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THE COMMON AFRICAN POSITION ON THE PROPOSED REFORM OF THE UNITED NATIONS:

"THE EZULWINI CONSENSUS"

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The African Union, having deliberated at length on the Report of the High-level Panel on Threats, Challenges and Change, adopted a Common African Position, known as "The Ezulwini Consensus", which contains the following elements:

A.   COLLECTIVE SECURITY AND THE CHALLENGE OF PREVENTION

i) Poverty, infectious diseases and environmental degradation

- The recommendations of the High-level Panel should be consistent with the Declarations and Decisions of the African Union on the matter. The AU supports their implementation within the framework of multilateralism, as a tool for eradicating poverty, boosting economic growth, promoting sustainable development, alleviating the debt problem, enhancing Africa's participation in WTO negotiations and combating HIV/AIDS and other infectious diseases.

HIV/AIDS

- It is important to underscore that HIV/AIDS is not only a security threat but has far reaching economic and social consequences that are of primary concern to Africa. Further, affordable access to treatment is fundamental to the fight against HIV/AIDS. It is equally important that more resources are provided for prevention, research and medication that would combat and eradicate HIV/AIDS. The relevant scientific knowledge must be supported to ensure vaccine development and medicine that can alleviate the disease.

- Building national and regional health systems is vital. The fight against disease in Africa has to be broadened to cover an integrated health system for each country. Accessibility to urgent care and community services is vital in the fight against HIV/AIDS.

- Since the resources required in the prevention and treatment of HIV/AIDS are grossly inadequate, it is important that the international conference scheduled for Stockholm in March 2005 aimed at addressing additional funding to alleviate the constraints on national budget, should be supported by African countries.

POVERTY

Africa is of the view that the Report did not sufficiently stress the critical linkage between development and poverty as root causes of insecurity.

Indeed, focus on poverty alleviation is the most effective tool for conflict prevention.

- It is important that a balance is maintained between the consideration of security and development issues at all levels. The special needs of Africa, as recognized in the Millennium Declaration, also ought to be taken into account in this context. In addressing poverty, it is important to welcome the innovative idea of a timetable for fulfilling the commitment of 0.7% of GDP as Overseas Development Assistance (ODA) and to take into consideration the recommendations on ODA within the larger framework of the Millennium Declaration's focus on Africa's Special Needs.
- In addressing this issue, the Secretary-General, in the preparation of his report, should take into account the recommendations of the Report by the World Commission on the Social Dimension of Globalization, entitled: "A Fair Globalization: Creating Opportunities for All", as it provides a crucial base for addressing poverty and other systemic issues that impede Africa's development.

DEBT

- It is important to raise the serious issue of debt and request the United Nations to support the present efforts made by the Commission of the African Union for its thorough review. In this regard, it is appropriate to ask for the debt cancellation of the highly indebted poor countries as well as the debt reduction and cancellation for middle income indebted countries, where appropriate.

ENVIRONMENTAL DEGRADATION

- It is important to stress that environmental protection would be difficult to achieve without concrete steps to address poverty. Desertification, land degradation, biodiversity and deforestation are critical issues for African countries and constitute major threats to security and stability in Africa.
- Developed countries should take urgent actions to address this problem, including ratifying or acceding to the Kyoto Protocol, in view of the fact that they are still responsible for global warming.

WTO NEGOTIATIONS PROCESS

- Enhance Africa's effective participation in the WTO trade negotiations and in the world trading system as a whole.
- In this regard, the capacity of delegations from developing countries to participate meaningfully in WTO processes must be strengthened through capacity-building and technical cooperation programmes. The WTO Secretariat should increase funding for such programmes and to implement the relevant programmes agreed on in Doha.

ii)   *Inter-State and Internal Conflicts*

- The UN should set up a Commission to study the recommendation on developing norms governing management of natural resources for countries emerging from or at risk of conflict

- The UN and it Member States should also give particular consideration to all the other recommendations, especially recommendation 14 regarding development of frameworks for minority rights and the protection of democratically elected governments from unconstitutional changes. Member States should also undertake to negotiate an international instrument on this subject. The African Union and the United Nations should collaborate closely to implement the Lomé and Algiers Declarations on Unconstitutional Changes of Governments.
- Africa accepts recommendation 20 on the preventive deployment of peacekeepers and strongly urges that regional organizations apply the same strategy in their respective regions. However, the UN should not abdicate its responsibility for the maintenance of international peace and security.

iii)   *Conventional Weapons*
- The illicit transfer, manufacture and circulation of Small Arms and Light Weapons (SALW**)** and their excessive accumulation and uncontrolled spread as well as the utilization of child soldiers in many regions of the world, particularly Africa, should be prohibited. Africa will collaborate with other regions for the negotiation of an international instrument on the identification and tracing of small arms and light weapons. The prohibition of anti-personnel land mines should also be stressed.

iv)   *Nuclear, radio-active, chemical and biological weapons*

- The recommendations of the Panel in this area do not fully address the concerns of the African Union. The notion of "proliferation" should **be** defined in the context of the "horizontal" and vertical proliferation of nuclear weapons. Further, the development of new types of nuclear weapons is in contravention of the assurances provided by the Nuclear-Weapon-States at the conclusion of negotiation of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).
- There is need for an international conference, at the earliest possible date, with the objective of reaching an agreement on a phased programme for the complete elimination of nuclear weapons within a specified timeframe to eliminate all nuclear weapons, to prohibit their

development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and to provide for their destruction.

- Africa will collaborate with other regions, within the framework of multilateralism, to address the problem of disarmament and the non-proliferation of nuclear weapons, provided for under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), including the implementation of the African Nuclear Weapon Free Zone Treaty (The Treaty of Pelindaba).

- There is need to respect the inalienable rights of developing countries, including African countries, to engage in research, production and use of nuclear energy for peaceful purposes without discrimination in conformity with the provisions of NPT. Further, the choices and decisions of each country in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy. In this context, Africa commits itself to expedite the process of ensuring early entry into force of the Treaty of Pelindaba which contains very useful provisions for peaceful uses of nuclear energy.

- There is need to ensure that any action by the Security Council does not undermine existing international treaty regimes on weapons of mass destruction and conventional weapons and of international organizations established in this regard, such as the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW), as well as the role of the United Nations General Assembly.

- There is need to maintain the important role of the First Committee as a subsidiary body of the General Assembly and other multilateral disarmament machinery, in particular, the United Nations Disarmament Commission (UNDC) and the Conference on Disarmament (CD), in dealing with questions of disarmament and other related international security questions.

v)   *Terrorism*

- It is important for all Member States to sign, ratify or accede to the various international and regional instruments relating to the prevention and combating of terrorism. Member States that have not yet done so should be encouraged to sign, ratify or accede to, these instruments as the case may be.

- It is also important that Member States of the United Nations **enhance their** cooperation **in** the prevention and combating of terrorism, and to implement scrupulously continental and international instruments.

- Terrorism, in line with the Algiers Convention on Terrorism, cannot be justified under any circumstances. Political, philosophical, ideological, racial, ethnic, religious or other motives cannot be a   justifiable

defence against a terrorist act. However, there is a difference between terrorism and legitimate struggle waged by peoples for their liberation or self-determination in accordance with the principles of international law.

- The recommendation pertaining to the establishment of *"A Special Capacity-Building Trust Fund"* is pertinent and should be supported, as it will enhance the capacity of the United Nations to provide technical assistance to Member States in their national efforts to prevent and combat terrorism. It should be stressed that the rules governing the fund should be democratic enough to help strengthen the regional counter-terrorism mechanisms, especially the operationalization of the AU Convention on Terrorism and the Algiers-based African Centre for Study and Research on Terrorism.
- There is particular value in achieving a consensus definition of terrorism within the General Assembly, given its unique legitimacy in normative terms. The Assembly should rapidly complete negotiation on a comprehensive convention on terrorism. The legal definition of terrorism should be the subject of a treaty concluded by the General Assembly and is not a matter to be determined and imposed by the other organs of the United Nations. The appropriate definition must also address the root causes and conditions that impel people towards terrorist acts.

vi)   *Trans-National Organized Crime*

- The recommendation aimed at preventing, suppressing and punishing human trafficking, especially regarding women and children, is pertinent. Member States should ratify or accede to the related Protocol to ensure its effective implementation.
- It is necessary for African countries to ensure that measures be taken to combat the use of mercenaries to overthrow democratically elected legitimate African governments.
- Special attention should be given to issues such as *Money-laundering, and fiscal paradises,* as well as *modern slavery* and all forms of *human exploitation.*

The Role of Sanctions

- The recommendations on sanctions and related provisions are pertinent and it is necessary to appoint a Senior Official on the matter.
- The power of the Security Council to impose sanctions should be exercised in accordance with the United Nations Charter and international law. Sanctions should be considered only after all means of peaceful settlement of disputes under Chapter VI of the United Nations Charter have been exhausted and a thorough consideration undertaken of the short-term and long-term effects of such sanctions. Further, sanctions should be imposed for a specified time-frame and

be based on tenable legal grounds and should be lifted as soon as the objectives are achieved. Sanctions should also be smart and targeted to mitigate their humanitarian effects. In this regard, there is need for the UN to define the objectives and guidelines for the imposition of sanctions.

B. COLLECTIVE SECURITY AND THE USE OF FORCE

i. *The Responsibility to Protect*

- Authorization for the use of force by the Security Council should be in line with the conditions and criteria proposed by the Panel, but this condition should not undermine the responsibility of the international community to protect.

- Since the General Assembly and the Security Council are often far from the scenes of conflicts and may not be in a position to undertake effectively a proper appreciation of the nature and development of conflict situations, it is imperative that Regional Organisations, in areas of proximity to conflicts, are empowered to take actions in this regard. The African Union agrees with the Panel that the intervention of Regional Organisations should be with the approval of the Security Council; although in certain situations, such approval could be granted "after the fact" in circumstances requiring urgent action. In such cases, the UN should assume responsibility for financing such operations.

- It is important to reiterate the obligation of states to protect their citizens, but this should not be used as a pretext to undermine the sovereignty, independence and territorial integrity of states.

ii. *The Question of Legality*

- With regard to the use of force, it is important to comply scrupulously with the provisions of Article 51 of the UN Charter, which authorise the use of force only in cases of legitimate self-defence. In addition, the Constitutive Act of the African Union, in its Article 4 (h), authorises intervention in grave circumstances such as genocide, war crimes and crimes against humanity. Consequently, any recourse to force outside the framework of Article 51 of the UN Charter and Article 4 (h) of the AU Constitutive Act, should be prohibited. Furthermore, it is important to define the notion of "collective danger" which would justify collective action.

iii. *Peace Enforcement and Peacekeeping Capacity*

- The present rules of the UN relating to the peacekeeping budget should be amended in order to give the UN the latitude to finance operations carried out by Regional Organisations on the basis of contributions to be recovered.

- It is necessary to maintain sustained interaction between the UN and the Regional Organisations in order to build particularly the operational capacities of the organisations. To this end, the UN, the developed countries and the other regional groupings, should continue to give logistic and financial support to the speeding up of the establishment of an African Standby Force for it to become operational as soon as possible, but not later than 2010. Any other initiative to build regional peacekeeping capacities should supplement the African Standby Force.

iv.   *Post Conflict Peacebuilding*

- It is important to speed up the proposed establishment of a Peacebuilding Commission. It is also necessary to consider thoroughly its mandate and structure. The said Commission should not be placed under the authority of the Security Council as it is important for it to benefit from the contributions of all the major organs, particularly, the General Assembly, the Security Council and ECOSOC. In this regard, a Trust Fund should be established to ensure its sustainability. The focus on peacebuilding must also stress the element of conflict prevention.

- There is need to promote closer cooperation and coordination between the General Assembly, the Security Council, ECOSOC, the major Funds and Programmes, the UN Specialised Agencies, the Bretton Woods Institutions**,** the Member States and the Regional Organisations throughout the cycle of the conflict. This would guarantee an harmonious transition from conflict management to long-term reconstruction until the danger of instability or the threat of resumption of the conflict has diminished. As part of the support of the international community to peacebuilding in post-conflict countries in Africa, there is need for the Bretton Woods institutions, in particular, to show sensitivity in demanding macro-economic reforms that have a potential for social upheaval. This underlines the necessity for the Bretton Woods institutions, which are part of the United Nations system, to become more accountable, democratic and transparent in their structure so that their operation will enjoy the full confidence of the entire world community.

- It is important to lay down clear rules for the deployment of UN peacekeeping operations to avoid arbitrary use of the right of veto that may delay or obstruct such deployment when the need for deploying peacekeeping forces arises.

C. INSTITUTIONAL REFORM

a) General Assembly

- The Report of the High-level Panel did not sufficiently address the role of the General Assembly. The General Assembly should be strengthened for it to play its proper role as the most representative and democratic body within the UN System and as the parliament of the world. The inter-governmental nature of the General Assembly should be preserved to ensure that it remains essentially a forum for intergovernmental dialogue.
- Measures must also be taken to enhance the effectiveness of the General Assembly, including its role in maintaining international peace and security, and to ensure the implementation of its decisions.
- There is also a need to improve on the balance of competence or relationship between the General Assembly and the Security Council.

b) The Secretariat

- Africa strongly supports the call for a more professional and well-trained Secretariat whose skills and experiences are adapted to the tasks at hand, especially recommendation 96(e) on the provision that the General Secretariat should be provided with Sixty (60) new posts, or any other number required in critical areas, for the purpose of improving efficiency. Africa expects that a significant proportion of Africans would be recruited via this process, at middle and high managerial levels, especially in the peacekeeping and political affairs departments.
- Africa perceives the idea of having a second Deputy Secretary-General as one that may create a new layer of bureaucracy.

c) The Economic and Social Council

- There is need to strengthen the role of the ECOSOC. It should not limit itself to policy coherence, research and coordination, but should also be engaged in finding ways of linking development and security and play a key role in economic development.

- ECOSOC should be the central mechanism for coordination of the activities of the UN system and its specialised agencies as well as supervision of subsidiary bodies in the economic, social and related fields to enable it play a pivotal role in furthering the achievement of the Millennium Development Goals (MDGs).

d) The Commission on Human Rights

- The proposal to universalise the membership of the Commission on Human Rights (CHR) is not tenable, especially since it reports to ECOSOC which has limited membership. It may also impact on its efficiency. A universalised CHR could also duplicate the work of an

already universal Third Committee which also deals with human rights.

- The status quo on the composition and location of the CHR should be maintained.

- The annual report of the Commissioner for Human Rights should be referred to the General Assembly and should not be to the Security Council, except where so requested or in cases of genocide, war crimes and crimes against humanity.
- Efforts should be made to address the selective nature of the funding of the CHR programmes to ensure effectiveness. Measures should be taken to address the selective nature and politicisation of the agenda of the CHR.
- The Commission must pay equal attention to economic, social and cultural rights as, it does to civil and political rights.

e) The Security Council

On the Security Council, the African Union:

<u>Recalling</u> that, in 1945, when the UN was being formed, most of Africa was not represented and that in 1963, when the first reform took place, Africa was represented but was not in a particularly strong position;

<u>Convinced</u> that Africa is now in a position to influence the proposed UN reforms by maintaining her unity of purpose;

<u>Conscious</u> of the fact that the Harare Declaration has made significant impact on the world community and has thus been fairly reflected in the proposed UN Security Council Reforms, adopted the following position:

1. Africa's goal is to be fully represented in all the decision- making organs of the UN, particularly in the Security Council, which is the principal decision-making organ of the UN in matters relating to international peace and security.

2. Full representation of Africa in the Security Council means:
   i. not less than two permanent seats with all the prerogatives and privileges of permanent membership including the right of veto;
   ii. five non-permanent seats.

3. In that regard, even though Africa is opposed in principle to the veto, it is of the view that so long as it exists, and as a matter of common

justice, it should be made available to all permanent members of the Security Council.

4. The African Union should be responsible for the selection of Africa's representatives in the Security Council.

5. The question of the criteria for the selection of African members of the Security Council should be a matter for the AU to determine, taking into consideration the representative nature and capacity of those chosen.