REDEFINING THE UNITED NATIONS: THE CHALLENGES AND PROSPECTS OF THE EZULWINI CONSENSUS

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DECLARATION

I, Patricia Yeboah, hereby declare that this essay is the product of an original research, which I conducted under the supervision of Professor Gilbert Keith Bluwey of the Legon Centre for International Affairs. I also declare that I have not submitted this essay to any other institution for assessment or for any other purpose and that all references have been duly acknowledged.

............................... ........................................
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DEDICATION

This work is dedicated to God, my son, Jason Allen Harding and my husband, Mr. Allen Harding.
ACKNOWLEDGEMENTS

If this work is of merit, to God be the Glory. My heartfelt gratitude goes to Professor Gilbert Keith Bluwey, my supervisor for his assistance and guidance in ensuring that this work is completed.

I also wish to express my sincere gratitude to the academic staff of the Legon Centre for International Affairs (LECIA) for their tuition, which has greatly impacted on my perception of the International System as well as the Library staff for their immense support.

My gratitude also goes to my family and friends for their prayers and support in diverse ways. May God bless them.
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ABSTRACT

The United Nations has been beleaguered with criticisms several times; most prominent among them is the observation that the institution reflects the realities of the period in which it was formed and not current realities. In view of this, there have been proposals from statesmen, intellectuals as well as regional groupings, among others, on how to reform the world body to have a true reflection of current realities in the international system. The African Union on its part presented the Ezulwini Consensus, an African perspective on how the UN could be reformed. This document was presented during the Millennium +5 Summit but did not find acceptance. Nevertheless, Africa has not abandoned its dream of pursuing the Ezulwini Consensus to achieve their goals even after the Summit. It is within this context that the study examines the prospects and challenges of the Ezulwini Consensus to find acceptance in the reform process. The work concludes that Africa can only achieve its set goal with a united front.
CHAPTER 1

INTRODUCTION

1.1 Background to Problem Statement

The United Nations was formally established on 24th October, 1945, in San Francisco by fifty-one (51) member states which belonged to the victorious allies after the Second World War, in the wake of the failure of the League of Nations which was created in 1919, under the Treaty of Versailles to promote international peace and security, human dignity, as well as serve as a platform for deliberations among nations. Arguably, the structure of the institution reflects the conditions of the world as it was at the time the world body was established especially the central decision-making body of the organisation which is the Security Council. Since the inception of the United Nations, the international system has undergone many changes, significantly, during and after the end of the Cold War. It may, however, be worth noting that the purposes and principles for which the United Nations was set up are still relevant today as they were back then in the year 1945 when it was formed.

As a result of this, there has been consensus for changes to be made in the United Nations system to reflect these changes that have taken place in the world. To this end, suggestions have come from all angles including intellectuals, statesmen, governments, regional organisations and the United Nations itself to reform the institution in order for it to be a true reflection of the current international system. Though there have been organisational and procedural changes in the United Nations,
there have not been major changes commensurate with the changes the world has
been calling for. The sort of reform that is being anticipated is intended to enable the
organisation to function more efficiently in addressing the threats and challenges the
world faces today.

The African regional body (African Union), in adding its voice to the call on the
need to restructure the United Nations, constituted a Working Group in January, 2005,
during the Abuja Summit under the aegis of the African Union to give recommendations
on the proposed United Nations reforms. After careful deliberations on the report of the
High Level Panel of eminent persons set up by the then past Secretary-General of the
UN Kofi Annan, the Working Group came up with recommendations which were
subsequently adopted by the African Union Foreign Ministers, at Ezulwini, Swaziland, in

The adopted document, “Ezulwini Consensus”, stipulates the recommendations
by Africa on the proposed reformation of the United Nations in order for the world body
to be a true reflection of the contemporary international system. It is in this light that in
the Ezulwini Consensus, Africa calls for more emphasis on poverty as a root cause of
insecurity, draws attention to the urgent need for the developed world to address the
challenge of global warming and urges member states to speed up the entry into force
of the African Nuclear Weapon Free Zone Treaty. In addition, the African Union
concludes with a resolution on the Security Council reform, stating that a complete
representation for Africa in the United Nations would require two (2) permanent seats
with veto power and five (5) non-permanent seats on the Security Council.
1.2 Statement of Problem and Scope of the Research

There have been calls from both developed and developing nations to reform the United Nations, to make it a true reflection of the current international system and also make it more efficient in addressing the threats and challenges of the world. In this vein, series of summits and conferences have been held, all with the objective of how to restructure the world body. Nevertheless, there has not been a concrete reformation.

It is in this light that this study seeks to investigate how plausible the Ezulwini Consensus is with regard to meeting the realities and expectations of the United Nations. To address this, a number of questions will be answered. These include: what are the chances of success of the position of Africa in relation to the position of the Group of Four (G4), which is made up of Brazil, Germany, Japan and India as well as Uniting for Consensus? In consideration of the existing power configuration within the United Nations system, is it still possible for Africa to hold on to the Ezulwini Consensus? Can Africa marshal the necessary political will among its political elite for a sustained campaign on its common position? With reference to the questions raised, much light would be shed on Africa’s request for permanent representation on the Security Council with veto power.

1.3 Objectives of the Research

This study seeks to achieve the following objectives:
i. to examine the changes the international system has undergone since the United Nations was established and the challenges that have generated the move for Charter revision;

ii. to analyse suggested changes with regards to the proposed United Nations reforms;

iii. to assess the adequacy of the Ezulwini Consensus to modify the United Nations (prospects and challenges) and

iv. to offer recommendations to policy makers based on findings.

1.4 Rationale

The United Nations received suggestions on the proposed reforms from different interest groups before the Millennium +5 Summit which marked the 60th anniversary of the formation of the international institution, hoping to receive favourable consideration of their suggestions during the summit. However, none of the suggestions received the concrete consideration which was hoped for during the summit. Regardless of the outcome of the summit, the reforms agenda have not been abandoned by member states. In connection with this, negotiations are still underway to seek how best the institution can be restructured.

There have been post-summit developments. The African Union met but no sign emerged of a shift in its position. The African Group reaffirmed its view that it should be accorded two new permanent seats with veto power and five non-permanent seats. This study seeks to assess the prospects or otherwise of the Ezulwini Consensus to find
acceptance in the existing power configuration of the United Nations system and also
serve as a contribution to the ongoing negotiations on the United Nations reforms.

1.5 Hypothesis

The objectives spelt out in the Ezulwini Consensus can only be achieved if Africa
is able to pursue this agenda with a united front.

1.6 Literature Review

This is not the first time that calls have been made for a reform of the world
organisation. Call for reform of the UN can be traced to the early 1960’s and for that
matter extensive literature exists on the subject. However, as this study shows, the
Ezulwini Consensus has not received much attention, as the first ever collective thought
of African leaders on the matter.

In an article titled ‘How Not to Reform the United Nations’ Edward C. Luck²
stated that the last six decades have seen dozens of reform efforts, most following
recurring patterns and producing largely predictable results. He noted that typically
there are six steps to a cycle of UN reform. He observed that, the history of UN reform
also tells us that although broad packages of steps are sometimes proposed, they are
never adopted. The member states, understandably, like to pick and choose. Some
elements of comprehensive plans are always more politically ripe than others. He says
that UN adopts formal reforms with great reluctance and with glacier-like speed. The
founders wanted it that way and so they placed high hurdles to Charter amendment.
Luck’s work is relevant to this study because irrespective of the historical evidence of UN reforms programme, he tends to avoid the possibility that if the proposals are ‘politically ripe’ they would not take the same trend that previous reforms have taken. Again, there is much involved in reforming an organisation of that size, made up of states with divergent views on issues in the international system. In this case a reform programme can only be a process and not an event.

A. Leroy Bennett in the first chapter of his book *International Organisations: Principles and Issues (Fifth Edition)* commented on how international organisations are gradually becoming more complex and influential with states continuing to find the UN indispensable. Despite great differences, the big powers in the UN do not seem anxious to withdraw, and all countries find the organisation useful for sounding out ideas and for contact with other nations. According to Bennett, international organisations have been viewed, at one extreme, as the vanguard of an emerging world government and, at the other, as an exercise in futility in fostering cooperation among sovereign states. Neither of these views does justice to the role of international organisations in the present age.

Today, the state possessing ultimate power and authority remains the primary political unit. Yet change, accommodation, and proliferation of state and transnational contacts are the hallmarks of an increasingly interdependent world. The state system shows no sign of rapid deterioration or transformation into new state forms. States are reluctant to sacrifice any sovereignty to supranational entities. Yet humans are rational and capable of effecting adjustments or modification of the system. Change is not only
a major phenomenon of the modern world but is occurring at an accelerating rate. Many changes have already taken place that must be considered in analysing the relations of nations. Luck observes that the post-Second World War world is vastly different from the world of the 1930s. The changing conditions is indicated by the rise of super powers armed with super weapons, the collapse of the old colonial empires, and focus of attention upon new problems of economic development, over population, the environment, the use of outer space, the control of ocean resources. The rapid development within the present century of an elaborate structure of international organisations, private and public, universal and regional, multipurpose and specialised is also another change.

Georgios Kostakos also contributes to the issue of UN reform in the book *United Nations Reform: The Post-Cold War World Organisation* by indicating that serious effort must be made by the United Nations as well as its membership to adjust to new international circumstances. In respect of this, a new world organisation has to be built on the foundation, not the ashes of the former, keeping the name but changing many of its standard operating procedures and its concepts. He examines several levels of UN transformation, including new political considerations, structural and administrative reforms and economic readjustment, as well as guiding thought and action.

It may be noted that Kostakos in his work did not indicate that threat to international peace and security has taken a different dimension from what it constituted when the organisation was formed.
Gareth Evans⁵, writing on “Reforming the United Nations: The Need for further Reform” in his book *Cooperating for Peace: The Global Agenda for the 1990s and Beyond* observed that the UN is not the only actor in the international community with a contribution to make towards maintaining and restoring international peace and security, but it is unquestionably the main player and as such the member states the organisation have special responsibilities to ensure that the organisation performs with maximum effectiveness.

Continuing, Gareth argues that the UN has done as well as it has in responding to the peace and security challenges unceasingly hurled at it since the end of the Cold War. Given an organisational structure reflecting past rather than present priorities, with funding crisis, personnel resources littered, with a good deal of accumulated debris from the post-Cold War, it has ensured it remains the continuing focus for the hopes and aspirations of so many governments and peoples around the world. He pointed out the need for the UN to make a completely successful transition from the Cold War wings to the post-Cold War centre stage. Referring to the composition of the Security Council, he maintains that the Security Council no longer represents the real make-up of the international community, as it was designed to do in 1945. Economic power, in particular, has spread to a number of new points on the globe, just as the realities of political power have changed dramatically over the past half century.

Gareth’s opinion that the institution reflects the priorities in 1945 is arguable in the sense that the priorities for which the organisation was set up still are relevant
today as it was back then; however, structures within it need reformation to deal with current exigencies.

The then Secretary-General Kofi Annan expressed in his blueprint for change, *In Larger Freedom: Towards Development, Security and Human Rights for All* cast as a historic opportunity for change, he acknowledges that there have been new threats and challenges in the international system. In the face of these, change is imperative. The report touches on issues of development, security, human rights and institutional changes. Observing the interdependent relationship between security, development and human rights, he proposes that any reform programme which is constructed to address the current threat and challenges in the international system must encompass the three items.

He noted that the world in the past 25 years has made significant economic strides, principally, in the Newly Industrialised Countries. This notwithstanding, the economic growth which the world has achieved over the years, has been uneven among nations, as a high number of people continue to wallow in poverty particularly in Sub-Saharan Africa. In relation to this he mentioned that the achievement of the Millennium Development Goals (MDGs) set five (5) years earlier is vital and so a clarion call was made to all member states to make concerted effort in realising the goals. He reiterated the importance of the preservation of international peace and security, called for greater clarity on the use of force in international affairs. On the issue of strengthening institutional reforms, the centre piece was the reform of the Security Council. Mr. Annan adopted the two-model proposal made by the High Level Panel,
where in each case, an expansion of the Security Council was proposed in the name of representation.

*In Larger Freedom* is particularly relevant to this study because it puts forward initiatives for the UN in the post-Cold War era, which spell out the challenges of the century. However, there have been concerns on whether it was the right time for the agenda taking into consideration the politics in the world body.

Stanley Crossick and Ettienne Reuter\(^7\) writing on “Making the Security Council more representative: The Membership Issue” in *China-EU: A Common Future* say that as the UN has grown more universal, many countries complain that representativeness of the UNSC membership has decreased accordingly and, as a result, its rules and decision-making no longer reasonably reflect the will of the international community. Since the end of the Cold War, calls for further expansion of the Council to reflect the new political landscape have been mounting from various parts of the world, but no membership plan has so far acquired the necessary support.

Appropriate representation of the UNSC has the propensity to determine the success of the actions of the Council because it will be able to garner the necessary political support needed in the international community to reinforce its resolutions without much or a large scale criticism or other member states feeling they are being victimised. In this way, member states would agree that their stakes in global peace and security were taken into consideration in the decision-making process because UNSC is the organ responsible for the maintenance of peace and security.
One of the main weaknesses of the UNSC is the apparent disconnection between decision-making and implementation ability of the Council\textsuperscript{8}.

The official position of the Organisation of African Union (now African Union) in respect of reforming the UNSC was that the present Council is not numerically proportionate to the General Assembly membership, and is in danger of losing the trust and faith of the overall membership unless it achieves a more balanced representation. Additionally, the emergence of Japan and Germany as economic superpowers and the relative decline of the UK and France from global to middle ranking powers have prompted loud and understandable calls for their inclusion as permanent members entitled to the much coveted veto prerogative\textsuperscript{9}.

Admitting countries in the UN Security Council as permanent members in view of their economic power, has the potential of creating division in the UN as a whole as the UNSC would be perceived as the club of the rich and dominant. The need of representation should therefore not be downgraded.

1.7 Theoretical Framework

This study is conducted within the framework of Bargaining Theory as propounded by Kenneth George Binmore, John Forbes Nash Jr., and Ariel Rubinstein. The theory of Bargaining is a variant of Game Theory. Abhinay Muthoo\textsuperscript{10} defines bargaining as “any process through which the players try to reach an agreement”. This involves the players making offers and counter-offers to each other. The efficiency and
distribution properties of the outcome of bargaining are the main focus of bargaining theory. According to this theory, players are assumed to be impatient\footnote{11}, which ultimately has an effect on the outcome of their bargain. He however explained that players who do not exhibit a high sense of impatience have high bargaining power than other negotiators who show high level of impatience.

A bargaining situation is a game in the sense that the outcome of bargaining depends on both players’ bargaining strategies: whether or not an agreement is struck, and the terms of the agreement (if one is struck), depends on both players’ actions during the bargaining process. This theory can be applied in human interaction especially at the level of multilateral negotiations. For Abhinay Muthoo, poor players are more eager to strike a deal in negotiations. So poverty, by inducing a larger degree of impatience, adversely affects the bargaining power of that particular player. No wonder, then, that the developed (richer) nations of the world often obtain relatively better deals than the developing (poorer) nations in international negotiations.

Before players go for international negotiations, they make an effort to enhance their bargaining position through public statements which are calculated to awaken public opinion that permit few concessions to be made. Decisions that are reached within an organisation are typically the outcome of negotiations among its members. This is also the case of bargaining at global fora which is besieged by diverse economic, geo-political and other interest groupings.

In this connection, negotiations that take place at the UN level are likely to be won by developed countries that would not accept offers from competitive negotiators
from developing countries who are comparatively poor. Bargaining theory can be used to assess negotiations of the AU based on the Ezulwini document even in the aftermath of the 2005 Summit.

1.8 Clarifications of Key Concepts

For the purposes of this research, each of the following concepts bears the specific meaning attached to it:

**Player(s):** Refers to the member states, individuals as well as groups involved in the negotiations of the reform agenda of the United Nations.

**Ezulwini Consensus:** The agreement reached by African leaders in the document adopted in Ezulwini, Swaziland on the proposed UN reforms.

1.9 Sources of Data

Both primary and secondary sources provided the data used in this research. The Africa and ECOWAS Bureau of the Ministry of Foreign Affairs and Regional Integration (MFA & RI) provided information on the African Union and the Ezulwini Consensus. The Legon Centre for International Affairs (LECIA) Library as well as United Nations’ section of the Balme Library, both of the University of Ghana, Legon are sources of literature that supports this study in addition to discussions with Officers in MFA & RI.

The data collected were analysed by inferences and deductions.

1.10 Arrangement of Chapters

This study is presented in four chapters. In the first chapter, all key elements in the research design are examined and clarified. Chapter two of this study deals with the
origins of the UN and the challenges that have generated the move to revise the Charter. Chapter three assesses the Ezulwini Consensus, its relevance to Africa’s interests and the prospects of its adoption in the reform process. This is followed by chapter four which deals with the summary of findings, conclusions and recommendations.
Endnotes for Chapter 1


11 http://en.wikipedia.org
CHAPTER 2

ORIGINS OF THE UNITED NATIONS AND THE CHALLENGES THAT HAVE GENERATED THE MOVE TO REVISE THE CHARTER

2.1 Origins of the United Nations

In reaction to the human and material cost of the two World Wars that the world witnessed, scholars and statesmen, in each instance, strove to establish instruments to maintain international peace and stability when fighting had ended. Each of the general wars was attended by a determination to create conditions that would prevent future conflicts. The United Nations (UN) which was established in 1945 also represents the efforts made after the Second World War to prevent future scourges of war. The failure of the League of Nations to act as an effective organization to prevent aggression and war among nations and the world as a whole provided an impetus to make improvements in the UN Charter to correct the deficiencies of the League Covenant.

The Allies who were at war against the Axis at the time of the Second World War decided to form a new international organisation to preserve international peace and security, instead of reviving the ill-fated League of Nations. In the London Declaration of 12th June, 1941, the nations on the side of the Allies made known their intention to work together with other peace loving nations to establish a world that is relieved of menace of aggression, in which all may enjoy economic and social security. Prior to this declaration, President Franklin Delano Roosevelt of the United States in his address to
the US congress had spelt out four freedoms as being of universal importance. These were freedom of speech; freedom to worship God in one’s own way; freedom from want and freedom from fear. The London Declaration in addition to the four freedoms articulated the desire of mankind to live in peace. In view of this, the President of the United States and Prime Minister of the United Kingdom, Roosevelt and Churchill respectively, issued the famous Atlantic Charter which dealt with the formation of ‘a peace which will afford all nations the means of dwelling in safety within their own boundaries’ free from fear and in effect create a permanent general security. Subsequently on 1\textsuperscript{st} January, 1942, the principles spelt out in the Atlantic Charter and the London Declaration received the endorsement of twenty-six (26) countries (allies), and this came to be known as the United Nations Declaration. Basically, the concern of this declaration was about war and not peace, the reason being that it strategized on an all-out war against the Axis.

Then on 30\textsuperscript{th} October, 1943, a concrete decision was taken to establish a new international organisation based on sovereign equality of all peace loving states with an open membership to all such states to maintain international peace and security in the Moscow Declaration of Four Nations on General Security. These four nations were Britain, China, the United States and the Union of Soviet Socialist Republics (USSR). Having taken this decision, a conference was held by the aforementioned nations at the Dumbarton Oaks from August to September, 1944, where the Charter of the UN was drafted. It may be noted that at this stage, agreement could not be reached on issues such as voting procedures at the Security Council and Soviet’s demand for membership

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for all of its sixteen (16) members besides itself. These unresolved issues raised at the Dumbarton Oaks, were later on addressed at the Yalta Conference in February, 1945. Decisions were made on the procedure of voting in the Council and also the Soviet leader was persuaded to give up on his demand for membership for the 16 republics apart from itself.

The draft Charter was finally adopted at a conference convened at San Francisco. After two months of deliberations, the Charter was signed by the original fifty-one (51) members. Then on 24th October, 1945, after the Charter had been ratified by the Big Five (United States, United Kingdom, France, USSR and China), the organisation was formally established.

2.2 The Charter of the United Nations

The UN Charter which came into force on 24th October, 1945, reflects an idealistic hope for lasting world peace after the Second World War. The document was inspired by the same spirit which inspired the Kellogg-Briand Pact of August, 1928, which was signed by Japan, United States, France, Italy and others in the wake of the First World War, in the sense that it expresses concern on the Use of Force in the international community.

The UN Charter is the constituting instrument of the world body, which sets out the rights and obligations of member states and establishes the UN organs and procedures. As an international treaty, the Charter codifies the major principles of international relations, from sovereign equality of states to the prohibition of the use of

Since the adoption of the Charter in 1945, when the organisation was set up, it has been amended three (3) times. There are Charter and non-Charter reforms. The Charter reforms are those that affect the original text of the principal organs of the organisation. According to article 7(1) of the UN Charter, there are six (6) principal organs in the organisation and these are the General Assembly (GA), Security Council (SC), Economic and Social Council (ECOSOC), a Trusteeship Council, International Court of Justice (ICJ) and Secretariat. Again, the Charter clearly marks out the tasks and structure of these organs. In the light of this, any reform which brings about change to the originality of these texts either affecting its responsibilities or structure, constitute Charter change and so the necessary amendments would have to be effected in the Charter to reflect the change. While it may not be thorny in achieving non-Charter reforms, same cannot be said of Charter reforms.

This notwithstanding, there have been three (3) Charter reforms in the UN as mentioned earlier. The first reform took place when the Security Council, the central organ charged primarily with the responsibility to promote international peace and security was reformed. The composition, powers and functions of this organ are stipulated in Chapter five (5) of the Charter. At the time the Charter was adopted in
1945, the Security Council had only five (5) permanent members which still remains the same and six (6) non-permanent members, making it a total of eleven (11) members in all. Then in 1963, according to German Foreign Policy Group, Ausweartiges, the General Assembly decided to expand the Security Council by creating four (4) additional non-permanent seats which finally came into force in 1965. The wave of decolonisation in Africa, South America and the Caribbean which is characterised by the proliferation of new sovereign states brought about new world order, which necessitated the need for reform in the Council.

With the same successful decolonisation exercise of the former colonies, the ECOSOC, the organ responsible for social and economic issues, also had to undergo reform in 1965, so that it will reflect the membership of the organisation. The importance of increasing the membership of this organ at the time was imperative because it had to reflect the world order that existed at the time. It assumed a representative nature to enable it to discharge its mandate of addressing the economic and social problems which confronted the world. Admittedly, most of the countries that joined the UN at this period on the wave of decolonisation were from the developing world and these countries were neither economically stabilised nor had strong social structures. There was therefore the need for attention to be paid to their development issues and this could not be achieved in isolation. The reform which took place in 1965, expanded the membership of the organ from eighteen (18) to twenty-seven (27) and later in 1973, it was further expanded to fifty-four (54). In this respect article 61 of the Charter was again revised to reflect the change.
A non-Charter reform on the other hand is the one that does not affect the original text of the Charter. It may be recalled that the General Assembly experienced change in its membership as compared to the original number of states that started the organisation. It is the only organ of the organisation of which all member states belong, a global platform for deliberations in the international community where every member state whether large or small is entitled to one vote. This is the only forum where, indeed, the sovereign equality upon which the UN is built is seen to be at play. It is worth recalling again, that at the time when the membership of both the Security Council and ECOSOC was expanded, the Charter was amended to read as such. However, the increase in the membership of the General Assembly due to the wave of decolonisation, demise of the Soviet Union Republics and the subsequent breakup of the former Yugoslavia and Czechoslovakia which have considerably increased the membership of the UN, did not translate into amendment of the Charter as it was in the case of the other organs. This can be attributable to the wording of the text governing the General Assembly. Article 9(1) of the Charter makes it open for any independent state to join the organisation. Once membership is made open, admission of new members would not require the amendment of its Charter provisions. It may be worth noting that the General Assembly has not only witnessed increase in its membership but also on some occasions decrease such as with the unification of East and West Germany.

The General Assembly is not the only organ that has undergone non-Charter reform but also the Secretariat which is responsible for the day to day administrative activities
of the UN. Considering its task, it is important that the organ undergoes reforms from time to time to enable it address the challenges it faces appropriately because its underperformance has the greatest magnitude to undermine the work of the UN. There have generally been challenges which have generated the move towards a revision of the Charter.

2.3 Challenges that have generated the Move to Revise the Charter

The never-ending quest for reform, for improving the UN, has been an integral part of the life of the world body since its earliest days. Indeed, one of the more controversial issues at the UN founding conference in San Francisco during the spring of 1945 was how the process of amending its Charter should be structured and when a general review conference of the Charter’s provision should be called.  

The current development is as a result of the changes which have occurred and also the need to strengthen the world body to put it in a better position to address challenges so that it does not suffer the fate of the League.

Michael Nicholson observes in his book *International Relations: A Concise Introduction* that, contrary to the hope of people, the end of the Second World War did not herald an age of peace more than its predecessors did.  This observation cannot be said to be untrue owing to the burgeoning threats the world faces today. Apart from the UN, other international organisations are making relentless efforts to promote peace and security in the international community. Conversely, day in and day out, the world
is confronted with new challenges which threaten the relative peace which exist in the international community. These threats range from human rights abuse, drug and human trafficking, proliferation of weapons (nuclear, chemical and biological), infectious diseases and terrorism among others. This gives an indication that while the world is being plagued by new challenges and threats, there is also the need for new structures and programmes to be put in place to address them before things get out of hand.

The rate at which these threats spread has also been made possible by a phenomenon such as globalisation which brings about close interaction of people. This phenomenon holds the capacity of aiding borderless threats facilitated by the ease of travelling far and near at a faster pace. The ever presence of economic inequality among the people of the world is also another contributory factor which increases these challenging threats. In addition, the awakening of the marginalised in the society can also be said to have contributed greatly to the emergence of these new challenges. The foregoing changes have greatly impacted on the challenges faced by the UN.

The report of the High level Panel on Threats, Challenges and Change defines threat to international peace and security as any event or process that leads to large-scale death or lessening of life chances and undermines states as the basic unit of the international system. The report also identifies six clusters of threats: economic and social threats which include poverty, infectious disease and environmental degradation, interstate conflict, internal conflict including civil war, genocide and large-scale atrocities, nuclear, radiological, chemical and biological weapons, terrorism, transnational organised crimes.13
Lloyd Axworthy observes that the world is not just confronted with the old threats and challenges such as poverty, diseases among others, but to make it worse these have been compounded by new realities such as environmental degradation, the scourge of small arms and light weapons, conflicts, unequal access to trade, and overwhelming debt burdens. Recognising that the enhancement of the UN is imperative to address these challenges, he stresses the need of adapting to new way of structuring the organisation to increase its effectiveness and make it more accountable. Further he pointed to the permanent members as the barrier to allowing the organisation to function effectively with the frequent threat of the use of the veto power to block actions.\textsuperscript{14}

Poverty coupled with its associated limitations on health and life possibilities has been of serious concern due to their capacity to lower life expectancy as radically as war will do because it comes along with starvation, malnutrition among others which are all life threatening. It has been estimated that at least 80\% of humanity lives on less than $10$ a day.\textsuperscript{15} According to estimates from the UNICEF, 24,000 children die each day due to poverty and these occur mainly in the poorer villages in the world. Again, about 27-28\% of all children in the developing countries are estimated to be either under weight or have stunted growth.\textsuperscript{16}

It is obvious that poverty poses a great challenge due to the rippling effects it has globally. As long as people who live in extreme poverty continue to increase, so do the devastating effects that come along with poverty rise. In all these sub-Saharan Africa is the hardest hit by these problems.
High prevalence of poverty, infectious diseases as well continue to blight the lives of the poor across the world. An estimated 40 million people are living with HIV/AIDS, with 3 million deaths in 2004. Every year, there are 350-500 million cases of malaria with 1 million fatalities recorded. Africa accounts for 90% of malarial deaths and out of this, African children account for 80% of malaria victims worldwide. Infectious diseases are known to reduce life expectancy. Its effect is also felt in the economic sphere where the poverty gap that exists between the rich and the poor is further widened due to low productivity level.

The change in the pattern of the climate has many serious effects on the world as a whole and Africa in particular. The reason which accounts for this is that the mainstay of the people in Africa is agriculture which is normally neither practised on a large scale nor in a mechanised form but done on subsistence level. Farmers in this part of the world principally depend on the season for the cultivation of their crops. In effect any change in the climate affects production. In the event where there is reduction in production, it causes upsurge in the cost of food which triggers food insecurity. Climate change presents real development challenges which under certain circumstances may well contribute to instability.

Even though, few interstate wars have occurred over the past 60 years, the threat of it has not totally vanished because unresolved regional disputes which were mainly brewed during the Cold War era especially in Africa, South Asia, and Middle East continue to pose threat to global peace and security. Ongoing instability in Iraq and
Palestine are also known to be fuelled by extremism in parts of the Muslim world and the West.  

Unlike the Cold War era, what frequently happens in recent times is intra-state conflict. President Clinton argued that “the end of the Cold War lifted the lid from a cauldron of simmering hatreds. Now the entire global terrain is bloody with such conflicts”. While the Cold War rivalry can be partly blamed for the recurrent conflicts, in Africa, balkanisation and the artificial boundaries also play major roles in triggering these conflicts. The existence of ethnocentric feelings among the people further brings division among the people apart from the artificial colonial boundaries left by the colonial masters. In addition to this, power is most of the time concentrated in the hands of a section, so the awakening of the minority also has the capacity to create tensions within the state.

Although intra-state wars have been on the ascendency, security is challenged mainly not by a threat of sudden and unexpected military attack, but to a great extent by economic, social and political tensions as well.

Man is known to have invented tools over the years to assist him in carrying out his day-to-day activities. Unfortunately, the manufacture of military weapon has provided the easiest way for human beings to annihilate themselves which has been done throughout recorded history. The proliferation of nuclear, biological and chemical weapons is equally of importance in the discussions of new challenges in the world. Since the first bomb was dropped by America in Hiroshima and Nagasaki, states
developed the urge to possess these weapons for various reasons. Some states seek these weapons to raise their political stature on the international stage while others, both states and non-state actors, perceive it as a means to make profits from their sale. Though Non-Proliferation Treaty was instituted to curb the spread of these weapons, unfortunately they continue to spread continually. The effect of these weapons on the human society in general cannot be over emphasised especially when they get into the hands of terrorist groups. The proliferation of these weapons are worrying considering the danger they can pose in reviving regional tensions that might have existed during the Cold War era. Currently, North Korea and Iran have nuclear programmes which security analysts argue pose threats in their respective regions.

The aforementioned report presented by the High-Level Panel recognised that in the face of the new century, and the threats that the international community is faced with, the UN itself has to reflect the change as well. In this regard, it suggested institutional reforms such as the need to revitalise the General Assembly, ECOSOC and restore credibility to the Commission on Human Rights. It also recommended the creation of a Peace Building Commission to fill the gap of helping post-conflict countries rebuild an improved collaboration with regional organisations. In order to increase the credibility and effectiveness of the Security Council, they proposed two models for its reform process and reiterated the need to keep the Council democratic, accountable and effective.21
Since the international system is evolving there is also the need to adjust its mechanisms, principles and instruments to the new conditions, challenges and demands that are arising. The Charter of the UN and array of other international conventions negotiated over the last several decades constitute a solid framework that has served the international community considerably well. To make sure that the international security architecture continues to play this central role successfully, it should be in the position to adapt to the needs of this age. In particular, the ability of the Security Council to garner the widest possible support for its decisions and its actions will be enhanced if it is perceived to be broadly representative of the international community as a whole, as well as geopolitical realities of the contemporary world.\textsuperscript{22}

While the UN Charter continues to serve as the foundation stone through which international relations is conducted, it is obvious that some of its provisions have become outmoded, due to the time it was made and the peculiar situations that existed at the time. It is also evident that over time so many changes have occurred and so some of the provisions are unable to address a lot of these new challenges that exist in the international community adequately not because the Charter is weak but because they are new challenges which were not in existence at the time the document was drafted and so they are not addressed in the Charter. This in effect demonstrates how appropriate it is for the UN to consider Charter revision. The challenges that we are confronted with in this age are new in character as compared to those that confronted the world over 60 years ago when the institutional structures of the UN were built and mandated to promote international peace and security in 1945.
Although the UN structure reflects the era of 1945, it however remains the largest global institution in which all independent states are members and has measures in regulating the activities of its members. The need therefore for this institution to continue to play the central role it has played over the years is imperative. To sufficiently equip the organisation and make it ready at all times to address global challenges, the revision of its Charter should also be done in accordance with the challenges that have taken place.

The new challenges that need to be addressed through preventive and countering mechanisms are terrorists’ networks, proliferation of weapons of mass destruction, intra-state conflict, humanitarian crises combined with underdevelopment of many parts of the world with widespread poverty, hunger, malnutrition, infectious diseases which have taken their toll on the population of poor countries. For a revision of the Charter to take place to adapt to new security challenges, the political will of the member states is very important in this matter. In this connection, there is the need for an agreement among states on the interpretation of some terms and principles in the Charter which are fundamental in international relations and also hold the potential for causing disarray in the system due to misinterpretation. Not only should the principles such as human rights, state sovereignty, non-interference, self defence, responsibility to protect be addressed but consideration should also be given to economic, military and other changes that have occurred over time.
Conclusion

Currently UN is the only organisation which provides the forum for deliberations for all states in the world. The realities of 1945 were the concern of the International Community when it was being structured. The threats and challenges which confront the world presently have taken a different and a complex dimension than those which existed at the inception of the UN and at the time subsequent changes were made in some organs of the organisation. It is therefore imperative for the UN to embark on Charter amendment to review obsolete provisions and as well make new provisions to address new threats and challenges.

The next chapter therefore examines the reform of the UN with particular attention to the Security Council and Africa’s position on the reform as presented in what has become known as the Ezulwini Consensus.
Endnotes for Chapter 2


4 Watanabe, Akio, *Revising the Constitution and Reforming the UN: Japan’s Parallel Agenda*, Japan Echo Vol.32, Special Issue, 2005.

5 *Basic Facts about the United Nations*, United Nations Publication (Sales No. E.98.1.20), p.3


9 [http://www.auswaertiges-amt.de](http://www.auswaertiges-amt.de)


16 www.globalissues.org/articles/26/poverty-facts-and-stats


20 SIPIRI Yearbook 2003


CHAPTER 3

AN ASSESSMENT OF THE EZULWINI CONSENSUS, ITS RELEVANCE TO AFRICA’S INTERESTS AND PROSPECTS OF ITS ADOPTION IN THE REFORM PROCESS

3.1 Introduction

In the face of the burgeoning challenges and threats that confront the world today, as mentioned in the previous chapter, there have been calls to review the structure of the following organs in the UN: the General Assembly, ECOSOC, Human Rights Commission, the Secretariat and the Security Council. However, for the purpose of this study attention would be given to the Security Council in respect of the proposals that have been put forward suggesting ways that the Council can be restructured.

Four of these proposals on the UN Reform programme will be discussed. These are the proposals from the former UN Secretary-General (Kofi Annan), the African Union (AU), the Group of Four (G4) and the Uniting for Consensus (UfC). This is as a result of the attention that these proposals have garnered in the UN Reform debate especially with regards to the Security Council.

3.2 The Security Council

Currently, with a membership of fifteen, the Security Council is the organ mandated by the Charter to keep the peace and security in the international system and its present membership is as a result of an amendment which took place in 1965. It is now made
up of five permanent members and ten non-permanent members. The permanent members are given veto power while the non-permanent members possess no veto power. In spite of the criticisms levelled against the organ, it has over the years discharged its mandate reasonably. This, notwithstanding, it has come under criticisms for its unrepresentative nature, especially from the developing countries in the organisation. Demands are also being made of it to be more accountable, legitimate, democratic, transparent, effective, fair and even-handed.¹

Edward Luck observes that the failure of member states of the UN to reform the Security Council has remained a thorn in the organisation’s side for almost a decade and a half.² As mandated by the Charter, the Security Council in its dealings makes distinction between procedural and substantive issues. While the Charter provides that procedural issues are resolved by a simple majority by the members, resolving substantial issues require the affirmative vote of all the permanent members³.

Bluwey argues that the veto power granted to the permanent members is a sore point with most member states of the UN. He explains that at the time the UN was established in 1945, countries like Britain and France, together with the United States and Russia possessed power, and that each had the capacity to forment or avert war or singlehandedly threaten the peace of the world. But having lost their erstwhile worldwide colonial empires, Britain and France now posses no apparent capability to hold the world to ransom.⁴
The question of distribution of power in the international system is not only measured in the military capabilities of a state. Currently, there is also the talk of economic power in the international system. This means that while some states may be militarily powerful others may be economically powerful or possess both powers.

In the face of criticisms levelled against the Council coupled with threats and challenges, especially in the aftermath of the September 11th attack on the US, the then Secretary General impressed upon member states that it was incumbent on the Security Council to regain its confidence in the international community. This he suggested should be done by demonstrating its capacity to deal with international crises by reforming its structure. He made this known when he was delivering his “Fork in the Road” speech in 2003⁵.

3.3 Proposal of Kofi Annan, Former UN Secretary-General

The High-Level Panel adopted two central themes in proposing alterations to the composition and categories of membership of the Security Council. They were: how states could augment the Council’s responsibility for peace and security, and the need for the Council to be representative. The principal aim of any reform, the Panel stated, should be to enhance the Council’s capacity and willingness to act in the face of threats. A newly constituted Council should aim, therefore, to maximise the involvement of those states that contribute most to the UN financially, militarily and diplomatically. When considering permanent or long-term membership of the Council, the Panel recommended that the General Assembly should give preference to states that ranked
as one of the top three financial or troop contributors from their respective regions. On
the need to become more representative, the Panel argued, the Council should be
comprised of states reflective of the UN’s broader membership⁶.

In view of the foregoing criteria, the Panel advanced two models for the
enlargement of the Security Council⁷. The recommendations made by the Panel were
endorsed by Kofi Annan. It was against this backdrop that in his proposal for the
Security Council reform under the title “In Larger Freedom” he brought to the table the
Models presented by the Panel as Plan A and Plan B. A tabular representation of the
model is shown below:

<table>
<thead>
<tr>
<th>Security Council Reform: Plan A and Plan B⁸</th>
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<tbody>
<tr>
<td><strong>Plan A</strong></td>
</tr>
<tr>
<td><strong>Regional Area</strong></td>
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<tr>
<td>-------------------</td>
</tr>
<tr>
<td>Africa</td>
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<tr>
<td>Asia and Pacific</td>
</tr>
<tr>
<td>Europe</td>
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<tr>
<td>Americas</td>
</tr>
<tr>
<td><strong>Total for Plan A</strong></td>
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</tbody>
</table>

<p>| <strong>Plan B</strong>                               |</p>
<table>
<thead>
<tr>
<th><strong>Regional Area</strong></th>
<th><strong>No. of States</strong></th>
<th><strong>Permanent seats (continuing)</strong></th>
<th><strong>Proposed four-year renewable seats</strong></th>
<th><strong>Proposed two-year seats (non-renewable)</strong></th>
<th><strong>Total</strong></th>
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<td></td>
<td></td>
</tr>
<tr>
<td>Africa</td>
<td>53</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>6</td>
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</tr>
<tr>
<td>Asia and Pacific</td>
<td>56</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>6</td>
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<tr>
<td>Europe</td>
<td>47</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Americas</td>
<td>35</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Total for Plan B</td>
<td>191</td>
<td>5</td>
<td>8</td>
<td>11</td>
<td>24</td>
</tr>
</tbody>
</table>

The models presented above gives due consideration to equitable geographical distribution in both categories (permanent and non-permanent seats) of the UNSC. Apparently these two categories have different responsibilities and privileges. This notwithstanding, the model was silent on the responsibilities which will be assigned to the new members as well as the privileges which will be accorded them.

This model has not found acceptance among member states of the UN, and as a result, other proposals have been brought to the table for discussion and possible acceptance. Among the proposals is that presented by the Group of Four (G4).

### 3.4 The Proposal of the Group of Four (G4)

The G4 is a group of four countries (Brazil, India, Germany and Japan) who are advocating for an expansion of the UNSC to reflect realities of today. In line with this, it has called for new national permanent seats, which would be assigned by choosing among the economically strongest and most influential countries of the international community. And in its 2005 official proposal to the UN, the G4 members put themselves forth as the main candidates for these seats together with an unspecified African
country\textsuperscript{9}. Brazil is by far the largest country in South America and therefore argues for membership based on its size and power with respect to the region. India is the largest democracy in the world and one of the most populous countries in Asia. It is also at the forefront of technological innovation, nuclear power, and believes that that is reason enough for its permanent membership in the Security Council. Germany has changed dramatically since the UN was established after its defeat in WWII and, as well as Japan, is a member of the G8, the group of the 7 wealthiest countries in the world, plus Russia. Both countries are the largest financial contributors to the UN\textsuperscript{10}.

The G4 model is proposing that six new permanent seats would be created together with four new two-year non-permanent seats, making for a Council of 25. Two new permanent seats would be allocated to Africa, two to Asia, one to Latin America, and one to Europe. The four new non-permanent seats would be divided evenly between the regions of Africa, Asia, Eastern Europe and Latin America and the Caribbean. The new permanent members would have the same responsibilities and obligations as the five existing permanent members, but would not exercise the veto, at least not until a comprehensive review had been undertaken of the Council’s composition and procedures\textsuperscript{11}.

In its bid for reform at the UNSC, the G4 did not only promote its interest of becoming permanent members but rather also proposed that Africa should be assigned two permanent seats. It therefore considered the question of representation of the general membership of the UN. Taking into consideration the responsibilities and privileges of the permanent members, it clearly stated its position. The reasons given
by the G4 to back their proposal as legitimate candidates to occupy permanent seats are in conformity with the attributes outlined in “In Larger Freedom”. Debatably, the G4 position may seem flexible and may find acceptance among member states, especially the P5 since it does not alter the current power configuration in the organisation. However, creating of seats for permanent members without veto powers would create another categorisation in the Security Council. A reform process based on this model would increase the number of states and the categorisation in the Security Council. Another proposal made is the Uniting for Consensus proposal.

3.5 The Uniting for Consensus (UfC) Proposal

The Uniting for Consensus group is a loose association of nations either opposing more permanent members as a matter of democratic principle, or seeking to prevent the ascension to permanency of one or other of their regional rivals\(^\text{12}\). The UfC proposal is centred on an enlargement of the number of non-permanent members from ten to twenty. These members would be elected by the General Assembly (GA) for a two-year term and would be eligible for immediate re-election, subject to the decision of their respective geographical groups\(^\text{13}\).

The UfC proposal supports the establishment of more non-permanent seats to solve the problem of representation of the Security Council while it opposes the creation of new permanent seat. For the members of the UfC, a reformed UNSC should increase the non-permanent membership. Some critics have argued that the stance taken by the UfC is informed by old regional animosities. An increase in non-permanent seat as
suggested by UfC does not answer the questions being raised by member states. Clearly, the non-permanent seat has been representational long ago because equitable geographical distribution is considered in the selection of member states to the category of non-permanency. The African Union proposal, which is of central concern to this work is considered with the regard to Africa’s interest.

3.6 The African Union (AU) Proposal and Africa’s Interest

Africa’s interest in the reform programme of the UN is to get a reformed UNSC where Africa will be fully represented. This interest is spelt out in the Ezulwini Consensus (copy attached as Appendix A) which is a common negotiating position adopted by Africa, which gives description of the its responses to each of the issues raised in UN High-Level Panel’s report. This document was collectively presented at the UN as Africa’s position on the reform agenda of the UN by the AU during the 2005 Summit.

The issues which the document deals with are those raised in the High-Level Panel’s report including poverty, debt, trade imbalance, environmental degradation, disease epidemics, terrorism, conflict and crime. In addition, the document also contains proposed inputs on the part of Africa with regards to the recommendations made by the Panel on peace-keeping, post conflict reconstruction, legality of force, responsibility to protect and the reform of the Security Council\textsuperscript{14}.
Africa is paradoxically both heavily present and strikingly absent on the UN Security Council. Although not a single African state possesses a permanent seat on the Council, issues affecting the African continent are frequently discussed there\textsuperscript{15}.

In his speech to the 62\textsuperscript{nd} session, former President Mbeki of South Africa captures the Ezulwini Consensus convincingly when he said: “Although the concepts of freedom and equality are universal and fully embraced by the UN, this global organisation has not itself transformed and the necessary institutions of governance consistent with noble ideals that drive modern democratic societies”\textsuperscript{16}.

Africa, through the Ezulwini Consensus has expressed its interest to be fully represented on the permanent membership of the UNSC in order to be involved in the discussion of issues which affect it. From the point of view of the AU, the current composition of the Security Council is as a result of an historical injustice in global governance which make the developing world voiceless. This has negatively affected the Council as it is gradually eroding its legitimacy.

3.7 The Process of the Ezulwini Consensus

Following the launch of the High-Level Panel report, African Heads of State decided at the end of the 4\textsuperscript{th} Ordinary Session of the Assembly of the African Union to set up a 15 member committee to hammer out a common stance for the continent on UN reforms. The Committee, whose members were drawn from the continent’s main regions, was to consider two main options that take into account the African common position. These are contained in the Harare Assembly Declaration of 1997, and include
developments on the international scene since the adoption of the Harare Declaration and the essence of the debate in the AU Executive Council in Abuja on 28th January, 2005. The Committee met in Ezulwini, Swaziland from 20th to 22nd February, 2005 to hammer out what has become the Ezulwini Consensus. While side-stepping the issues of which African countries would represent the continent in a future reformed UN Security Council, the committee resolved that Africa would insist on getting two veto-wielding permanent seats in a reformed UNSC. In principle, the AU is opposed to the notion of exclusive veto power, as it is undemocratic. However, the organisation (AU) also argues that if other Security Council permanent members have veto power, then as long as it exists, all permanent members, old and new, should have it\textsuperscript{17}.

Aside the AU’s case for two permanent veto wielding seats and five non-permanent, rotational seats, they have also insisted that in the event of approval of the proposed reform of the Security Council, it should be the exclusive prerogative of the African continent – the AU more precisely to decide on which African States should represent the continent in this august body. More importantly, African leaders have argued strongly against any attempt to discriminate between old and future permanent members of the Security Council. Their position is that either the veto power is scrapped completely or it must be extended to all permanent members of a broadened Security Council, within the ambit of the UN Charter’s emphasis on the equality of member states\textsuperscript{18}.

In a formal discussion Mrs. Karikari-Debrah mentioned that during negotiations among African countries, it was considered that Africa should be represented on the
permanent seat by African countries south of the Sahara. In this regard, Nigeria and South Africa were seen as the main contenders; however, other members also argued that an Arab state should also be considered. In this light, Egypt also put itself forward as a contender of a permanent seat. She observed that since Africa has not been able to select its representatives these three countries started lobbying other member states for support. She held that this is seen as defeating the main goal of the consensus as attention is shifted to country interest and not Africa’s interest.\(^{19}\)

Group decision-making especially a consensus of this nature is arrived at through bargaining among members; in this case among member states. However, in view of the process of the Ezulwini Consensus, one could say that there was not much protracted bargaining among member states. This is attributed to the fact that the committee which was tasked to draw up a negotiating position for Africa was given a reference point (1997 Harare Declaration marked as Appendix B). With the exception of Africa’s decision to make its permanent seat; if so granted, rotate among member states, every other issue raised by Africa in respect of the UNSC reform in the 1997 declaration was accepted in the Ezulwini Consensus. The roots of Ezulwini Consensus could be traced as far back in the OAU Tunis Summit in 1994. The Ezulwini Consensus is the resurgence of the Harare Declaration. Though the organisation (then OAU) has undergone major restructuring, its negotiating position with regards to the UNSC reform has not shifted much.

Africa has held on to its negotiating position till date. This brought a breakdown of possible alliance between the AU and G4 during their meeting in London in
September, 2005 as the two groups could not find a middle ground. Even during the 2005 World Summit, at the UN Level, no concessions were made by the African group as it continued to cling to its position. While Africa’s case for representation on the UNSC (permanent category) is legitimate, it should not lose sight of the reality on the ground that it will have to cross hurdles in the UN system before it can finally achieve its ultimate goal.

Again it is debatable why an organisation which has aspirations of integrating its member states into a single state would make claim for two seats on a ‘future reformed’ Security Council. In the UN system, each state big or small, rich or poor is entitled to one vote and for that matter one seat. The claim for two seats could be legitimate, if the AU continues to keep separate states as the case is presently, in which case two African states could be selected to occupy the permanent seats assigned to Africa in a ‘reformed UNSC’. This position poses some challenges with regard to the Ezulwini Consensus.

3.8 Challenges of the Ezulwini Consensus

Geographically, Africa is the only continent without a permanent seat on the Security Council. This, notwithstanding, majority of the decisions made by the Council is directed at Africa.

Out of 27 resolutions adopted by the Security Council in 2009, 13 dealt with Africa\textsuperscript{20}. It is, therefore, legitimate that Africa requests to be part of the making of decisions which affects it. Ontologically, the UN as an organisation is made up of
sovereign states. It will therefore be difficult if not impossible for another organisation made of sovereign states to be awarded seats on its Council. On the other hand, it may be argued that AU’s request for the two permanent seats could be granted in view of the fact that it is working towards achieving a single state. However, until AU is able to achieve this goal, the request for AU’s representation poses a challenge for any African state to be admitted on the UNSC as a permanent member of the Security Council.

The committee which helped in formulating the AU document urged all African representatives to the UN to elaborate the position in detail and do their best to defend Africa’s common interest regarding the UN reform agenda. In addition, it also directed African Ministers of Foreign Affairs to remain seized with the matter until its logical conclusion, giving guidance to their UN representatives.

The foregoing requires unity of member states to enable AU achieve its goal in the reform agenda. However, division among member states of the AU and indecisiveness of the organisation (AU) prevent the African states from achieving the objectives of the Ezulwini Consensus from realising its full potential. AU has stated emphatically that it should be responsible for the selection of the states which will represent Africa on the ‘reformed UNSC’. Nonetheless, it has not made any selection till date. This notwithstanding, three states (Egypt, Nigeria and South Africa) have put themselves forward as the possible contenders for the seats, which in turn has compelled these states to seek support or possible alliance with other members of the UN. During a meeting between AU and G4 with regards to the Security Council reform in September, 2005 in London, Nigeria and South Africa were quick in accepting the
position of the G4, overlooking that they are part of a whole and that until they decide to break away, all decisions would have to be agreed by the majority of the group. Majority of AU members are opposed to the compromise while remaining committed to the group’s negotiating position. As a result, there was a breakdown in negotiations between the two (AU and G4). Since it is a common position taken by AU, the need for any bargaining on the position should be agreed upon by majority of the members.

The position taken by South Africa and Nigeria during their meeting with the G4 leaves doubts on the minds of other members (AU) as to whether these two states are committed to the common position or they are in for their national interest and prestige; being mindful of the fact that any state which becomes a permanent member in a reformed UNSC will be representing Africa as expressed by AU.

Another challenge of the Ezulwini Consensus is political will, which has been an old age enemy in the multilateral setting. The will of the permanent members to revise the Charter is very much important as any necessary tool needed to reform the UN. It is going to be a daunting task to get all the permanent members to agree to either do away with their veto power or share with other states.

According to article 108 of the UN Charter, amendments to the present Charter shall come into force for all members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the members of the UN including all the permanent members of the Security Council.
The constitution of the UN (Charter) and the presence of the permanent members pose a challenge to the common position of Africa. The agreement of the permanent five members of the Security Council is a must in any change or reform that requires Charter amendment. It is however unclear whether the veto wielding members are ready to do away with their privilege or confer it on new members.

In reference to the claim made by the G4, the Chinese Foreign Ministry spokesman Kong Quan is reported to have said that the UNSC was not a board of directors and its composition should not be decided according to the financial contribution of its members. Old regional animosities among some UN member states may consequently affect the Ezulwini Consensus achieving its goal. There is the possibility of a total blockage of reform of the Security Council by any of the permanent members.

3.9 Prospects of the Ezulwini Consensus

Unlike the Cold War era where states viciously pursued their parochial interest, the post Cold War era has witnessed a situation where states are ready to cooperate with each other to promote their common interest. It is an era where unilateralism is being frowned upon and the virtues of multilateralism promoted.

Currently, Africa makes up a total of 28% of the entire membership of the UN. Taking into consideration that the Ezulwini Consensus is as a result of agreement among AU member states, it stands the chance to win the majority votes needed at the General Assembly level with support from other groups or states. Logically, one will
expect that since the document was agreed upon by all member-states on the continent, then all the members will vote in favour of the Consensus when the need arises. It may be recalled that Africa at the time when the previous reform programmes took place, had little or no chance in influencing the outcome of the agenda; this could be attributed to the number of states present at the time. Few of the African states were members of the UN because majority of these African states were under colonial rule or had just emerged from colonial rule and had the interest of putting things right in their respective states than pursue their interest at the multilateral level.

There is the likelihood that the Ezulwini Consensus could influence the reform process because negotiation in the multilateral setting is a bargaining process. In view of that the interest of the players involved cannot be relegated to the background. According to Weber, power is the ability of an actor to realise his or her will in a social action, even against the will of other actors\textsuperscript{24}. Power then plays an important role in negotiation and for that matter states will always exercise their power to achieve their goal.

Though Africa neither has the hard power (military) nor economic power to persuade or coerce other states to support its agenda has the numbers and so has the capacity to influence decision-making process in the General Assembly. Member-states during negotiations are involved in bargaining process where there are trade-offs in decisions so that at the end of the day an agreement can be reached. The first step toward understanding the twisting course of the UN reform efforts through the years and the confusing maze of the reform proposals that have been put forward is to bear
in mind the fundamentally political nature of the UN. Within the UN context, even seemingly routine matters of administration, personnel and finance have a way of assuming a political character, should one group of member states or another come to perceive potential slights to their interest, stature or priorities. Much of the reform debate is a struggle of who is perceived to gain or lose influence within the organisation if the proposed changes are implemented.\textsuperscript{25} Though other member states of the UN may not be in support of the African proposal, nevertheless, these actors would not disregard the position of Africa because they may also require the support of the African member-states in order to push their agenda forward.

No reform proposal could be successful without obtaining all, or a significant number of Africa’s 53 Assembly votes\textsuperscript{26}. Africa could therefore use its numerical power as a bargaining chip to gain support from others.

**Conclusion**

The proposals made by the former UN Secretary-General, the G4, the UfC as well as the AU points to the fact that the structure of the UN, most especially the UNSC needs to be reformed to meet the complexities of the world today. This basically emanates from the reality of the changes the world has undergone since the inception of the organisation. Though there is general agreement on the reform programme, members have presented diverging positions on how it should be done.

The next chapter, with regard to the issues raised, summarizes the findings with the necessary conclusions, and makes some recommendations on the way forward.
Endnotes for Chapter 3


4 Ibid.,

5 Zifcak, S., "United Nations Reform, Heading North or South?" (New York: Routledge, 2009) p.15


12 UN Document A/59/L.68


18. Ibid

19. Mrs. Mercy Karikari-Debrah, served as Personal Assistant to the then Foreign Minister of Ghana, Nana Addo Dankwa Akufo-Addo who was the Head of the AU Foreign Ministers negotiating the Ezulwini Consensus.


21. AU Document


CHAPTER 4

4.0 SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.1 Summary of Findings

It was noted at the initial stages of this work that the UN has undergone both Charter based reforms and non-Charter based reforms. These changes occurred in the UN system as a result of the changes which occurred in the international system that demanded that the organisation be restructured to reflect new realities. Some of these changes were the decolonisation process which brought about proliferation of independent states, the end of the Cold War and the subsequent disintegration of the former Soviet Union, Yugoslavia and Czechoslovakia.

The UN as an organisation was established as a result of the challenges which confronted the international system at the time; and the need to promote peace and security on one hand and inter-state relations on the other hand. In the same vein, the world is confronted with new threats and challenges today and the nature of these have taken a different dimension. In 1945, most of the threats which existed were inter-states in nature but today, there are a lot of intra-state incidences which propel the need for the organisation to readjust its structures in order to address these realities adequately.

Reforms which require no Charter change are easier to be achieved as compared to those which require Charter amendment. The 2/3 votes needed at the General Assembly and the subsequent approval of all permanent members as spelt in the
Charter make it difficult for members to effect Charter changes when there is the need to do so.

The unchanging arrangement of the permanent members has been the source of problem for some members of the UN. In effect, some members have through proposals express their displeasure on their exclusion from decisions which affect them.

Proposals which have been put forward point to the need for a reform of the Security Council. The most anticipated reform has not taken place due to diverging opinions on how the reform should be. Though member states need the support of each other, no converging point has been found yet to expedite further action on the reform agenda.

Africa's insistence on its position without trade-off poses a challenge to it finding support from other member states of the UN for its agenda. It should be remembered that players’ trade-off during negotiations in order to have mutual benefits.

4.2 Conclusions

The UN system has a large number of developed countries in the small but central decision-making organ while the developing countries dominate in the organs with large memberships. While the developing countries are interested in attaining power, the interest of the developed countries principally is to keep the status quo.

The indecisiveness and the disunity among member states who are contending for permanent seats makes it clear that the fight is for power and prestige in the
international system for their national interest and not necessarily permanent seats for Africa. The argument about size and composition are being used to drive the agenda. The lack of fundamental trust among states will only favour the keeping of the status quo and not help in realising the much anticipated change.

In view of this, as hypothesised, Africa’s call for permanent seat with veto can only be pursued with a united front; this is because a careful analysis of the stance taken by the AU vis-à-vis that of the G4 and of the UFC, the proposal of the G4 and UFC could be a preferred option to the permanent members since it does not change the power configuration of the organisation. Africa therefore can only influence the reform process by raising its bargaining power through togetherness.

4.3 Recommendations

Instead of just providing a platform for states to air their views on issues in the international system, it is recommended that authority be given to the General Assembly to play a remarkable role in the UN system as compared to what it does presently. This will enable the Assembly to make concrete decisions after deliberations which will also be respected as this will minimise the frequent use of veto which makes it difficult for the Security Council to discharge its primary responsibilities satisfactorily as expected. Besides the General Assembly is the only forum where all the voices in the world are uttered and heard. Logically, decisions which are binding on all member states should originate from the Assembly as it is the only organ whose membership is open to all and not dominated by a minority that may hold all member states to ransom.
There is the need to overcome ambivalence among member states of the AU and focus as a bloc pursuing a single agenda because if there is division among member states on which way to go, it will make it difficult for the group to win the support of other members in the UN. The pursuance of national interest and pride should be relegated to the background at this moment in order to push forward the agenda of the continent.

Considering the reality that the UNSC is ontologically state-based, Africa may wish to select the two states it would wish to occupy the permanent seats in a reformed Council, so that in addition to the debate of representation, these states can campaign for the seat on their individual pedigree as it may be very difficult to achieve a reform of the UNSC only on the basis of representation. The Charter requires that members of the UNSC should be willing and have the capacity to effectively contribute to international peace and security as well as be committed to the principles of the UN. The attributes outlined by the High-Level Panel also implies that these members should possess regional capacity, should have made considerable financial contributions to the UN, have military capacity and should have supported the UN in its activities. This does not necessarily require that views from all member states should be considered. The selection of member states to contest for the permanent seats is imperative in order not to make representation the core of AU’s argument.

Alternatively, in view of AU’s aspirations of becoming a single state, it may consider a revision of its negotiating position by requesting for one permanent seat instead of two.
On the strength of Chapter V article 29 of the UN Charter (The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions\textsuperscript{60}.), the AU may wish to propose the creation of a subsidiary organ under the Security Council in the interim until total reform is achieved. This organ would be comprised of representatives from all the continental bodies like the AU, OAS, EU and so on. The function of this organ would be to work closely with the Security Council, most especially with the permanent members in their decision-making process so that the views of the general membership will reflect in the work and decisions of the Council.
Endnote for Chapter 4

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60 Chapter V Article 29, Charter of the United Nations. United Nations. (New York, UN)
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EXECUTIVE COUNCIL
7TH Extraordinary Session
7-8 March 2005
Addis Ababa, Ethiopia

Ext/EX.CL/2 (VII)

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

“THE EZULWINI CONSENSUS”
THE COMMON AFRICAN POSITION ON THE PROPOSED REFORM OF THE UNITED NATIONS:

“THE EZULWINI CONSENSUS”

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 its 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**

1. **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.

2. **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.

3. **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:

Recalling 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;

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

Conscious 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.
ASSEMBLY OF HEADS OF STATE
AND GOVERNMENT
Thirty-Third Ordinary Session
2-4 June 1997
Harare, Zimbabwe

DECLARATIONS AND DECISIONS ADOPTED BY THE THIRTY-THIRD
ASSEMBLY OF HEADS OF STATE AND GOVERNMENT

AHG/Decl.1 (XXXIII)
HARARE DECLARATION ON MALARIA PREVENTION AND CONTROL IN THE CONTEXT OF AFRICAN ECONOMIC RECOVERY AND DEVELOPMENT

The Assembly of Heads of State and Government of the Organization of African Unity, meeting in its Thirty-Third Ordinary Session in Harare, Zimbabwe, from 2 to 4 June 1997,

Bearing in mind Declaration AHG/Decl.1 (XXIII) on Health "Basis of Development" adopted at the Twenty-Third Ordinary Session of the Assembly of Heads of State and Government in Addis Ababa,

Recalling other major Declarations on the development of the Continent adopted by its previous sessions, particularly Declarations:

- AHG/Decl.4 (XXX) on Population and Development in Africa;
- AHG/Decl.5 (XXX) on Social Development.

Recognizing the burden that malaria places on the population of Africa and that malaria remains a killer disease and a barrier to sustainable social and economic development,

Taking note that:

- the disease and death (4,200 deaths everyday) caused by malaria only in tropical Africa is unacceptably high;

- malaria is a major impediment to social and economic development in Africa (US$ 5 million loss everyday);

- there is a need for political commitment by all African countries in terms of malaria control policies, resource allocation and mobilization of communities at country level for active participation in malaria control;

- most national programmes are still at the initial stages of implementation and the scope of intervention activities is limited;
tools for malaria control in Africa are available to reduce deaths and illness but are not accessible, for various reasons, in appropriate forms;

changes taking place in the world in the area of development often create conditions favourable for malaria transmission opening the way for epidemics in areas which were previously malaria-free;

Acknowledging the invaluable technical and financial contributions provided to Member States of our Organization by all its partners, especially WHO, UNICEF, UNDP, UNESCO and The World Bank Group, in their efforts to prevent and control malaria,

Mindful of the grave concern and alarm over the loss of life and degradation in the quality of life caused by malaria, expressed by Member States of the United Nations at the 50th Regular Session of the General Assembly in 1995, as well as the reaffirmation of their endorsement of the Global Strategy for malaria control:

1. PLEDGES to:
   a) consider malaria control in Africa as one of its priority programmes and reaffirms its unflagging resolve to maintain the gains so far achieved and prevent the outbreak of epidemics;
   b) support fully the implementation of the Global and Regional Strategy and approaches recommended by the World Health Organization;
   c) implement well planned and coordinated malaria control programmes involving individuals, families, communities, institutions, relevant government Ministries, and other public and private sectors;
   d) allocate sufficient human, financial and material resources, and mobilize other local resources including resources from non-governmental and
private and civil sectors, for the sustained prevention and control of malaria in Africa;

e) mobilize additional external resources from international agencies, governmental and non-governmental agencies, foundations and industrial and commercial enterprises to support national and commercial action to control malaria and surveillance to prevent epidemics and sustain the progress made;

f) support malaria prevention and control through well defined policies and appropriate legislation and its enforcement, to facilitate programme implementation, community participation and access to preventive measures and treatment, for all population at risk;

g) implement in our countries the activities enumerated in the attached African Plan of Action.

2. CALLS UPON all Member States to take immediate and substantive action to:

a) give their full political support to actions directed towards sustainable malaria prevention and control as an urgent priority, and mobilize all local, traditional and national and international leaders to participate actively in the control programme;

b) further develop and implement plans for malaria prevention and control including their incorporation into development projects based on environmental and health impact assessments;

c) develop strong community based programmes to mobilize active community participation for malaria prevention and control;

d) promote and support micro-financing schemes, especially for women, to initiate income generating projects aimed at basic environmental and
household improvements which contribute to the prevention and control of malaria and the ready availability of affordable essential drugs, materials, supplies and transportation for personal protection and treatment;

e) develop mechanisms that will facilitate and ensure well co-ordinated multisectoral action to reduce substantially the burden of malaria and promote inter-country collaboration and coordination of efforts;

f) promote basic and operational research to ensure that new tools, including vaccines, are made available without delay and existing ones are used in the most cost-effective and sustainable manner.

3. MANDATES the Ministries of Health of OAU Member States in collaboration with all other relevant sectors of Government to ensure that the malaria control strategy recommended by the World Health Organization, is included in their action programme and evaluated at least once annually;

4. WELCOMES

a) the initiatives taken by the Director-General, and Regional Directors of the African and Eastern Mediterranean Regions, of the World Health Organization to re-organize and strengthen malaria activities that have established and reinforced the foundation for further development and implementation of sustainable malaria prevention and control in African countries in order to prevent deaths and reduce illness due to malaria;

b) the tremendous efforts made by WHO, The World Bank Group, UNDP, UNICEF, UNESCO, other international agencies, governmental and non-governmental organizations as well as other partners, to provide OAU Member States with the necessary technical logistical and financial support for the control of and research into malaria in Africa;
5. REQUESTS the WHO, the World Bank Group, UNDP, UNICEF, UNESCO and other relevant governmental and non-governmental organizations to augment their material, financial and scientific support to OAU Member States in order to substantially reduce the unnecessary suffering, loss of life and economic and social burden experienced by the present population in Africa and to sustain them in the long term for the benefit of future generations;

6. INVITES Governments and other partners including multilateral and bilateral agencies to participate actively in a vigorous coordinated effort to control malaria in Africa in the remaining years of this millennium, and to build a foundation for sustainable malaria control into the third millennium;

7. MANDATES the Secretary-General of the Organization of African Unity to submit to the next OAU Summit a Plan of Action for the follow-up on and evaluation of the implementation of this declaration over a five-year period, as well as a progress report thereon every year.
AHG/Decl. 1 (XXXIII)

Annex

PROPOSED PLAN OF ACTION

Priority areas of Action               Approaches and Activities

**Health Systems:**

- Improve the capacity of the health services to respond promptly and appropriately to the needs of the population for disease prevention and control in a comprehensive manner.

- Further develop mechanisms to ensure adequate, uninterrupted and prompt delivery of supplies, especially of drugs, insecticides and other malaria-related materials.

**Disease Management:**

- Improve the quality of diagnosis and treatment by training, supervision and continuing education and by improving laboratory facilities and drug supply.

- Establish community based programmes for the early diagnosis and prompt adequate treatment of malaria.

- Provide health education and communication to schools, parents, especially mothers, and persons caring for young children, on recognition of malaria and treatment in the home.

**Provision of anti-Malarial Drugs:**

- Update national drug policies and assure their implementation and review across both government and private health sectors.
Support the establishment and/or maintenance and extension of national drugs supply services.

Promote rational prescribing policies in both the public and private sectors and an efficient regulatory authority that critically reviews all applications for market approval with meticulous inspection and enforcement.

Support and contribute to the establishment and/or maintenance and extension of national and regional independent drug quality control laboratories.

Disease Prevention:

Sensitize the population to those preventive measures, such as house screening and the use of personal prevention measures, including the use of mosquito nets, that can be carried out by families and communities;

Support a public campaign to popularize the use of malaria prevention measures, especially for high risk population groups such as pregnant women and young children, particularly during high risk periods of the year;

Support the selective use of vector control measures;

Provide written and electronic information on malaria incidence and control to industries especially those related to agricultural development schemes, water and mining;

Improve communication, physical and electronic, between peripheral areas affected by malaria and the centrally organized services, including tertiary facilities.

Disease Surveillance and Epidemic Detection and Control:

Take action to ensure regular, reliable reporting of malaria cases and deaths, monitor progress and to guide the allocation of resources and provide health information services to health workers which are appropriate, opposite and up-to-date;
Establish an effective system of alerting the malaria control programme to new
development projects, labour and other population movements, environmental change
and planned development;

Establish an alert and effective epidemic response capability with a well developed
preparedness plan backed up by stocks of, or rapid access to, the necessary supplies of
drugs, insecticides and equipment and trained personnel and transport to be able to
contain any outbreak as rapidly as possible.

Sustainable Control:

Promote essential multi-sectoral action to ensure that projects and activities do not create
vector breeding, and expose workers, families and communities to an increased risk of
malaria, and to enact and enforce appropriate legislation;

Promote awareness among the business community on the positive benefits and negative
economic impact of a continuing malaria problem, influence them to provide material and
financial support to the malaria control programme and for community action, and
provide official recognition to those making a sustained, substantial contribution;

Create business opportunities and provide special incentives (such as exemption from
excise, import and sales taxes) that would ensure that vulnerable people in the community
have ready access to the necessary drugs, supplies, services’ mosquito nets, mosquito
repellents and other essential commodities when needed, and that they are well informed
on how to prevent malaria, cure the disease and reduce length of illness and prevent
death;

Support and actively promote various initiatives for sustainability of malaria control as a
result of increased social and economic development, through income generating projects
within a basic development needs approach, and micro-financing schemes, to stimulate
self-sufficiency;
Establish on a sound footing, and enforce with the support of appropriate legislation, those essential public health functions that promote the sustained control of malaria, for instance, the system of surveillance, water resources management and sanitation as well as other functions. These functions should be implemented as a responsibility of government or carried out by other sectors monitored closely and legislated by government.

**Human Resources Development:**

- Provide continuing education opportunities, materials and organized learning sessions for health service personnel to enable them to keep abreast of national policy and guidelines on malaria control and international trends;
- Establish a long range national training programme following capacity building needs assessment, for all levels of the health services and malaria control programme, including the development and adaptation of training materials, and high quality training, based on WHO standards and norms;
- Ensure that standards and guidelines for case management, disease prevention, epidemic surveillance and control and other control related activities are incorporated into training activities, and that they provide a basis for evaluating competencies acquired by trainees during both training and work performance in all disciplines of health professions and including traditional health practitioners;
- Regularly review the curriculum of schools of medicine, public health, allied sciences and other training institutions to ensure that they are up to date with regard to national policies and disease management standards;

**Inter-disciplinary Operational Research**

- In collaboration with appropriate institutions, develop the capacity within the national malaria control programme to conduct, and analyze inter-disciplinary operational research an issues of direct relevance to the control objectives, and provide guidance for programme changes as necessary;
- Exchange of results of operational research between countries of the region, particularly those sharing similar problems, interests and borders.
DECLARATION OF THE THIRTY-THIRD ORDINARY SESSION OF THE OAU
ASSEMBLY OF HEADS OF STATE AND GOVERNMENT ON THE DISPUTE
BETWEEN THE LIBYAN ARAB JAMAHIRIYA AND THE UNITED STATES OF
AMERICA AND GREAT BRITAIN

1. We, the Heads of State and Government of the Organization of African Unity (OAU),
meeting in our Thirty-third Ordinary Session in HARARE, ZIMBABWE, from 2 - 4
June, 1997 exhaustively discussed the dispute between the Libyan Arab Jamahiriya an
the one hand, and the United States of America and the United Kingdom on the other.
In examining this problem, we were guided by the principles enshrined in the United
Nations and OAU Charters respectively, requiring Member States to settle their
differences by peaceful means, through dialogue, negotiation and legal procedures, to
respect the independence of all Member States and refrain from any threats to their
sovereignty, territorial integrity and the security of their nationals.

2. After considering the Secretary-General's report and that of the OAU Ministerial
Committee on the dispute, we took note of the fact that the Libyan Arab Jamahiriya
had fully met the requirements demanded by the UN Security Council as contained in
Resolution 731 (1992). As a matter of fact, Libya had unequivocally condemned
terrorism in all its forms as well as all those perpetrating or encouraging it, and had
made clear her readiness to give all necessary cooperation to the international
community with a view to eradicating that heinous phenomenon. However, Libya had
found it impossible to extradite its two nationals allegedly implicated in the bombing
over Lockerbie in 1988.

3. We, regretting the continued sanctions imposed on the country, expressed our deep
concern over the human-and material deprivations to which the Libyan people have
been subjected. We wish to emphasize that these obnoxious sanctions affect not only
the Libyan people, but also the neighbouring countries as well as African workers
from other countries of the continent.
4. We were once again informed that the Libyan Arab Jamahiriya was willing to cooperate fully in any regional or international effort aimed at resolving the crisis. In this connection, we take note of the fact that the Government of Libya has accepted the initiative of the League of Arab States supported by the OAU, the Non-Aligned Movement and the Islamic Conference Organization, to the effect that the two Libyan suspects be given a just and fair trial by Scottish judges and according to Scottish Law at the Headquarters of the International Court of Justice (ICJ). We remain convinced that this initiative, if accepted, constitutes a practical solution and should guarantee a just and fair trial whereby the interests of the concerned parties would be taken into account. Indeed, the objective of Resolution 731 (1992) is not to violate the sovereignty of Libya but rather to serve the cause of justice and reveal the truth. We strongly deplore the fact that one or two concerned countries have so far shown indifference to the initiatives presented to them with a view to a just and equitable solution to the crisis. This has led to an impasse and, as a result, the entire people of Libya have not only been held hostage for five years, but have also been subjected to collective suffering because of accusations none of the two countries concerned have been able to substantiate.

5. In its search for a just and urgent solution to the conflict, in close cooperation with the League of Arab States, we once again express our hope that the Security Council consider the ways and means for a rapid resolution of the crisis, and to this end, submit for consideration the following recommendations adopted jointly with the League of Arab States, and supported by the Non-Aligned Group.

   **Option 1:** Hold the trial of the two suspects in a third and neutral country to be determined by the Security Council.

   **Option 2:** Have the two suspects tried by Scottish judges at the International Court of Justice (ICJ) at the Hague, in accordance with Scottish Law.

   **Option 3:** Establish a special criminal tribunal at the ICJ Headquarters in the Hague to try the two suspects.
6. We, the Heads of State and Government call on the Security Council to accept one of the proposed options thereby facilitating the speedy and definitive resolution of the dispute. In the same vein, we appeal to the Security Council to lift the sanctions imposed on the Libyan Arab Jamahiriya. This has become imperative more so as the sanctions are having an increasingly devastating effect on the people of Libya as well as on the country's economy. In this connection, we endorse the position expressed by the Council of Ministers at its Sixty-Fourth Ordinary Session held in Yaounde, Cameroon, from 1 - 6 July, 1996 and at its Sixty-Fifth Ordinary Session held in Tripoli, Libya, from 24 - 28 February, 1997, to the effect that continued imposition of sanctions might lead African countries to devise other means of sparing the Libyan people future suffering. In this respect, we mandate the Secretary-General of the OAU to prepare a practical plan of action.

7. We, Heads of State and Government commend the efforts made by the two committees set up, respectively, by the OAU and the League of Arab States on the dispute, and encourage them to proceed with the implementation of the Plan of Action agreed upon by the two committees with a view to reaching an acceptable solution of the dispute. At the same time, we appeal to the International Community and the Security Council, in particular, to heed the support given to the Libyan position, by regional Organizations and numerous States. We also call upon the Security Council, to envisage as a prelude to the lifting of sanctions imposed upon the Libyan Jamahiriya - provisions for exempting from the embargo such flights as may be run by the Libyan Airlines for a humanitarian purpose, including assistance in kind to some African countries; for promoting the role played by the Libyan Jamahiriya in the African context as well as flights for religious purposes.

8. We, Heads of State and Government appreciate the support given by the African States, individually and collectively to the Libyan Arab Jamahiriya with a view to mitigating the negative impact of the embargo.

9. Lastly, we Heads of State and Government appreciating the efforts made by the Secretary-General, call upon the latter to follow the implementation of the present declaration and report thereon to our next session.
HARARE DECLARATION OF THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT OF THE OAU ON THE REFORM OF THE UN SECURITY COUNCIL

We, the Heads of State and Government of the Organization of African Unity meeting in our Thirty-Third Ordinary Session in Harare, Zimbabwe, from 2 to 4 June 1997,

Reaffirming the Declaration we adopted in Tunis, Tunisia at the 30th Ordinary Session of our Assembly, on the reform of the United Nations Security Council,

Reiterating the need to democratize the Council and make it more efficient and transparent,

Convinced of the necessity to enlarge the composition of the Council and reform its decision-making process,

Stressing the imperative need of ensuring equitable geographical representation in the Security Council,

Recognizing the collective responsibility of maintaining International peace and Security in accordance with the provisions of the Charter of the United Nations,

Declare as follows:

1. The composition of the Security Council should be democratized to reflect the increase in the number of State members of the United Nations;

2. Membership of the Security Council should be expanded to 26;

   This expansion of the Security Council should embrace both categories of its membership, for the benefit of developing countries, and African countries in particular;
a) Africa should be allocated no less than two permanent seats. These seats will be allotted to countries by a decision of Africans themselves, in accordance with a system of rotation based on the current established criteria of the OAU and subsequent elements which might improve upon these criteria,

b) Africa should also be allocated five non-permanent seats in the expanded Security Council.

3. New permanent members should be granted same prerogatives and powers as the current members. Ultimately, the permanent members should also be nominated by their respective regions and elected by the General Assembly. Such a system of periodic elections of Permanent Members of the Security Council will in the final analysis ensure that the decisions of the Council are less subject to the strictly national interest of its various members;

4. The need to strengthen the transparency of the Security Council, improve upon its functioning, methods of work, decision-making process and its relations with States non-members of the Council, and endorse the relevant document of the Non-Aligned Movement adopted in New Delhi on 8 April 1997;

5. The need for periodic review of the structure and functioning of the Security Council in order to enable it respond better and more effectively to the new challenges in international relations, especially with regard to international peace and security;

6. By adopting these decisions, we reaffirm that:

(a) Efforts aimed at restructuring the Security Council should not be subjected to a pre-determined timetable. While recognizing the need to deal with the issue as a matter of urgency, no decision should be taken before a general agreement has been reached;

(b) The same importance should be accorded to the enlargement of the composition of the Security Council and improvement in its method of work;
(c) The exercise of the right of veto should be progressively curtailed until abrogated.

7. In pursuit of the above, We:

(a) Direct the African Group at the UN to continue to consider in detail the proposals submitted to an open-ended Working Group on the restructuring of the Security Council in order to arrive at a general agreement which takes into account the interests of Africa.

(b) Mandate our Permanent Representatives at the United Nations in New York to continue to defend the African Common Position and examine in greater detail the concept and modalities of rotation as well as its application to the Permanent seats.

8. Finally, request our Ministers of Foreign affairs to remain seized of the matter and its developments.
DECLARATION ON AFRICA'S INDUSTRIALIZATION

The Assembly of Heads of State and Government of the Organization of African Unity, meeting in its Thirty-third Ordinary Session in Harare, Zimbabwe from 2 -4 June, 1997,

Conscious of the important role of industrialization in the economic transformation of a nation, and noting with concern the precarious state of African industries,


Conscious of the need to involve the donor community and the other United Nations agencies in the formulation and implementation of the Alliance Programmes:

1. DECIDES to redouble efforts to promote sustainable industrial developments to overcome major economic and social constraints and achieve a greater stake in the global market place as called for in the Lagos Plan of Action and the Abuja Treaty Establishing the African economic Community;

2. REAFFIRMS its belief that without sustainable industrial development, African economies will be condemned to persistent economic crisis, dependence on humanitarian relief and deepening poverty, despair and political unrest with dire consequences for global peace and stability;

3. NOTES WITH APPRECIATION the significant role played by the United Nations Industrial Development Organization, in harnessing the joint forces of government and the private sector to foster competitive industrial production, develop international industrial partnerships and promote socially equitable and environmentally friendly industrial development;
4. IS APPRECIATIVE of the significant reforms undertaken by UNIDO in recent years and CALLS on the international community and partners in development to strengthen the Organization and maintain it as the UN specialized agency focusing on promoting industrial development through institutional capacity building, investments, environmentally friendly technologies, skills enhancement and facilitating partnerships and initiatives to support global industrial cooperation in developing countries and countries in transition;

5. TAKES NOTE of the findings and recommendations of the mid-term evaluation of the Second Industrial Development Decade (IDDA-II) Programme, and ADOPTS the Plan of Action of the Alliance for Africa's Industrialization as the implementation mechanism for a refocused IDDA-II Programme;

6. CALLS ON Member States and the Regional Economic Communities, with the full involvement of the African private sector and with the technical support of UNIDO and other relevant international organizations, to elaborate national and regional plans of action for the Alliance;

7. APPROVES the creation of a Patron Group of Africa's Industrialization, consisting of five Heads of State and Government;

8. APPROVES the creation of a Steering Committee - including its structure, composition, technical committees and supporting secretariat, to coordinate and guide the activities of the Alliance and develop strategies to promote the Alliance in Africa, in other developing regions and in developed countries;

9. INVITES each African country to take appropriate measures at the national level to incorporate the objectives of the Alliance in multilateral as well as bilateral cooperation programmes.

10. REQUESTS the Director-General of UNIDO, in cooperation with the Executive Secretary of the ECA and the Secretary-General of OAU, to organize preferably by the end of 1998, a meeting of donors under the leadership of the African Development Bank, in cooperation with the World Bank, the European Union and the United
Nations Development Programme, as well as the other donors, in order to decide on the measures to be taken for financing programmes elaborated in the framework of the Plan of Action for the Alliance for Africa's Industrialization.
AHG/Dec.120 (XXXIII)

DECISION

Harare Declaration on Malaria Prevention and Control

(Doc. CM/1999 (LXVI) Add.4))

The Assembly of Heads of State and Government:

(i) TAKES NOTE of the intervention of the representative of Zimbabwe in introducing this item;

(ii) FURTHER TAKES NOTE of the support of the OAU Member States of the urgent need to accelerate the prevention and control of Malaria in Africa;

(iii) ADOPTS the Harare Declaration on Malaria Prevention and Control and the Plan of Action annexed thereto.
Mobilization of Africa in favour of the Alliance for Industrialization of the Continent

(Doc.CM/1999 (LXVI) Add.6))

The Assembly of Heads of State and Government:

(i) TAKES NOTE of the intervention of the representative of Cote d'Ivoire in introducing this item;

(ii) TAKES NOTE of the Statement of the Chairman of the Thirteenth Ordinary Session of the Conference of African Ministers of Industry CAMI 13, the Minister of Trade and Industry of Ghana, on the outcome of the Conference;

(iii) ADOPTS the Declaration on the Industrialization of Africa prepared by CAMI 13.
The Assembly of Heads of State and Government:

(a) TAKES NOTE of the report;

(b) COMMENDS the Regional Centre for the activities so far carried out to promote dialogue at regional and sub-regional levels and the dissemination of information on peace, security and disarmament in Africa, despite its limited financial resources;

(c) REAFFIRMS the need to keep the Centre operational in accordance with its mandate and the necessity for it the latter to work in close collaboration with the OAU Mechanism for Conflict Prevention, Management and Resolution for the promotion of preventive diplomacy, peaceful resolution of conflicts, disarmament, peace, security and humanitarian activities;

(d) INVITES African States and African Sub-regional Organizations to make annual payments to the Special Trust Fund and the International Community to make voluntary contributions to enable the Regional Centre to successfully implement its programme of activities and improve its services;

(e) REQUESTS the UN Secretary-General to appoint a Director to be based at the Headquarters of the Centre and take appropriate measures to enable the latter to discharge its responsibility;

(f) ALSO REQUESTS the UN General Assembly to invite the United Nations Secretary-General to take the necessary administrative measures to ensure, among other things the smooth functioning of the Centre, bearing in mind the role to be played by the
Centre as part of conflicts prevention and maintenance of peace and security in Africa;

(g) CALLS UPON the OAU General Secretariat and the Regional Centre to strengthen cooperation not only between the two institutions but also between the Regional Centre, Regional and the Sub-regional Organizations working for peace, security and development, particularly the UN Standing Advisory Committee on Security Matters in Central Africa;

(h) FURTHER INVITES the OAU General Secretariat and the Centre to approach the donor countries and International Institutions and Foundations in order to raise the Funds needed to revitalize and ensure the smooth functioning of the Centre;

(i) REQUESTS the OAU Secretary-General to submit a report to the Thirty-fourth Ordinary Session on the implementation of the present decision.
AHG/Dec. 123 (XXXIII)

DECISION ON THE TENTH ANNUAL ACTIVITY REPORT OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

The Assembly:

1. ADOPTS the Tenth Annual Activity Report of the African Commission on Human and Peoples' Rights and AUTHORIZES its publication;

2. COMMENDS the African Commission for the excellent work done and EXHORTS it to persevere in its efforts to promote and protect Human and Peoples' Rights in Member States in keeping with its mandate;

3. INVITES all Member States to co-operate with the African Commission in the accomplishment of its mandate in general, and the implementation of the Mauritius Plan of Action (1996-2001) in particular, with a view to strengthening the promotion and respect for Human and Peoples' Rights in Africa;

4. ACKNOWLEDGES the inadequate resources at the disposal of the African Commission and CALLS ON the competent organs of the OAU to take the necessary measures, as appropriate, to provide the African Commission as quickly as possible with adequate human and financial resources to ensure its smooth functioning;

5. REQUESTS that a report be submitted to the Thirty-Fourth Ordinary Session on the implementation of this decision.
DECISION ON THE AFRICAN ECONOMIC COMMUNITY

The Assembly of Heads of State and Government:

Considering the Treaty Establishing the African Economic Community,

Considering the Charter of the Organization of African Unity,

Further considering Decision CM/Dec.316 (LXV) of the OAU Council of Ministers on the First Session of the Economic and Social Commission (ECOSOC), of the OAU/African Economic Community:

1. ADOPTS:

   (i) the recommendations of the First Session of the Economic and Social Commission (ECOSOC) of the Community held in Abidjan, Cote d'Ivoire, on 20 and 21 November, 1996;

   (ii) the Protocol on relations between the African Economic Community and the Regional Economic Communities;

   (iii) the Work Programme of ECOSOC.

2. AUTHORIZES the Secretary-General of the OAU/Community to sign, on behalf of all Member States, the Protocol on the relations between the African Economic Community and the Regional Economic Communities;

3. DISSOLVES the OAU Permanent Steering Committee on economic matters;

4. URGES the Member States which have not yet signed and/or ratified the Treaty Establishing the African Economic Community to do so;
5. FURTHER URGES the Regional Economic Communities to ensure that African economic integration related issues are included on the agenda of the Sessions of their respective communities and

6. REQUESTS the Member States concerned to identify the Economic Community which would serve as a regional pillar of the African Economic Community.