a source of funding for the programmes and projects of the AU and the Central Organ's successor institutions;
- The review of the African Charter on Human and Peoples' Rights;

- The finalisation and adoption of criteria for the hosting of AU Institutions

All of the above mentioned items, except for the last, are already the subjects of OAU decisions, however, there is a need to oversee and ensure the implementation of the decisions.

Civil Society participation

Civil Society will be encouraged to participate in specific programmes or Seminars, in particular in the development of Rules of Procedure of the ECOSOCC, which is the institution of the AU through which Civil Society participation will be encouraged and through which Civil Society will be able to give inputs to the AU.

Outreach Programme

The Outreach Programme is aimed at popularising the AU and NEPAD within Parliament, provincial and local government structures, traditional leaders, the business community, research and academic institutions, the media and the diplomatic corps represented in South Africa. The programme represents cooperation between the Africa Institute and DFA through the Renaissance South Africa Outreach Programme Unit at the Africa Institute (established in August 2001) and participants of the Outreach Programme include representatives from the Presidency, Foreign Affairs, GCIS and the South African Chapter of the African Renaissance (SACAR).

The programme is aimed at certain events and dates that can be targeted to reach as wide an audience as possible. Opportunities presented by activities planned for Human Rights Day (21 March 2002), Freedom Day (27 April 2002), Workers Day (1 May 2002), Africa Day (25 May 2002), Youth Day (16 June 2002) and National Women's Day (9 August 2002) must be utilised to do a combined popularisation of the AU and NEPAD, instead of separately addressing the two.

Conflict prevention and progress on the Central Organ

A process was started by the OAU through which the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution was analysed and weaknesses highlighted. Subsequently, and based on this analysis, a brainstorming session took place between the Ambassadors of the Central Organ and the NEPAD Implementation Committee from 18 to 22 March 2002, at Fancourt, George, South Africa.

A number of suggestions emanated from the meeting which will probably be taken forward. The new mechanism will be called "Peace and Security Council" and its mandate will be expanded to include the right of the AU to intervene in member states in respect of grave circumstances, war crimes, genocide and crimes against humanity. It may also respond to requests by member states to intervene in restoring peace and security and its primary function will be peace-building and post-conflict reconstruction.

This means that it will be the vehicle through which South Africa could continue to concentrate on the areas in which it is already involved, e.g. the DRC, Angola, Lesotho, Burundi, Comores and Zimbabwe.

In addition to the current situations, the Peace and Security Council will have to build on its anticipation, prevention and early warning capabilities by putting in place effective early warning mechanisms and building on existing ones in RECs. There is also need for an early warning module to analyse developments on the continent.

Membership issues will include the question of whether the Peace and Security Council should have permanent members. If it should, the membership could be withdrawn under certain circumstances and they may not have veto powers. Even ordinary membership should probably be limited to 15 states, based on carefully determined criteria, and limited membership of about two-years. These issues will be contentious and it can be expected that the debate will be intense.

The need for ready contingents stationed in member states will also have to be clearly defined, as well as the need for a fund which could be used for their rapid deployment.

Status of the Rules of Procedure of the Core Organs of the AU

The Rules of Procedures for the four core organs has been mostly concluded. The contentious areas in earlier meetings were largely resolved. On the issue of geographical representation concerns was raised about compromising quality appointments to the Commission. Consensus was therefore reached that the appointment of Commissioners will be based solely on merit, but with consideration given to geographical rotation. The Chair and the Deputy Chair will also be appointed solely on merit.

Agreement was reached that the number of Commissioners, who will be responsible for programme implementation, will be based on the identified portfolios:

- Conflict Prevention, Management and Resolution;
- Human Rights, Democracy, Good Governance, Electoral Institutions, Civil Society Organisations, Humanitarian Affairs and Refugees;
- Energy, Transport, Communication, Infrastructure and Tourism;
- Health, Population, Migration, Labour, Social Affairs and Culture;
- Education, Youth, Human Resources, Science and Technology;
- Trade, Industry, Customs and Immigration Matters;
- Rural Economy, Agriculture, Environment and Natural Resources;
- Economic, Monetary and Financial Policies of the AU, Private Sector, Investment and Resource Mobilisation

The Assembly will appoint the Chairperson and his/her Deputy as well as all the Commissioners and it may be called to Emergency Sessions under specific circumstances and with the necessary written approval. A decision has also been taken to categorise

decisions, with more clarity given regarding the different categories and the sanctions imposed for non-implementation of each category.

International Response to the AU

The creation of the AU has been observed with interest and the AU increasingly finds itself a topic on agendas for Africa/EU co-operation, China/Africa co-operation, as well as bi-national discussions. The interest could be harnessed to promote the programmes of the AU which will be based on NEPAD. In general the international response has been positive, and a “wait-and-see” approach seems to have been adopted.

Outstanding Issues and Challenges

The hosting of institutions of the AU will need to receive early consideration, including the adoption of criteria which will determine the most viable candidates.

The Specific functions of the Specialised Technical Committees (STCs) will have to be defined, since the specific functions will determine the face of the AU and whether the STCs will be mechanisms able to implement NEPAD inspired programmes.

It is imperative that the relationship between the AU and Regional Economic Communities (RECs), and that between the RECs themselves, needs to be spelled out in a legal instrument, which could be along the lines of the current Protocol between the AEC and the RECs.

The OAU Summit in Lusaka adopted a resolution reaffirming the status of the Regional Economic Communities (RECs) as the building blocks of the AU and the need for their close involvement in the formulation and implementation of all programmes of the AU. The Assembly further called on the policy organs of the RECs to initiate a reflection of the relationship between the AU and the respective RECs, including the adoption of appropriate decisions on the most effective modalities for actualising this relationship.

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