

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

AHG/232 (XXXVIII) - b

**REPORT OF THE SPECIAL SESSION OF THE
COUNCIL OF MINISTERS ON THE
AFRICAN UNION**

REPORT OF THE SPECIAL SESSION
ON THE AFRICAN UNION

I. INTRODUCTION

The OAU Council of Ministers met in Extraordinary Session at the Durban International Convention Centre from 1 to 2 July 2002 under the Chairmanship of H.E. Cheik Tidjane Gadio, Minister of Foreign Affairs of the Republic of Senegal, in his capacity as the Chairman of the Bureau of the 75th Ordinary Session of the Council of Ministers.

II. ATTENDANCE

2. The following member States participated in the session Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, The Comoros, Congo, Democratic Republic of Congo, Cote d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Libya, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Sahrawi Arab Democratic Republic, Rwanda, Senegal, Sierra Leone, South Africa, The Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe.

3. The following Regional Economic Communities participated in the session: COMESA, ECOWAS, IGAD, SADC and CEN-SAD. Other international Organizations and bodies were also represented as Observers.

III. OPENING OF THE SESSION

Opening Remarks of the Chairperson of the Session

4. In his opening remarks, the Chairperson of the session first thanked the Government and people of South Africa for the very warm welcome extended to delegates and the quality of the accommodation provided to them. He then went on to define the modalities for the meeting, while underscoring the elements that should guide their deliberation, namely that the meeting was a special session and that consequently, re-opening debate on issues already examined at previous sessions should be avoided; and furthermore, that the abiding concern of the meeting was to make as much progress as possible by avoiding repetitive remarks. In this regard, the Chairperson called upon participants to be thorough and methodical to ensure constructive debate.

Statement by the OAU Secretary General

5. The OAU Secretary General H.E. Amara Essy, for his part, made a statement hailing the convening of the extraordinary session, which, he pointed out, was eloquent testimony to the priority OAU Member States attached to the noble idea of establishing the African Union. He then expressed profound gratitude to the Government of South Africa for having accepted the additional responsibility to host the session and for placing at the disposal of participants, all the requisite facilities, thus enabling them to work under excellent conditions.

6. The Secretary General highlighted three major areas of focus for the session. The first had to do with examining the progress so far made in the accomplishment of the tasks relating to the transformation of the OAU into the African Union, for submission to the Assembly of Heads of State and Government. The second was to finalize the Draft Rules of Procedure of the Assembly, the Executive Council and the Permanent Representatives' Committee as well as the Draft Statutes of the Commission. Finally, the Session was to deliberate on the issue of reform of the OAU Conflict Prevention, Management and Resolution Mechanism.

7. H.E. Mr. Amara Essy expressed his conviction about the determination of the Council of Ministers to make the African Union a reality and expressed the hope that at the end of its deliberations, Council would have laid a solid foundation and a dynamic framework for the launch of the Union.

8. The Secretary General then gave an insight into the efforts he had invested since adoption of the Lusaka Decision, to mobilize support from OAU partners to accomplish the tasks assigned to him. He reminded Council of the numerous tasks which remained to be accomplished immediately after the launch of the Union. These included intensification of efforts to ensure that the African people themselves take ownership of the process of realizing the Union. He indicated that the Second OAU/Civil Society Conference was meant to achieve that objective. In this regard, he further indicated that efforts were underway to finalize preparations for the speedy launch of ECOSOC, and Urged Member States to ratify the Protocol on the Pan African Parliament in order to make it operational.

9. The Secretary General underscored the need to put in place strong and dynamic institutions to face up to the challenges of the new century; mechanism and structures commensurate with the tasks to be accomplished; as well as Rules of Procedure consistent with the Constitutive Act and pertinent directives of African Leaders. While

recognizing the difficulty of the tasks ahead, the Secretary General reaffirmed the commitment and determination of African countries to tackle all the challenges necessitated by their unity, solidarity and mutual cooperation thereby enabling the African people to achieve peace and sustainable development to launch them into a new orbit.

10. The Secretary General indicated, in conclusion, that the present session should, by its work, ensure that the aspirations of the African people and their desire to establish more effective organs capable of propping up the continent's efforts to face up to the challenges of the new century, did not become futile.

11. He then wished the Council full success in its deliberations.

Statement by the Dean of the African Diplomatic Corps in Ethiopia

12. The Dean of the African Diplomatic Corps in Ethiopia, the Sudanese Ambassador H.E. Osman El Sayed intimated that the participants were proud, meeting in South Africa, the land of fierce and victorious struggle against apartheid and racial oppression; South Africa, the birth place of one of the most outstanding figures of our century, President Nelson Mandela.

13. Ambassador El Sayed, in turn thanked the government and people of South Africa for the hospitality and warm welcome they had extended to the delegations, and for the excellent arrangements put in place, which enabled the meeting to accomplish its task in the most congenial conditions. He also stated that the present session was devoted to preparing the grounds for a historic and unique event, namely: the inauguration of the African Union with all the related activities.

14. Ambassador El Sayed then thanked the Secretary General, the Assistant Secretaries General and the entire OAU staff for the tremendous efforts they had deployed, in an atmosphere of discipline and collaboration with the African Ambassadors in Addis Ababa, to put finishing touches to the Draft Rules of Procedure of the key organs of the Union. He expressed satisfaction at the fact that the relevant documents were ready, and the hope that they would be approved by Council.

15. The Ambassador then proposed that the Bureau of the 75th Ordinary Session as given hereunder be retained for the present session:

Chairperson: Senegal
First Vice-Chairperson Burundi
Second Vice-Chairperson: Tanzania
Vice Chairperson: Sahrawi Arab Democratic Republic
Rapporteur: Lesotho

16. Lastly, Ambassador El Sayed thanked all the Regional Deans, and all the other African Ambassadors to Ethiopia for their immense contribution to the OAU Secretary General's initiatives to ensure successful transition of the OAU to the African Union.

17. Council accepted the proposal to retain the Bureau of the 75th Ordinary Session of Council.

Adoption of the Agenda

18. Council adopted the following Agenda:

1. Opening of the Meeting
2. Adoption of the Agenda Sp/CM/AU/1
3. Organization of Work
4. Report of the Secretary General on the Implementation of the Lusaka Decision AHG/Dec.160(XXXVII) on the African Union adopted by the 37th AHG in July 2001 and way forward Sp/CM/AU/2
5. Consideration of the Report of the Secretary General on additional proposals submitted by Member States pursuant to Decision (Dec. CM/Dec.648(LXXV)) Sp/CM/AU/3
6. Consideration (final reading) of the
 - i) Draft Rules of Procedure of the:
 - a) Assembly of the African Union Sp/CM/AU/4(a)
 - b) Executive Council Sp/CM/AU/4(b)
 - c) Permanent Representatives' Committee Sp/CM/AU/4(c)
 - ii) Draft Statutes of the Commission Sp/CM/AU/5

7. Consideration of the Draft Protocol relating to the establishment of the Peace and Security Council of the African Union

Sp/CM/AU/6

8. Any Other Business

9. Adoption of the Report

Organization of Work

19. Council adopted its Hours of Work as follows:

Morning : 10 am - 1 pm

Afternoon : 4 pm - 7 pm.

Item 4: Report of the Secretary General on the Implementation of the Lusaka Decision AHG/160 (XXXVII) on the African Union adopted by the 37th AHG in July 2001 and Way Forward – Doc. Sp/CM/AU/2

20. Introducing the Report, the Secretary General stressed the priority that Africa attaches to the establishment of the African Union. He pointed out that the report provided a detailed account of the actions taken by the Secretariat in implementing the Lusaka Decision. Specifically, he mentioned the completion of the drafts of the Rules of Procedure and Statutes of the key organs and the draft Protocol on the Peace and Security Council. He emphasized that the building of the African Union is a serious and challenging undertaking which requires the pooling of efforts of all Africans so that the African Union could be built on a firm foundation and a dynamic basis.

21. The Secretary General went on to state that since his election, he has diligently pursued this task and undertaken a wide process of consultations. In this respect, he expressed his gratitude to all Member States and partners for the wise counsel and support provided to him during these consultations.

22. He went on to say that the task of building the African Union was a complex one which requires time and resources and the active participation of Member States. He indicated that many meetings had been held to ensure the full involvement of all and to ensure that proposals and recommendations made were in compliance with the letter and spirit of the Constitutive Act of the African Union. He then elaborated some of the issues related to the key Organs. He invited

the meeting to ensure that the documents before it live up to the vision and spirit of the Act and that they effectively contribute to the translation of the dream of the people of Africa for unity and progress.

23. In conclusion, the Secretary General stressed the fact that the African Union is a fundamental redirection and revitalization of African efforts to achieve unity and development. It was the beginning of a long journey on which are pinned the hopes and aspirations of all Africans. Africa cannot afford to fail in this endeavour.

24. Following the introduction of the Report, the Chairman invited the meeting to study carefully the recommendations made by the Secretary General. In the discussions that ensued, a number of delegations sought clarification and raised questions with respect to the interim arrangements proposed in the recommendations. It was felt that the interim arrangements should be more explicit and detailed to enable the Assembly take informed decisions. The need to maintain momentum and a sense of urgency was also underscored.

25. The Legal Counsel was requested to provide explanation on the interim arrangements. He stated that the interim arrangements were provided for in Article 33 (4) of the Constitutive Act. This Article of the Act makes provisions for ensuring a smooth transition from the OAU to the AU during which the OAU Secretariat would act as the interim Secretariat of the Union. He indicated that it was now up to Member States to work out the details of such arrangements.

26. Following these discussions, a number of proposals were made on the methodology for discussing the report. Among these was the establishment of a Committee to reflect on the interim arrangement and prepare recommendations to the meeting. Another proposal was to refer the consideration of the recommendations to the Assembly. A third proposal was for the meeting to consider the recommendations either in its next sitting or during its Ordinary Session. During the discussions the Secretary General indicated that he would have no objection to a unanimous decision by Council to set up a Committee to consider the matter.

27. At the end of the debate a consensus was reached to discuss the recommendations including the interim arrangements in a meeting prior to the adoption of the report of the Special Session.

Item 5: Consideration of the Report of the Secretary General on Additional Proposals submitted by Member States pursuant to Decision CM/Dec.648 (LXXV)

28. This item was considered together with Item 6, and those proposals that were accepted have been incorporated into the draft texts of the Rules of Procedure of the Assembly, the Executive Council, and the Permanent Representatives' Committee, as well as the Statutes of the Commission of the Union.

Item 6: Consideration (final reading) of the:

- i) Draft Rules of Procedure of the:**
 - a) Assembly of the African Union-
Doc. Sp/CM/AU/4(a)**
 - b) Executive Council
- Doc. Sp/CM/AU/4(b)**
 - c) Permanent Representatives' Committee
- Doc. Sp/CM/AU/4(c)**
- ii) Draft Statutes of the Commission
- Doc. Sp/CM/AU/5**

Scope of the Report

29. This Report is not intended to capture the entire debate and the various changes brought about in the four draft legal texts, but rather to highlight in a brief manner the main issues raised during the session.

Consideration of the Draft Rules of Procedure of the Assembly

30. Council examined the Draft Rules article by article.

Rule 5: Venue

31. This rule which stipulates that the Assembly should meet every other year at the Headquarters of the Union was the subject of a lengthy debate. Some delegations pointed out that the Assembly of Heads of State and Government of the OAU has decided on the venue of its sessions until the year 2008. Some delegations argued that if the Assembly of the Union was to abide by the calendar, this would contravene the provisions of this rule and that the Member States who had offered to host the sessions of the Assembly would be embarrassed in view of expenditure already incurred in preparation for the hosting of the sessions. Many delegations expressed the view that moving the venue from place to place would popularize the African Union. In this

regard, they indicated that all Member States should be given equal opportunity to host the sessions of the Assembly. At the end of the debate, Council decided that Rule 5 be implemented subject to the calendar already adopted by the OAU up to 2008.

Rule 14: Working Languages

32. Council took note of the fact that rule 14 was apparently not in conformity with Article 25 of the Constitutive Act which stipulated the working languages as African languages, Arabic, English, French and Portuguese. Some delegations expressed the view that even though the 37th Ordinary Session of the Assembly meeting in Lusaka, Zambia, in July 2001 had decided to introduce Spanish as a working language, this decision required an amendment of the Act to include Spanish. In this regard, these delegations stated that the procedure for amendment provided for in Article 32 was not followed. The meeting decided to retain Spanish as a working language of the Union in conformity with the decision by the Assembly of Heads of State and Government of the OAU.

Rule 16: Duties of the Chairperson

33. In considering rule 16(3) some delegations pointed out the need to avoid overlap in the functions of the Chairperson of the Assembly and the Chairperson of the Commission. It was indicated that there was need to differentiate between political representation and legal representation. In this regard, Council agreed to retain the Rule as it is, it being understood that the Chairperson of the Assembly was the principal political representative of the Union and the Chairperson of the Commission was the legal representative.

Rule 18: Majority Required

34. In considering this rule, Council agreed on the need to differentiate between the majority required to convene a session and the majority required to make decisions. In this regard, it was indicated that the majority required in the first instance was two thirds of the total membership of the Union and that in the second instance it was two-thirds of the Member States eligible to vote. The rule was amended accordingly.

Rule 33: Categorization of Decisions

35. This rule attracted a lengthy debate. Some delegations strongly suggested that “without the need for national measures to implement them” should be deleted and that Member States should implement

the decisions taken by the Assembly in good faith. Some delegations suggested that the existing national laws of Member States be made to conform to the Constitutive Act. However, many delegations pointed out that since the Union was not yet a supranational body, it was important for Member States to respect their respective constitutions. The rule was amended to make the decisions applicable in all Member States which will take all necessary measures to implement such decisions.

36. In considering Rule 37 on Sanctions for unconstitutional changes of government, concern was expressed regarding the tendency to manipulate elections and to fraudulently stay in power. Council agreed to continue reflection on how to reinforce the framework for dealing with unconstitutional changes to address such situations.

Consideration of the Draft Rules of the Executive Council

37. The Special Session examined the Draft Rules article by article.

Rule 6: Venue

38. Council underlined the importance of giving an opportunity to all Member States to host the sessions of the Executive Council; and, therefore, agreed that its sessions be held at the Headquarters every two years.

Rule 15: Working Languages

39. Some delegations expressed the view that the time had come to operationalize the use of African languages as working languages of the Union. In this regard, one delegation pointed out that it was in consultation with other Kiswahili-speaking delegations on the financial implications of such a decision in light of the existing practice on this matter. At the end of the debate, cognizant of a previous decision on the introduction of Kiswahili as a working language of the OAU, Council decided that all the necessary measures should be taken to ensure that Kiswahili becomes a working language of the Union as soon as possible.

Rule 34: Categorization of Decisions

40. Council agreed to incorporate the agreement reached in the Rules of the Assembly into these Rules and that those decisions which attracted sanctions should be approved by the Assembly.

Rule 37: Appointment of Commissioners

41. One delegation requested for clarification on whether the Commissioners would be elected in their personal capacity or as representatives of their countries or regions. Following an exchange of views on this matter, Council decided that Commissioners would be nominated by their governments, and after consultations at the regional level, be elected in their individual capacity.

Rule 38: Voting Procedure

42. There was debate on what should happen if there is only one candidate left and he/she fails to secure the required two-thirds majority and the elections are suspended. Some delegations were of the view that in that particular case, the majority required should be a simple majority. Other delegations felt that in order for the Chairperson of the Commission to have legitimacy, it was important to retain the two-thirds majority. At the end of the debate, Council agreed to retain the requirements of a two-thirds majority.

Consideration of the Draft Rules of Procedure of the Permanent Representatives Committee (PRC)

43. On the provisions of Rule 4, concern was expressed that the powers and functions of the PRC were not in conformity with the Constitutive Act. It was pointed out that the PRC had an important role to play in assisting the Executive Council as an advisory body and that since members of the Commission would be elected on the basis of their competence and experience, the PRC should not interfere in the management of the Commission, whose Chairperson was answerable to the Assembly and the Executive Council. It was agreed that such interference would stifle the creativity and imagination of the Commission and adversely affect its functioning. Assurance was given that the Permanent Representatives' Committee would not interfere in the management of the Commission, its role being to ensure, on behalf of Member States, implementation of the decisions taken by the Assembly and Executive Council.

Consideration of the Draft Statutes of the Commission

44. Council examined the Draft Rules article by article.

Article 9: Deputy Chairperson of the Commission

45. Some delegations expressed the view that Administration, Finance and Coordination, which had been allocated as a

responsibility of the Deputy Chairperson, should be listed among the portfolios in Article 12. Other delegations were of the view that it should not be listed as a separate portfolio because it referred to internal arrangements to the Commission while the other portfolios related to areas of concern to Member States. A number of other delegations indicated that the functions of the Deputy Chairperson should not be itemized and he/she should assist the Chairperson in the discharge of his/her duties. At the end of the debate, Council decided not to include Administration, Finance and Coordination from the list of portfolios in Article 12. It also decided that coordination should be removed from the functions of the Deputy Chairperson, as it fell within the mandate of the Chairperson.

Article 12: Portfolios of the Commission

46. This rule attracted a lengthy debate. Council took note of the outstanding issues, including the modalities for electing Commissioners for a specific portfolio and the manner in which nominations are presented at regional level and forwarded to the Assembly. Council decided to set up a working group to reflect on the various issues and to make recommendations.

47. Another lengthy debate took place on how best gender issues would be addressed within the Union, during which more than ten delegations took the floor to underline the importance of the issue, the Continent's commitment to gender equality, and the need to find the most effective ways of translating this commitment into concrete reality.

48. While some delegations called for the establishment of a portfolio specifically on gender, other delegations were of the opinion that this would undermine the delicately crafted compromise regarding the number of portfolios. Consequently, the Special Session endorsed its previous decision that the Unit responsible for gender issues should be located in the Office of the Chairperson of the Commission, as the Office with the power to ensure gender mainstreaming and implementation of commitments on gender.

49. The Special Session underscored the vital role of women in the Union and the importance to be accorded to the gender issue. It was therefore agreed, firstly, that all the Commissioners would be responsible for promoting gender equality in areas falling within their competence; and secondly, that the primary and ultimate responsibility for promoting gender equality in the activities of the African Union would rest with the Chairperson of the Commission who would take all the necessary structural measures to that effect.

Article 14: Appointment of other Staff of the Commission

50. Concern was expressed on the provision in Article 14(3) that the recruitment process of senior administrative, professional and technical staff of the Commission would be subject to approval by the Advisory Sub-Committee on Administrative, Budgetary and Financial Matters of the PRC upon submission of job descriptions, justification and financial implications. It was pointed out that this provision was not in conformity with the Constitutive Act, since the Act did not give such powers to the PRC over the Commission.

51. Some delegations explained that the intention was to exercise oversight on the expenditures of the Commission and not to control or impede the functioning of the Commission in any way. They further pointed out that this oversight function was also to ensure that the recruitment process was in conformity with the relevant rules and regulations. It was agreed that the role of the PRC was advisory and not inspection and that this provision was not intended to prescribe who is recruited but rather to enable Member States to know the cost involved. The Acting Legal Counsel provided clarification regarding current practice on this issue.

52. At the end of the debate, Council decided to retain the provision as it is. The delegation of Mauritius entered a strong reservation on the provisions of Article 14(3).

Item 7: Report of the Draft Protocol relating to the establishment of the Peace and Security Council of the African Union – Doc. SP/CM/AU/6

53. The Assistant Secretary General in charge of Political Affairs, introduced this agenda item. In his introductory remarks, the Assistant Secretary General recalled that the draft Protocol was part of the efforts to implement the decision adopted by the Assembly of Heads of State and Government in Lusaka in July 2001. He indicated that various consultations had been undertaken, prior to and after the Lusaka Decision, with the view to enhancing the effectiveness of the OAU Mechanism.

54. Following the Lusaka Decision, the General Secretariat prepared a background document on the review of the structures, procedures and working methods of the Central Organ and presented it to Permanent Representatives and Government Experts during their second meeting on the African Union, held in Addis Ababa, Ethiopia, in February 2002. Subsequently, an informal brainstorming session on the background document was held in George, South Africa, in

March 2002, followed by a consultative meeting involving the representatives of the regional organizations and other international cooperating partners in May 2002. The General Secretariat also organized, in May and June 2002, respectively a meeting of Permanent Representatives and Government Experts in Addis Ababa, Ethiopia, to examine a draft Protocol on the establishment of a Peace and Security Council within the African Union. The informal consultations resulted in the draft Protocol that has now been submitted for the consideration of Council.

55. The Assistant Secretary General informed Council that on the whole, the Committee of the Permanent Representatives and the Government Experts have reached a consensus over the form and substance of the draft Protocol under Council's review, except for Article 5 relating to the composition of the Peace and Security Council, and paragraph 5 of Article 21 dealing with the assessment of cost and operations, and which were the object of the reservation of one delegation during the Addis Ababa consultations.

56. Finally, he summed up the various options envisaged on the composition of the Peace and Security Council and concluded his remarks by requesting Council's directives on the way forward on this and other aspects of the draft Protocol.

57. During the ensuing exchange of views, all the delegations that took the floor recognized the need and importance of setting up a Peace and Security Council. They stressed that peace and security constituted, with development and integration, the main pillars of the African Union and that, as such, all Member States should be involved in this endeavour. The delegations also expressed no objection to the new name, which they unanimously approved.

58. However, while recognizing the importance and need for the establishment of a Peace and Security Council, some delegations held the view that more consultations were needed within the African Union, on the one hand, and between the African Union and concerned partners in the international community, including the United Nations, on the other hand. It was argued that the draft Protocol under consideration had far reaching implications and, as such, more time ought to be given to member States for an exchange of views and careful examination to ensure, *inter alia*, the conformity of the Peace and Security Council with the United Nations Charter and, singularly, the role of the United Nations Security Council in the maintenance of international peace and security.

59. By contrast, other delegations held the view that the draft Protocol under examination was in conformity with the United Nations Charter, as had been stressed in several preambular and substantive paragraphs of the document. They also stated that the draft Protocol was in line with the provisions of Chapter VIII of the UN Charter on the role of regional arrangements or agencies in the maintenance of peace and security. The delegations stressed that, while it was important to harmonize the powers and functions of the Peace and Security Council with those of the United Nations Security Council, it was equally important to bear in mind that Africa should address more decisively the issue of peace and security in the Continent in view of the fact that

the international community and the United Nations Security Council had not always displayed the commitment that Africa had expected from them in this domain. In their view, the Peace and Security Council ought therefore to be viewed as the relay between the United Nations Security Council and the African Union.

60. All the delegations that took the floor addressed the issue of the composition of the Peace and Security Council. They agreed not to consider the option on Permanent membership of the Peace and Security Council. In this regard, some delegations stated that, at the time of establishing and consolidating the African Union, such a categorization of African countries was divisive and in violation with the principle of sovereign equality of Member States as enshrined in the Constitutive Act. Rather, the need was stressed to uphold the principles of equitable regional representation and rotation and ensure that all Member States take part in the efforts to promote peace and security in the Continent.

61. The delegations also recognized the need to ensure continuity and efficiency in the work of the Peace and Security Council. In this regard, some delegations proposed, among other things, the setting up of a Secretariat to assist the Peace and Security Council in the performance of its functions and serve as its institutional memory. Others, while not explicitly rejecting this proposal, suggested a Troika formula to ensure continuity in the work of the Peace and Security Council.

62. On the issue of membership, Council agreed with the proposed number of fifteen (15). A consensus also emerged to consider the third option of the draft Protocol as a basis for the deliberations of Council. After further consultations, a revised formulation of Article 5 was submitted by the Secretariat and approved by Council. The new formulation reads as follows:

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 peace building 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
 - i) 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 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.

63. Some delegations also addressed the issue of the composition of the Panel of the Wise. While agreeing with the establishment of such a Panel, the delegations argued that it should be an Ad Hoc, flexible and consultative body.

64. All the delegations underscored the need for African Union's members to provide adequate financing for the activities of the Peace and Security Council, in order to retain ownership over African initiatives in the sensitive area pertaining to peace and security in the Continent. In this regard, Council agreed to retain Article 21 (5) as proposed.

65. Finally, Council unanimously agreed about the need to establish the Peace and Security Council as expeditiously as possible. The hope was expressed that this Organ would be much more effective than the Central Organ, and that it would be sufficiently empowered to enable the African Union fulfill its mandate in the area of peace and security.

ANY OTHR BUSINESS

66. No items were discussed under this item.

ADOPTION OF THE REPORT

67. The Report was adopted with some amendments.

CLOSING SESSION

68. The Chairman thanked the Special Session for their support and cooperation. He stressed that the meeting took place in a spirit of unity and full awareness of the magnitude of the historic task entrusted to the Special Session. He congratulated all delegations for their constructive contributions and their spirit of accommodating all views. By so doing, they have done Africa and themselves a great honour.

69. The Special Session congratulated and thanked the Chairman for his excellent leadership which enabled the meeting to attain its objectives.

70. The Secretary General joined the Special Session in thanking the Chairman for the way in which he had conducted the discussions and thanked all Member states for their excellent contributions, as well as for their support which had enabled the Secretariat to discharge its duties. He also thanked his colleagues Assistant Secretaries General and the staff of the OAU for their commitment and dedication going beyond the call of duty.

71. Thereafter the Chairman declared the Special Session closed.

