

**Addendum to the Report of the Special Session on
the African Union**

Resuming the debate on the interim period issue, at the time of the adoption of the Report, the Chairman recalled that in the discussions the previous day, there were two interpretations of the cumulative effect of the Assembly Decision of Lusaka and Article 33 of the Constitutive Act. The first interpretation was that Articles 33(1) and 33(4) solved the problem in that the OAU Secretariat would be the interim Secretariat pending the establishment of the Commission. Consequently, there was a generally accepted view that what was required now were interim arrangements, particularly as regards the establishment of the Commission, since the other three key organs were virtually in place.

The other interpretation was that since the transition period ends on the 9th of July 2002, and the African Union comes into being on the same day, Council would have to propose new arrangements and modalities for managing the interim period. The Chairman stressed that the issue was more political than legal, and that, therefore, further reflection was called for. Thereafter he opened the matter for discussion.

In the ensuing discussions, all delegations congratulated the Secretary General and his team for the commendable work carried out in the preparation of the basic texts of the four key organs, which would make the launching of the African Union possible.

Some of the major issues and observations that emerged from the deliberations were the following:

- that the one-year mandate given by the Assembly to the Secretary General to implement the Lusaka Decision on

the African Union ends with the end of the transition period;

- there was need to establish clear priorities for the interim period:
 - the establishment of the Commission;
 - appointment of the Chairperson of the Commission, the Deputy Chairperson, and the Commissioners;
 - finalization of the structure of the Commission and appointment of senior management;

On the duration of the interim period, there were two main views. The first view was that the interim period should be for a period not exceeding one year, with a clearly marked calendar and programme of activities to complete the above priorities. Different permutations on the management of the interim period were proffered. Among these were to:

- designate the Secretary General as interim Chairperson, and the Assistant Secretaries General as interim Commissioners, so as to allow them to complete the agreed priority tasks;
- elect the Chairman of the Commission, and the Deputy Chairperson within six months, and entrust them with the task of completing the priority tasks within the remaining six months, so that by the time of the next Ordinary Session of the Assembly, all the key organs would be in place.

The other view was that the interim period should be for six months, with the following variations:

- appoint the present Secretary General as the interim Chairperson of the Commission for six months to complete arrangements for the election of the Chairperson, Deputy Chairperson, and the Commissioners;
- elect the Chairperson and Deputy Chairperson at an Extraordinary Session of the Assembly.

To this end, the Secretariat should immediately initiate the selection process in accordance with the Rules of Procedure of the Assembly, once adopted.

In conclusion, the Chairman stated that Council had had a very rich and insightful debate in which 27 delegations had taken the floor. He summarized the conclusions of the deliberations as follows:

- Council congratulated and expressed its appreciation to the Secretary General, the Assistant Secretaries General and the staff of the General Secretariat for the excellent work done and for their dedication and commitment to the cause of the African Union which had made the launching of the African Union possible. To this end, the Chairman proposed that a motion of thanks and encouragement should be issued by the Assembly to the Secretary General, to the Assistant Secretaries General, and to the entire staff of the General Secretariat;
- Council agreed that the transition period would be over on the 9th of July 2002;
- Council agreed that what was required was an interim period to allow completion of the priority tasks related to the establishment of the Commission, namely, election of the Chairperson, the Deputy Chairperson, the Commissioners, and the structure;

- Council had considered the issue of the duration of the interim period. While a number of delegations had been in favour of a twelve-month interim period, other delegations had spoken in favour of a six-month period. The Chairman felt that Council should recommend to the Assembly, in accordance with Article 33(4) of the Constitutive Act, an interim period of one year, in view of the arguments adduced;
- Council agreed to retain the Secretary General, the Assistant Secretaries General and the staff of the General Secretariat of the OAU as the interim Commission;
- Council urged that the interim Commission should do everything to complete the structure of the Commission and the appointment of the members of the Commission within that period.

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